

Testimony

Presented to Lake Oswego City Council Public Hearing –

Re: Proposed Sensitive Lands Code Amendments (LU 15-0019) - Flexibility

By: John (Cap) and Amanda Hedges

Owners of fully encumbered lot at 2820 Poplar Way, Glenmorrie Neighborhood
Residing at 11950 SW Breyman Avenue Portland OR 97219

November 17, 2015

Mayor Studebaker and Members of the Lake Oswego City Council.

We applaud the Planning Commission and staff for listening and responding to a small community of property owners whose rights have been compromised for many years. At least one unwarranted restriction has been removed by LU 15-0019 [see ATTACHMENT D (Ordinance 2687)/PAGE 37 OF 85, Paragraph D, entitled: **Exceptions Where the RP District Prohibits All Reasonable Development Opportunities.**

It's been a long time coming and we thank you in advance for your approval.

This single paragraph, allowing the for the zone's lot coverage and floor area limitations to be allocated among multiple dwellings, rather than one single family dwelling, is a tribute to a long and sometimes painful process on the part of many people and jurisdictions to recognize that not all encumbered properties are the same and that rubber stamp regulations affecting all properties can actually work against preservation of a healthy habitat. We can only hope our remaining hurdles are not this great.

Eleven years ago my wife and I proposed a minor partition to build three cluster homes on our one acre fully encumbered lot. Our goal was to minimize encroachment and protect our beautiful resource. The cluster homes had a construction footprint of 6000 square feet combined. Construction would remove 24 trees, or eight trees per dwelling. Moreover, the three homes would be confined to the outer edge of the resource along a pre-existing and abandoned roadway, leaving the center of the resource untouched. Our plan would minimize footprint, save trees and preserve habitat.

We presented our plan to the Glenmorrie Neighborhood Association and they endorsed it. But Lake Oswego sensitive lands regulations took precedence and Planning wouldn't bend. Had we gone ahead and followed the regulations in place, our pristine acre would be destroyed today by a 6500 square foot MacMansion, similar to neighboring homes. The home would be located intrusively in the heart of

the resource. And it would have caused the removal of 40 trees (instead of 24) and left a construction footprint of 7300 square feet (instead of 6000). The peaceful habitat that made our property so special would have been forever destroyed.

Oregonians in Action's Ballot Measure 37 in 2006 gave us a glimmer of hope. As Amanda and I had owned the property since 1970, its rollback provisions encouraged us to apply. We invested thousands to prepare a solid application and were given encouragement by city Planning. In early 2007, we were told that acceptance of our plan was imminent. Then suddenly BM 37 disappeared and was replaced by a much more onerous and convoluted BM 49. Adding insult to injury, we learned that properties inside the Urban Growth Boundary were excluded.

Upset with overlays and restrictions, in 2009, a group of Lake Oswego property owners got together and rallied for change. "Say N.O. (No Overlays) to L.O." became the mantra of the LO Stewards whose united front led to the formation of a Sensitive Lands Task Force to study the issue and make recommendations. One such recommendation was that greater flexibility be shown where alternative solutions would better serve the habitat of fully encumbered lots.

After 45 years of futility, expense, and persistence, Amanda and I thank the City of Lake Oswego and the many people involved in the process for ushering in a new, more flexible mindset to allow reasonable development of fully encumbered lots. Finally, we ask that this spirit of flexibility and accommodation be extended to property owners like us by the Planning Department staff as we work together to explore innovative ways to develop our property while preserving its precious resource.

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