

ORDINANCE NO. 824

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17., "LAND USE AND DEVELOPMENT," CHAPTER 17.12, "DEVELOPMENT APPROVAL PROCEDURE," SECTION 17.12.330, "APPLICATION PROCEDURE," SUBSECTION 5, "COST FOR SERVICES," AND DECLARING AN EMERGENCY.

WHEREAS, Stayton Municipal Code Title 17., "Land Use and Development," regulates use and development of land within the Stayton city limits and its urban growth boundary;

WHEREAS, the City charges the applicant for the expense incurred in preparing, processing and administering land use applications;

WHEREAS, it is the intent of the City that the charges defray and recover the cost in personnel time and materials in processing, and include a non-refundable deposit;

WHEREAS, total costs may not be ascertainable until after the entire application process is concluded;

WHEREAS, the Stayton City Council has already established, in Resolution No. 478, and hereby reaffirms that application costs and charges imposed by Title 17. are not a tax as defined by Article XI., section 11-b, of the Constitution of the State of Oregon;

WHEREAS, the Stayton City Council desires to amend certain sections of Title 17, as set forth below for clarity to the public and the applicants at the earliest possible time; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect from and after its passage by the Stayton City Council.

NOW, THEREFORE, THE STAYTON CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: Stayton Municipal Code Section 17.12.330.5, "COST FOR SERVICES," is hereby amended to read:

17.12.330.5 COST FOR SERVICES

- a. Basic Application Costs: Basic application costs are intended to recover expenses incurred by the city in the receipt, review and processing of a land use application and/or supporting documentation. A deposit in an amount established by Council resolution will be required at the time an application is filed. A portion of the deposit shall represent a non-refundable charge. The actual costs for processing an application will be computed through the date of final disposition of the application. Actual costs and charges, based on criteria determined by the City Administrator, will be assessed against the non-refundable portion of the deposit. Charges in excess of the non-refundable portion accruing during the land use application process will be collected at the time of accrual. At the completion of the process, all uncollected associated costs will be assessed and collected; if there is any remaining balance of the (unused) deposits it will be refunded.

- b. Deposits: All applications shall be accompanied by payment of the base a deposit in the amount as declared in a Deposit Schedule Resolution adopted by the Stayton City Council.
- c. Engineering Review Deposit: Upon request by the city, an applicant shall deposit an additional \$500.00 to the City to be applied toward the cost of an engineering review of the application and/or improvement plans. Such deposit shall be credited and charged in accordance with 17.12.330.5.a above.
- d. Legal Review Deposit: Upon request by the city, an applicant shall deposit an additional \$500.00 to the City to be applied toward the cost of a legal review of the application and/or improvement plans. Such deposit shall be credited and charged in accordance with 17.12.330.5.a above.
- e. Outside Planning Services: An applicant may, upon permission of the city, choose outside planning services at the applicant's expense, approved by the city, to process any land use application. The outside planning service will be tantamount to the function of a city staff planner and will be subject to the supervision, direction and review of the City Planner. Utilizing outside planning services does not forego the city's requirement as to costs (including non-refundable deposit).
- f. In the event the application is withdrawn before city action, the applicant shall be responsible to pay for the costs incurred up to the time of its withdrawal.
- g. Waiver of Charges: The council may, at its discretion, waive some or all charges for the processing of applications determined by the council to be in the public interest.

SECTION 2. Should any article, section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

SECTION 3. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

ADOPTED BY THE STAYTON CITY COUNCIL this 18th day of December, 2000.

CITY OF STAYTON

Date: Dec. 19, 2000

By: Henry A. Porter
Henry A. Porter, Mayor

Date: 12-19-2000

ATTEST: Chris Childs
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney