

city Attorney.

Sara owns a 10 acre parcel of land that was zoned UR urban reserve 10 acre lot size. She wants to divide the property into 2 lots. One for her use and the other for her child. The ordinance would have allowed her to construct a dwelling with a guest dwelling ,utilizing a CUP, without subdividing. She was determined that she wanted separate parcels, and petitioned for a re-zoning to WR, which was approved. She then applied for a 2 lot subdivision, which was also approved. The subdivision has not been signed or filed. Peter Gansen made Sara aware of the park dedication requirements (152.60) at the time that she started the process. She is now contending that the fee is excessive & that it should be reduced.

I believe that the Council has some discretion, but I am concerned that any action that they take on this subdivision will be utilized by future subdividers.

Q Does the council have the authority to pick a number, or would it be more appropriate to amend the ordinance
CA.? I agree that acceding to this request is a problem. Either enforce the ordinance or change it, but do not grant exceptions to people who complain about it. Doing that can lead to equal protection claims against the City. The ordinance should be applied the same to everyone.

I anticipate that these issues will be on the May 5 Council agenda.

As always your guidance is greatly appreciated.

Jerry