

ORDINANCE NO. 145

AN ORDINANCE AMENDING ORDINANCE NO. 50 BY DELETING SECTION 9-VIII-B-2 (PUBLIC NEED)

WHEREAS, Ordinance No. 50, Section 9-VIII-B-2 requires that an applicant requesting a re-zoning must demonstrate a public need that is best achieved by the re-zoning, and

WHEREAS Ordinance No. 50 requires a positive finding of public need but contains no definition of public need or criteria concerning public need, and

WHEREAS "public need" is difficult to prove because it is not easily defined, and

WHEREAS other cities have deleted this requirement from their ordinances, codes and comprehensive plans, and

WHEREAS the Council of Dunes City has determined that it would be in the best interests of its citizens to eliminate the criterion "public need",

THEREFORE DUNES CITY ORDAINS that the provision contained in Ordinance No. 50, Section 9-V-III-B-2, which reads:

"It has been demonstrated that there is a public need for the proposed change, and that the need is best achieved by this proposal."

is hereby deleted from Dunes City Ordinance No. 50 and from criteria required for rezoning of land.

Passed by the City Council of the City of Dunes City, Oregon, this ____ day of _____, 1994.

_____ Ayes _____ Nays _____ Abstain _____ Absent

Robert Petersdorf, Mayor

ATTEST:

Joyce Phillips, City Recorder

Denied by
Plan Comm.

No Appeal to
Council

Ord # 145 Not
Adopted. —

*Sec
Revised*

CITY OF DUNES CITY ORDINANCE NO. 145

AN ORDINANCE AMENDING ORDINANCE NO. 50 BY: DELETING SECTION 9-VIII-B-2 (NEED)

WHEREAS, it has come to the attention of the City of Dunes City that an applicant requesting a re-zoning is required to demonstrate a public need, and that need is best achieved by the re-zoning proposal, and

WHEREAS, Dunes City has adopted a comprehensive land use plan, and

WHEREAS, The Dunes City Comprehensive Plan defines need, and

WHEREAS, it would be possible for an applicant to demonstrate a public need existed, that the need was best achieved by the proposal, but the proposal would be in violation of the comprehensive plan, and

WHEREAS, Dunes City has been advised that for this reason other municipal governments have been allowed by DLCD to remove this requirement from their comprehensive plan, and

WHEREAS, Dunes City has determined that it would be in the best interest to eliminate this requirement.

THEREFORE THE CITY OF DUNES CITY, does ordain that the provision contained in section 9-VIII-B-2 which reads:

"It has been demonstrated that there is a public need for the proposed change, and that the need is best achieved by this proposal."

is deleted from DCZO 50.

IT IS SO ORDAINED this ____ day of _____, 1994.

Robert Petersdorf
Mayor

ATTEST:

Joyce Phillips
City Recorder

_____ Ayes _____ Nays _____ Abstain _____ Absent