

June 29, 2009

Rick McIntire
Senior Planner
Clackamas County Planning Division
Development Services Building
150 Beavercreek Road
Oregon City, Oregon 97045

Re: Land Use Application #Z0341-09 Alteration of Nonconforming Use

Dear Mr McIntire:

The above referenced application for alteration of a nonconforming use by Brock Inman at 13795 SE Laurie Ave was reviewed and approved by the Oak Lodge Community Council at its monthly meeting on June 24, 2009.

The Council reviewed the history of the property (zoned R-10 Urban Low Density Residential) and the establishment of nonconforming use as detailed in your decision dated September 26, 2008 (Z0519-08-E). Then the Council reviewed ZDO 1206 to determine:

- “A change in ownership of, or a change of operator of, a nonconforming use shall be permitted.” (1206.01)
- “The Planning Director shall approve an alteration of a nonconforming structure and/or other physical improvements, or a change in the use of...if the applicant provides evidence substantiating...no greater adverse impact on the neighborhood than the existing use, structure(s) and/or physical improvements.” (1206.05.B.1)

The Council also noted that Mr Inman’s application was timely. The nonconforming use has not yet been discontinued for a period of 12 months (1206.02).

Council members interviewed eight neighbors of the subject property prior to the meeting. The neighbors had reviewed the application and all agreed that Mr Inman’s proposal could be accommodated within their neighborhood. Some expressed concern that Mr Inman’s work would use hazardous chemicals, increase noise, increase or block traffic, or grow beyond the boundaries of the subject property.

Mr Inman attended the meeting to present his proposal – how he intends to use the property and how he intends to improve it. Mr Inman told the Council that he was a close neighbor of the subject property himself, that he valued the neighborhood and would always be available to respond to emerging issues. He also described how he would maintain the large canopy trees on the lot, and invest in other property improvements to reduce the potential for noise and traffic congestion.

Mr Inman persuaded the Council that his use of the property will be sufficiently consistent with the prior use, and that his work will not have an adverse impact on the neighborhood.

The OLCC notes the Planning Director's authority to "impose conditions of approval on any alteration of a nonconforming use, structure(s), or other physical improvements permitted under this section when deemed necessary to ensure the mitigation of any adverse impacts" (1206.05.B.3). The Council respectfully requests the Planning Division to remain alert to valid and unsatisfied complaints from neighbors of this and other properties approved for nonconforming use, and be willing and prepared to revoke approvals of nonconforming use for cause.

Sincerely,

Eleanore Hunter
Chair, Oak Lodge Community Council