

May 4, 2015

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City of Lake Oswego  
Community Development Dept.

City of Lake Oswego, Attention Debra Andreades  
Planning Department, 3<sup>rd</sup> Floor  
380 A Avenue, PO Box 369  
Lake Oswego, OR 97034

Ref. Substandard Lots, File No. LU-0017

Dear Commissioners;

***Introduction***

We are James and Barbara Fisher, and reside at 1023 O'Brien Street in the Hallinan Heights neighborhood. We are writing to express support for the Planning Departments' recommendations in their staff report dated April 17, 2015.

Barbara has owned and continuously resided at our home since 1974. We have relatively deep roots in Lake Oswego, dating back to the 1950s. We attended local schools and are members of the LOHS graduating class of 1962. Barbara retired from her position as the art instructor at Our Lady of the Lake School in 2010 and James retired from Clackamas County in 2014.

We have seen many changes in Lake Oswego in recent years and remain pleased to call it home. Along with friends and neighbors, we enjoy living in a vibrant and beautiful city with a rich history, abundant open spaces, and many cultural and recreational resources. As we watch the city grow and change, we believe it is important to be mindful of the arc of history and to preserve and protect the essence of our city for future residents to enjoy.

Chief among the resources that tell the story of Lake Oswego is its housing stock. The cottages and bungalows in Old Town and First Addition connect us to our past and form a critical part of the identity of our City, perhaps as much as Oswego Lake itself. The recent history of Hallinan Heights extends back at least to the 1860's and we still have a few homes existent from the 1800s. But the majority of homes in our neighborhood are modest, single-story residences built in the 1950's and 1960's, including several subdivisions from the 1960s and into the 1980s. Hallinan Elementary School was constructed in 1980 and is a valued centerpiece of our neighborhood.

***Lot Aggregation and Neighborhood Character***

Our neighborhood is safe, its streets are walkable (except perhaps Laurel Street through the Narrows), there is eclectic variety in the design of our housing, we have ready access to open spaces and amenities and people really enjoy living here. While change is inevitable and welcome, we urge the city to take steps to preserve the character of our neighborhood consistent with the requirements of the Lake Oswego Comprehensive Plan. We strongly endorse the aggregation of lots as would be required by the recommended changes in the Staff Report. This is the most important recommendation in the report and the item that would do the most to assure that the character of our neighborhood is preserved.

We note the objection to the recommendations in the staff report by several of our neighbors and other city residents and respect their viewpoints. We heard citizen testimony both in support of and objecting to the staff report recommendations at the Planning Commission

meeting on April 27, 2015. The objections chiefly come down to economic issues: some residents assert that the value of their property is higher if a future purchaser could demolish their house and build two in its stead. An implication imbedded in this argument is recognition that the city has the right to establish zoning and that zoning power and functions are inherent to the city. It is our understanding that cities establish their zoning based on the "highest and best use" of land in conformance with the goals and priorities of their comprehensive plans. We note that this process requires periodic review by law and is complete in the City of Lake Oswego; the highest and best uses have been established in accordance with the vision for our City's future. We believe the zoning designation for Hallinan Heights was established in the early 1980s and has not changed since then. The highest and best use of land in our neighborhood is "residential/large lot", not substandard lots based on an 1891 plat map.

### ***Recent Development in Hallinan Heights***

The "two for one" swap of houses in Hallinan began at the end of the Great Recession in 2010 when two new houses were constructed on substandard lots on Yates Street at the former location of 1033 Yates. Next there came the two new houses on substandard lots at the former 551 Laurel Street, completed in 2014. Currently two additional new homes are under construction at the former site of 1053 Yates Street, at least one of which is on a substandard lot. And three homes are under construction at the former location of 1028 Cedar Street, at least two of which are on substandard lots as defined by City Development Code.

We count approximately 63 properties under common ownership in the Hallinan Heights neighborhood that could be redeveloped with at least two substandard lots (and as many as four, maximum) on each property unless the city takes action as recommended in LU-0017. The scope of the potential development is staggering: 134 new homes that would irrevocably destroy the character of our neighborhood and would be inconsistent with the goals of the Lake Oswego Comprehensive Plan. Moreover, the burden of this potential new construction would be felt unevenly throughout our neighborhood. To wit: Hallinan Heights consists of approximately 443 single family homes and three condominium developments on the east side of Hwy 43 (The Terraces At Lake Oswego, The Allison, and Shannon Rose). Of the 443 single family homes, only approximately 113 are located in the area defined by the South Oswego Plat filed March 26, 1891 in Tehama County, California. The South Oswego plat was one part of the original F.A. Collard Donation Land Claim filed in Eugene City, Oregon on June 25, 1862. Today, everything remaining in the original South Oswego plat in Hallinan Heights has been subdivided except for 113 properties located in two areas: Area 1) South of George Rogers Park, East of the Laurel Avenue Narrows between Hallinan Street and Highway 43 and, Area 2) East and North of Freepons Park extending to Cornell Road and McVey Avenue. In these two areas of 113 existing homes, there is the potential for 134 new homes because of underlying 'double lots' (including at least one 'quadruple' lot) from the 1891 plat. This data is summarized as follows (all figures are approximate and based on our own tabulations):

- Total single-family residences (SFRs) in Hallinan Heights Neighborhood (HHN): 443
- SFRs in original 1891 South Oswego Plat in HHN: 113
- Existing SFRs on 'double lots' in So. Oswego Plat of HHN: 63
- Approximate potential number of new SFRs in So. Oswego Plat portion of HHN: 134
- Net potential increase in total SFRs in So. Oswego Plat of HHN: 71 (134-63)
- Net potential increase in SFRs: 63% (71÷113)

Moreover, Area 1 has restricted transportation options to the rest of the City because of the presence of the "Laurel Narrows": that narrow, inclined stretch of Laurel Avenue West of the Hallinan Street intersection that allows access to downtown and other parts of the City to the

north and west and which is used by school buses to transport children to and from Hallinan Elementary School. To make matters worse in this regard, there is hearsay in our neighborhood that the widening of the Narrows (scheduled for later this year) will no longer take place because costs have ballooned to over 3 million dollars due to the new 48-inch water pipeline installed in Laurel Avenue in 2014 as a part of the LO/Tigard Water Partnership. If the Narrows is not widened, our issues with substandard lots in our neighborhood only increase as traffic and safety concerns escalate.

**Conclusions**

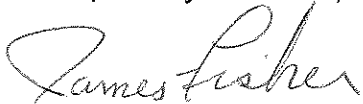
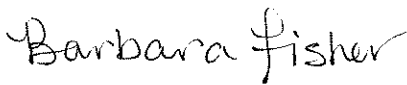
The current real estate market and the numbers speak for themselves: there is no way to preserve the heritage and character of the Hallinan Heights neighborhood unless "2 for 1" lot splitting under a ministerial permit process is stopped.

We urge the City to adopt the recommendations of Staff Report LU-0017. The requirement to aggregate lots is most essential to preserving the character of our neighborhood. Aside from the central recommendation regarding lot aggregation that we support, we have reservations about recommended options in the Staff Report that describe approaches to development of substandard lots: there are drawbacks with either the Quantitative Standards approach or the Compatibility Review approach. In this regard, we leave it to the City to find a solution that is both efficient in terms of manpower and resources and that does not give planning staff unlimited discretion.

We perhaps should add that while our house is located on a standard (7600 sq. ft.) lot, substandard lots are located on either side of our home. Even with aggregation, they are not 'double lots' large enough to be replaced with two new homes under the current development code process. Neither home is particularly historic (one has been a rental for over 50 years) and we would have no objection if a purchaser were to demolish either home and replace it with one new home.

Thank you for your attention and consideration.

Respectfully submitted,

   
James and Barbara Fisher

- C: Donald Mattersdorf, Chair, HHNA
- Liz Martin, forthcoming Chair, HHNA
- Marylou Colver, President, Lake Oswego Preservation Society