

RESOLUTION No. 619

A RESOLUTION INITIATING TO AMEND THE CITY OF STAYTON COMPREHENSIVE PLAN DESIGNATION OF MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL FOR PHASES I AND II OF THE PLANNED UNIT DEVELOPMENT AT PROPERTY IDENTIFIED AS TAX LOT 1000, SE 1/4 SECTION 3, T9S, R1W.

WHEREAS, a case involving a land use dispute regarding the preliminary plan and variance approval of a residential Planned Unit Development in the City of Stayton was filed by Quail Construction, Inc. and brought before the Marion County Circuit Court; and

WHEREAS, Motions were filed and ruled upon, and a trial on the merits commenced; and

WHEREAS, with the assistance of Marion County Circuit Court, the parties continued the trial and entered into settlement negotiations; and

WHEREAS, considerable discussion and negotiation occurred between the parties and with a judicial mediator, which resulted in an agreement between the parties as to all matters at issue in the case; and

WHEREAS, a stipulated judgement was the product of those negotiations, and was intended by the parties to contain and recite all agreements reached for the final resolution of all aspects of the dispute regarding the approval of the variance and preliminary plan of the Relator's Planned Unit Development in the City of Stayton which was the subject of the litigation; and

WHEREAS, the agreement of the parties for the final resolution of the case was approved and entered as a matter of record as the judgement of the Marion County Circuit Court; and

WHEREAS, the first condition of the agreement states, "Prior to approval of the Final Plat, the comprehensive plan designation on Phases I and II, as originally proposed, shall be amended from MD to LD to be consistent with the zoning on that area. That City shall initiate said change based upon the revised preliminary PUD design, and any approval of this change to the comprehensive plan shall be conditioned upon recordation of an approved final plat of this PUD.";

NOW THEREFORE BE IT RESOLVED that the City of Stayton hereby initiates the process to amend the comprehensive plan designation on Phases I and II of the revised preliminary PUD design for property at Tax Lot 1000, SE 1/4 Section 3, T9S, R1W from Medium Density Residential to Low Density Residential.

BE IT FURTHER RESOLVED that the approval of this comprehensive plan amendment is conditioned upon recordation of an approved final plat of this PUD.

APPROVED BY THE STAYTON CITY COUNCIL this 18th day of May 1998.

Date: _____

By: Stacey A. Graham / Council President
DAPHNE E. GIROD, Mayor

Date: 6-1-98

Attest: [Signature]
Thomas L. Barthel, City Administrator

APPROVED AS TO FORM:

Date: 6-1-98

By: Wallace W. Lien
Wallace W. Lien, Attorney