

Testimony

Presented to Lake Oswego Planning Commission Public Hearing - Natural Resources Program and Sensitive Lands Amendments (LU 15-0019)

By: John (Cap) Hedges

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

September 14, 2015

Commissioners and members of the Lake Oswego Planning Department.

I call your attention to LU 15-0019 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.

This single paragraph and what it means is tribute to a long and sometimes painful process on the part of Lake Oswego Planning to recognize that not all encumbered properties are the same and that rubber stamp regulations affecting all properties can sometimes work against a healthy habitat.

Eleven years ago my wife and I proposed a minor partition to build three cluster homes that would minimize encroachment and preserve the habitat of our one acre encumbered lot. Our homes had a combined construction footprint of 6,000 square feet. They would remove 24 trees, or eight trees per dwelling. Moreover, the homes would be confined to the outer edge of the resource along a pre-existing and abandoned roadway, leaving the core 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 occupied today by one 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 and left a construction footprint of 7300 square feet. The peaceful habitat that made our property so special would have been destroyed forever.

In 2006, Oregonians in Action's Ballot Measure 37 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 any properties inside the Urban Growth Boundary were excluded.

Community frustrations were growing and in 2009, a group of Lake Oswego property owners impacted by Sensitive Lands overlays got together and rallied for change. "Say N.O. (No Overlays) to L.O." became the mantra of the LOStewards whose united front led to the formation of a Sensitive Lands Task Force tasked to study the issue and recommend the changes now being proposed. One such recommendation was that greater flexibility be shown where alternative solutions would better serve the habitat of fully encumbered lots.

After 11 years of praying and hoping, Amanda and I applaud the efforts of Scot Siegel and the Lake Oswego Planning Commission, and what appears to be a new, more flexible mindset on the part of City Planning.

We ask that Proposed Natural Resources Program and Sensitive Lands Amendments (LU 15-0019) and paragraph D "Exceptions" be approved by City Council. And that the same spirit of flexibility and accommodation be extended to property owners like us once we place our plans in motion.

Thank you again.

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