

Failed

ORDINANCE No. 770

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17.24.1050.,  
“DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS; PUBLIC USE AREAS”  
BY ADJUSTING THE FORMULA FOR CALCULATING THE PAYMENT OF CASH IN  
LIEU OF LAND DEDICATED FOR PUBLIC RECREATION USE.

WHEREAS, the City of Stayton presently requires that a subdivision plan shall provide a minimum of five (5%) percent of the gross area of the subdivision as public recreation area; and

WHEREAS, such public recreational area shall have access to a public street; and

WHEREAS, the Stayton Planning Commission may designate that the developer pay a fee in lieu of land dedication; and

WHEREAS, the ordinance erroneously uses the term “fee”; such is deemed to be cash in lieu of land and not a fee; and

WHEREAS, dedicated land experiences considerable increase in value upon platting; and

WHEREAS, cash paid to the City in lieu of land should be in an amount approximating the anticipated increase in value, and 20% of the assessed value is deemed reasonable;

NOW, THEREFORE, the Stayton City Council hereby ordains as follows:

SECTION 1: That Stayton Municipal Code Section 17.14.1050 be amended as indicated:

17.24.1050 DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS

Subdivisions and partitions shall be subject to the following design criteria and objectives.

14. PUBLIC USE AREAS

- a. A subdivision plan shall provide a minimum of 5 percent of the gross area of the subdivision as public recreation area.
- b. Such public recreational area shall have access to a public street, and the planning commission may specify the location of such area to be compatible with existing or anticipated recreational development.

- c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision, or where agreed upon by the commission, the developer shall pay to the city cash in lieu of land a fee, earmarked for recreational use and development, in an amount ~~a sum~~ equal to ~~twenty five~~ (20%) percent ~~(5)~~ of the total assessed value of the land being platted, at the time of platting, as computed by the county assessor for the coming calendar year under the procedures set forth in ORS 92.095 as amended. ~~Satisfaction of this alternative~~ ~~Such payment~~ shall be made prior to final approval by presenting a statement of assessed value from the office of the county assessor and a ~~certified~~ check in an ~~the amount equal to of~~ ~~twenty~~ (20%) ~~5~~ percent of the total assessed value of the land being platted ~~thereof~~ to the City of Stayton.

PASSED BY THE STAYTON CITY COUNCIL this \_\_\_\_ day of \_\_\_\_\_ 1997.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
DAPHNE E. GIROD, Mayor

Date: \_\_\_\_\_ By: \_\_\_\_\_  
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: \_\_\_\_\_ By: \_\_\_\_\_  
DAVID A. RHOTEN, City Attorney