



**To:** Planning Commission

**Through:** Katie Mangle, Planning Director

**From:** Li Alligood, Assistant Planner

**Date:** January 20, 2010 for January 26, 2010 Public Hearing

**Subject:** **File:** ZC-09-01, TFR-09-04  
**Applicant:** Tim Riley, Clunas Funding Group, Inc.  
**Owner(s):** Clunas Funding Group, Inc.  
**Address:** Undeveloped lot at the northwest corner of Bowman St and Brae St  
**Legal Description (Map & Taxlot):** 22E06BC03100  
**NDA:** Lake Road

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## **ADDITIONAL INFORMATION**

At the January 12, 2010 meeting, commissioners voted to extend the public comment period to 5:00 PM on Tuesday, January 19 to allow public comment on new information submitted at that hearing.

## **COMMENTS RECEIVED**

The following is a summary of the comments received by the City as of 5:00 p.m., January 19, 2010. See Attachment 1 for further details.

### **A. Comments Addressing New Information**

- **Mike Miller, 4206 SE Somewhere Dr, Milwaukie, OR 97222:** Photos provided with the applicant's supplemental narrative were not useful and did not accurately represent the proposed housing density of the subject site or distance between proposed homes, due to additional setbacks required for end lots.

**Staff Response:** The zoning ordinance does not consider any of the proposed lots on the site a "corner lot," which is defined as "a lot abutting on 2 or more streets, other than an alley, at their intersection," and none of the proposed lots would be subject to additional side yard requirements.

- **Pamela Michael, 13181 SE Pennywood Ct, Milwaukie, OR 97222:** Changing the existing zoning from R-10 to R-7 would set a precedent for home developers which would not be in keeping with the character of the current surrounding neighborhoods.

#### **B. Comments Addressing Previously Provided Information**

- **Melanie Phillips, 13230 SE Where Else Ln, Milwaukie, OR 97222:** The applicant was aware of the zoning when they purchased the property and is interested only in making a profit rather than what is best for the neighborhood. Homes built on the subject site should be similar in character to the homes located south of the property in the R-8.5 and R-10 zones.

**Staff Response:** The applicant did not purchase the property. They financed the purchase of the property by the most recent owner. The owner of the property defaulted on the loan and the applicant received the property back in foreclosure.

- **Vincent Alvarez, 12671 SE Where Else Ln, Milwaukie, OR 97222:** The existing improved Bowman St right-of-way is sufficient to provide access to one additional house. The applicant is requesting the zone change in order to have a profitable project after completing the required public area improvements. Widening the road will exacerbate runoff issues. The Planning Commission should provide relief for the applicant by reducing the public area requirements.

**Staff Response:** To do this, the applicant would need to apply for a variance to the City's street standards.

#### **ATTACHMENTS**

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Comments Received During Extended Public Comment Period

**From:** Alligood, Li  
**Sent:** Wednesday, January 13, 2010 4:11 PM  
**To:** 'Immiller7@juno.com'  
**Cc:** Mangle, Katie  
**Subject:** RE: Land Use File #ZC-09-01, zone change at SE Bowman and SE Brae  
Hello Mike,

Thank you for submitting a comment about Land Use File #ZC-09-01; your comment will be shared with the Planning Commission.

Also, you make a good point about additional side yard setback requirements for corner lots. However, I would like to make a clarification: in this case, the zoning ordinance does not consider any of the proposed lots on the site a "corner lot," which is defined as "a lot abutting on 2 or more streets, other than an alley, at their intersection," and none of the proposed lots would be subject to additional side yard requirements.

Regards,

Li Alligood  
Assistant Planner  
City of Milwaukie  
6101 SE Johnson Creek Blvd  
P 503/786-7627  
F 503/774-8236  
alligoodl@ci.milwaukie.or.us

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**From:** Immiller7@juno.com [mailto:Immiller7@juno.com]  
**Sent:** Wednesday, January 13, 2010 2:34 PM  
**To:** Alligood, Li  
**Subject:** Re: Land Use File #ZC-09-01, zone change at SE Bowman and SE Brae

I am writing this letter to affirm my opposition to the zone change request on the Bowman --Brae property. I also know that I can only comment on the new information from last nights meeting.

the first new information presented was a series of pictures used to show similarities to neighborhood properties. They did not help in showing how the property would look with two houses on it as opposed to three. A drawing of both would have been much more useful. Secondly the pictures of the R7 lots with houses were taken in the middle of a block instead of the end. Two of the lots proposed will be end lots which will be totally different because they are end lots and have different rules on set backs. This will require the three houses to be much closer together. Keeping the R10 zone will allow two houses to be built which will be a greater asset to the neighborhood.

The desire to have this property as a neighborhood park is still a desire for some of us , however it was not a desire of the closest neighbors and therefore was sold to the highest bidder. I believe its current owner is not the original owner and acquired it because of hard economic times. I also do not see what this has to do with the current zone change request.

Thanks for you consideration of his matter

Mike Miller

**From:** pmichaelor@aol.com  
**Sent:** Monday, January 18, 2010 3:21 PM  
**To:** Alligood, Li; ronanddebby@juno.com; paul.hawkins@daimler.com; debbiezecic@msn.com; Immiller7@juno.com; mphillips159@comcast.net  
**Cc:** tim@clunasfunding.com; Mangle, Katie  
**Subject:** Re: Land Use File #ZC-09-01, zone change at SE Bowman and SE Brae  
To the Milwaukie Planning Commission Board Members;

This email is in reference to Land Use File #ZC-09-01 and a comment regarding the information distributed at the January 12, 2010 Planning meeting: specifically packet 5.2.

Based on the Existing Zoning map; Attachment 3, of 5.2 Page 51, I submit that to change the existing zoning R10 to R7 would set a precedent for home developers which would not be in keeping with the character of the current surrounding neighborhoods.

Respectfully submitted,

Pamela Michael  
13181 SE Pennywood Ct.  
Milwaukie, OR 97222

In a message dated 1/13/2010 10:50:03 A.M. Pacific Standard Time, AlligoodL@ci.milwaukie.or.us writes:

Hello Interested Parties,

Please see the attached memo regarding additional information submitted at the January 12, 2010, public hearing of the Planning Commission regarding Land Use File #ZC-09-01.

As a result of this new information, the written comment period has been extended to **5:00 PM on Tuesday, January 19**; the hearing has been continued to Tuesday, January 26, 2010. Any written comments must address **only the new information** submitted at the January 12 public hearing.

Feel free to contact me with any questions.

Sincerely,

Li Alligood  
Assistant Planner  
City of Milwaukie  
6101 SE Johnson Creek Blvd  
P 503/786-7627  
F 503/774-8236  
alligoodl@ci.milwaukie.or.us

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**PUBLIC RECORDS LAW DISCLOSURE:**

This e-mail is a public record of the City of Milwaukie and is subject to public disclosure unless exempt from disclosure under Oregon Public Records law. This email is subject to the State Retention Schedule.

January 19, 2010

To the Milwaukie Planning Commission Board:

I am writing to you regarding the undeveloped lot at the northwest corner of Bowman St. and Brae St. A few months back, I spoke with Tim Riley regarding his company's intentions on this property. Mr. Riley and his company were fully aware when they purchased this property that it was zoned R-10. However, for his company to make money off this property he stated that they would need to have it rezoned, R-7. I believe this company is not looking out what is best for this older Milwaukie neighborhood, but to make a profit from this property and walk away. The homes built on this undeveloped lot should be similar in character to the homes located south of the property. These homes were built over sixteen years ago, zoned R-8.5 and larger, and fit in well with the existing neighborhood.

Sincerely,

Melanie Phillips

13230 SE Where Else Lane

Milwaukie, Oregon 97222

**Alligood, Li**

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**From:** Alvarez, Vincent M. [vincent.alvarez@unisys.com]  
**Sent:** Tuesday, January 19, 2010 5:06 PM  
**To:** Alligood, Li  
**Subject:** About the zoning change proposal for File: ZC-09-01, TFR-09-04

The road that exists to service the present 3 houses is more than sufficient to service one additional house. This road is capable of allowing two cars to pass each other, it is more than wide enough. I drove my SUV into the road as one of the residents was leaving in their truck. Not even a tight squeeze.

The only reason the applicant is asking for the change is to be able to make enough profit after completing the extensive road work the city is requiring.

I do not understand why the Planning commission can not use its extensive knowledge to see that an exception can be made to the "hard and fast"

Requirements the city has put in place for roads. Why have a planning commission if the allowance for common sense is not available. Why do we need to place more and more pavement over our soil? This exacerbates run off issues and is just not necessary in this case. I can understand having standards to which we would like to have the city adhere to, I also understand that allowances can and should be made when conditions warrant.

**Vincent Alvarez** | Customer Engineer | Global Outsourcing and Infrastructure Services

Unisys | 12671 SE Where Else Ln. | Milwaukie, Oregon 97222 | 503-358-1041



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