

RESOLUTION NO. 1962

A RESOLUTION TO TERMINATE PROCEEDINGS ON TROUTDALE DEVELOPMENT CODE TEXT AMENDMENT #40.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Consideration of changes to the on-site density transfer standards of TDC 4.315 was requested by two City Councilors at the March 11, 2008 Council meeting in response to citizen concerns about lot area reductions being approved under the standards of TDC 4.315, generally called density transfers. There was implied agreement with this request from the rest of the City Council.
2. The Citizens Advisory Committee agreed on June 4, 2008, by a vote of 4 in favor, 2 against and 5 absent, to forward the amendments to the Planning Commission.
3. Notice of these legislative amendments was mailed to affected property owners as required by ORS 227.186 (Measure 56 notice) and in accordance with TDC 15.020A Hearing Notice/ Legislative Type IV Procedure. Notices for the July 23, 2008 hearing were mailed June 30, 2008. When it was brought to staff's attention that property owners within the urban planning area and recently annexed properties did not receive the June 30 notice, notice was mailed to those affected parties on July 15, 2008. In accordance with Troutdale Development code 16.060 Procedure of Mailed Notice, "failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this code for notice." The Planning Commission determined that staff acted in good faith to notify all affected property owners. On July 28, 2008, staff updated and corrected the mailing list prepared for the Measure 56 notice based upon the ownership information from Multnomah County Tax Assessor records. Using the updated list, notice of the continuation of the Planning Commission's hearing to September 17, 2008, was mailed on August 28, 2008 to affected property owners as defined by Measure 56.
4. The Troutdale Planning Commission held a public hearing on July 23, 2008 and September 17, 2008 to take public testimony and to formulate a recommendation to the City Council concerning adoption of proposed amendments to the Troutdale Development Code. In accordance with TDC 15.040, "Information at Planning Commission Hearing," the Planning Commission afforded interested persons the opportunity to submit written recommendations and comments in advance of the hearing; none were submitted. At the hearings written and oral statements were allowed. There were no proponents of the amendments.

5. Notice of the Planning Commission's action and of the October 14, 2008 Council consideration of this matter was mailed to interested parties on September 19, 2008 by the Planning staff.
6. The City Council concurs with the Planning Commission that in light of overwhelming opposition to these amendments and its recommendation to reject them, further proceedings should be terminated.


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

1. Consideration of Troutdale Development Code Text Amendment #40 is hereby terminated.
2. This resolution is effective upon adoption.

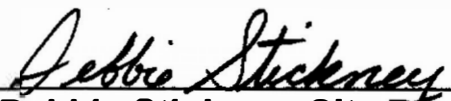
**YEAS: 6
NAYS: 0
ABSTAINED: 0**



Paul Thalhofer, Mayor



Date



Debbie Stickney, City Recorder

Adopted: October 14, 2008