

ORDINANCE NO. 444-0

AN ORDINANCE AMENDING THE TROUTDALE SUBDIVISION REGULATIONS, PROVIDING CHANGES IN THE VARIANCE SECTION.

WHEREAS, pursuant to O.R.S. 271.120, a hearing was held on April 23, 1985, at which time the Common Council made the following findings:

1. A previous revision of the Variance approval criteria under the Zoning Ordinance rendered incompatible similar provisions under the Subdivision Regulations.
2. There is, therefore, a need to revise the Subdivision Regulations' variance section to conform to those under the Zoning Ordinance.
3. The changes as shown in the attached pages, referred to as Exhibit "A", will resolve any such incompatibilities in the Subdivision Regulations.
4. Exhibit "A" has been reviewed and recommended by the Troutdale Planning Commission.
5. There has been opportunity for citizen review and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

The Subdivision Regulations text be changed as in Exhibit "A".

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 9TH DAY OF APRIL, 1985.

YEAS: 6

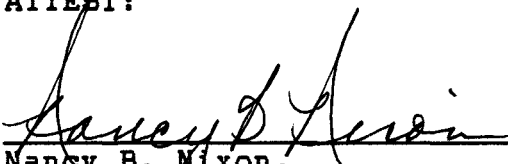
NAYS: 0



Sam K. Cox, MAYOR

DATE SIGNED: 4-23-85

ATTEST:



Nancy B. Nixon,
FINANCE DIRECTOR

1.130 VARIANCES

1.131 GENERAL

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations and further provided. ANY VARIANCE GRANTED SHALL BE THE MINIMUM NECESSARY TO ALLEVIATE UNDUE HARDSHIP. The Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that ALL OF THE FOLLOWING CONDITIONS EXHIST:

- .01 The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property.
- .02 The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- .03 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
- .01 THAT THE PHYSICAL CONDITIONS UPON WHICH THE REQUEST FOR A VARIANCE IS BASED ARE PECULIAR TO THE PROPERTY AND ARE NOT APPLICABLE GENERALLY TO OTHER PROPERTIES IN THE VICINITY;
- .02 THAT LITERAL INTERPRETATION OF THE PROVISIONS OF THIS ORDINANCE WOULD DEPRIVE THE APPLICANT OF A PROPERTY RIGHT ENJOYED BY A SUBSTANTIAL PORTION OF OTHER PROPERTIES IN THE VICINITY;

.03 THAT THE GRANTING OF THE VARIANCE WOULD NOT BE INJURIOUS TO OTHER PROPERTY OWNERS IN THE SAME VICINITY OR BE OTHERWISE DETRIMENTAL TO THE PURPOSES OF THESE REGULATIONS, THE ZONING ORDINANCE, OR CONFLICT WITH THE OBJECTIVES OF THE CITY PLAN OR POLICY.

.04 The variances will not in any manner vary the provisions of the Zoning Ordinance and the City's Comprehensive Plan.

1.132 **CONDITIONS**

In approving variances, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

1.133 **PROCEDURES**

A petition for any such variance shall be submitted in writing by the applicant at the time when the preliminary plan is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the applicant.