

ORDINANCE NO. 794

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17., "LAND USE AND DEVELOPMENT," CHAPTER 17.12, "DEVELOPMENT APPROVAL PROCEDURE," SECTION 17.12.330, "APPLICATION PROCEDURE," AND SECTION 17.12.340, "MULTIPLE APPLICATIONS;" 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; and

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

WHEREAS, it is the intent of the City that the charges imposed are to include a non-refundable base charge and to recover the cost in personnel time and materials; and

WHEREAS, the Stayton City Council has already established, in Resolution No. 478, 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; and

WHEREAS, the Stayton City Council desires to amend certain sections of Title 17, as set forth below; 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, "Application Procedure," is hereby amended to read:

17.12.330 APPLICATION PROCEDURE

Any application for a land use or development approval action authorized in this title shall be filed in the following manner.

1. FORMS: The application shall be in writing on forms provided by the city planner, with supplementary maps and material as set forth herein.
2. FILING LOCATION: Unless stated otherwise, the application shall be filed with the city planner at city hall.
3. PROPERTY OWNER AUTHORIZATION: The application shall be accompanied by a notarized statement certifying the authority of anyone representing the owner(s) of property involved in the application, if the owner(s) are not the applicants. The

application shall be signed by the property owner(s) or authorized representative.

4. SUPPLEMENTAL INFORMATION: All documentation and information specified in those portions of this title governing the approval or action being requested shall accompany the application. The applicant shall be responsible for providing any and all information required to bring about an acceptable application.
5. COST FOR SERVICES
 - a. Basic Application Costs: Basic application costs are to recover expenses incurred by the city in the review and processing of a land use application and/or supporting documentation. Deposits accompanying applications will be required at the time an application is filed. A non-refundable charge shall be paid within the deposit. The non-refundable charge and the actual costs for processing an application will be computed through the date the application's completed. Actual costs and charges, based on criteria determined by the City Administrator will be assessed against the deposit. Charges in excess of the deposit will be collected or balance of unused deposits refunded (not including the non-refundable charge).
 - b. Deposits: All applications shall be accompanied by a deposit in the amount as declared in a Deposit Schedule Resolution adopted by the Stayton City Council.
 - c. Engineering Deposit: Upon request by the city, an applicant shall deposit \$500.00 to the City to be applied toward the cost of an engineering review of the application and/or improvement plans.
 - d. Legal Deposit: Upon request by the city, an applicant shall deposit \$500.00 to the City to be applied toward the cost of a legal review of the application and/or improvement plans.
 - 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 application cost requirement.
 - f. Actual Costs: If the deposit paid by the applicant is not sufficient to cover the amount of expenses incurred by the city in processing the application, then the city may, at the discretion of the council, determine an assessment of an additional charge to the applicant for the actual costs incurred by the city.
 - g. 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.

h. 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.

6. DEPOSIT SCHEDULE: A deposit schedule shall be in Resolution form and adopted by the Stayton City Council.

SECTION 2: Stayton Municipal Code Section 17.12.340 is hereby amended to read:

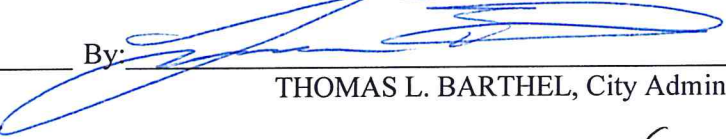
17.12.340 MULTIPLE APPLICATIONS

1. PROCESSING: Combined or multiple requests by the same applicant(s) for approval of different land use and development permits which are governed by the provisions of this chapter and which affect the same property or properties, shall be considered concurrently by the city. In the case of different applications requiring planning commission final action for one and council final action for another, the council may act upon both together.
2. CHARGES FOR MULTIPLE APPLICATIONS: Multiple applications shall be assessed charges as provided in Section 17.12.330 for each individual application which is part of a multiple application. The city administrator shall be empowered to waive all but the highest charge for multiple applications.


ADOPTED BY THE STAYTON CITY COUNCIL this 7th day of DECEMBER 1998.

Date: 12/8/98 By: 
STACEY A. GRAHAM, Council President

ATTEST

Date: 12-8-98 By: 
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM

Date: DEC 9 - 1998 By: 
DAVID A. RHOTEN, City Attorney