

ORDINANCE NO. 94-O-446.W

AN ORDINANCE AMENDING ORDINANCE NO. 89-O-446 (LAND DEVELOPMENT CODE), SECTIONS 144 (AMENDMENTS) AND 176 (LAND DIVISIONS) OF THE CITY OF BROOKINGS.

Sections:

- Section 1. Ordinance Identified**
- Section 2. Amendment to Section 144**
- Section 3. Amendment to Section 176**

The city of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Ordinance No. 89-O-446, enacted April 10, 1989, entitled, "An ordinance adopting the Land Development Code and zoning map of the City of Brookings, repealing certain prior ordinances, and declaring an emergency."

Section 2. Amendment to Section 144. Ordinance No. 89-O-446, Section 144.050 and Section 144.060 is hereby amended to read as follows:

144.050 Action by the City Council

- D. Except as set forth herein, in order for the city council to adopt an ordinance for an amendment to this code, comprehensive plan document and/or map, findings must be made, and adopted as a part of said ordinance, that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. It must be found that the amendment complies with and conforms to the comprehensive plan goals, policies, and generalized

land use map. It may be further necessary to provide evidence that the proposed amendment is in conformance with statewide land use planning goals and policies when a more specific direction is provided by the goals than the comprehensive plan. For amendments to the Land Development Code that are legislative in nature, findings will not be required.

144.060 Burdon of Proof. If findings are required, the specific findings made by the city council, upon the recommendation of the planning commission, to adopt an ordinance for an amendment to this code, comprehensive plan text and/or map must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the amendment. If no evidence is produced concerning the requisite findings listed in subsection D of section 144.050, the application must be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings of the ordinance adopting the amendment proposal.

Section 3. Amendment to Section 176. Ordinance No. 89-O-446, Section 176.070 is hereby amended to read as follows:

176.070 Major Partitions And Subdivisions - Final Map Or Plat Approval

The first sentence of subsection D. is amended to read:

D. "Submittal requirements - final map or plat. At least thirty days prior to the date of the desired hearing date, the applicant shall submit the final map or plat to the city manager or his designate for final processing in accordance with the provisions of this code.

First Reading: _____ July 11, 1994
Second Reading: _____ July 11, 1994
Passage: _____ July 11, 1994
Effective Date: _____ August 9, 1994
Signed by me in authentication of its passage this _____ 12th
_ day of _____ July _____, 1994.

Tom Davis, Mayor

ATTEST:

Beverly S. Shields, Finance Director/Recorder