

ORDINANCE NO. 348

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF DRAIN
LAND DEVELOPMENT ORDINANCE TEXT AND ZONING MAP TO
FACILITATE THE EXTENSION OF THE URBAN GROWTH BOUNDARY TO
INCLUDE THE SMITH RIVER MILL SITE AND ADJOINING PROPERTIES

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

1. Page 1, Section 9.105 is hereby amended to add the following definitions:

"FARM USE: the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or by feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honey bees or for dairying and the sale of dairy products for any other agricultural or horticultural use or animal husbandry or any combination thereof. Farm Use includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. Farm Use also includes the propagation, cultivation, maintenance, and harvesting of aquatic species.

It does not include the use of land subject to the provisions of ORS 321 (timber taxation), except land used exclusively for growing cultured Christmas trees as defined by ORS 215.203(3).

Current employment of land for farm use includes: (a) land subject to any farm-related government program; (b) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; (c) land planted in orchards or other perennial, other than the land specified in subparagraph (d) of this paragraph, prior to maturity; (d) land not in the Agricultural/Open Space zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years; (e) any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially assessed at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use; (f) wasteland, in the Agricultural/Open Space zone, dry or covered with water, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use; (g) land under dwellings customarily provided in conjunction with the farm use in the Agricultural/Open Space zone; (h) land under buildings supporting accepted farm practices; (i) water impoundments lying in or adjacent to and in common ownership with farm use land; and (j) farm use does not include feedlots."

"FOREST MANAGEMENT: The current employment of lands, along with accessory buildings and uses, for the growing, harvesting and management of forest products, including primary processing facilities.

2. Page 24, Section 9.500 Classification of Zones, should be amended to have added the following zones:

Zone	Abbreviated Designation
<u>Woodland-Open Space-Agricultural</u>	<u>WOA</u>
<u>Rural Residential - 2</u>	<u>RR-2</u>

3. Page 28, Section 9.585 is hereby added to read as follows:

Section 9.585 Woodland-Open Space-Agriculture District (WOA). Intent: This district is intended for application to areas within the city or the urban growth boundary (UGB) which are not planned at present for urban levels of development, but which may be rezoned and planned for urban levels of development.

Uses Permitted Outright: In the WOA zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

- A. Forest management;
- B. Farm use;
- C. Fish and wildlife management;
- D. Fire prevention, detection and suppression facilities;
- E. Nursery for the growing, sale and display of trees, shrubs and flowers;
- F. Water impoundments with less than 1000 acre feet of storage capacity, in conjunction with beneficial uses of water customarily associated with farm or forest uses or as a source of water for domestic or municipal use, provided that necessary state and federal permits have been issued.
- G. Residential facility, residential care center, or residential home where there is an existing residential use which is nonconforming solely due to the zone in which the residential use is located.
- H. Home Occupations.

4. Page 28, Section 9.590 is hereby added to read as follows:

Section 9.590. Uses Permitted Conditionally In the WOA zone, the following uses and activities are permitted, subject to the provisions of Article III - Criteria for Decision Making:

- A. Single-family dwelling customarily provided in conjunction with a use permitted in this classification, providing residence for landowner or

immediate family member, providing that a minimum average density of five acres per dwelling shall be maintained;

- B. Winery;
- C. Kennels;
- D. Golf course;
- E. Roadside Stand;
- F. Bed and Breakfast Home or Facility where there is an existing residential use which is nonconforming solely due to the zone in which the residential use is located;
- G. Public and semi-public uses and activities essential to the physical, social and economic welfare of the area, including, but not limited to fire stations, schools, granges, community halls and churches;
- H. Publicly owned parks, playgrounds, campgrounds, boating facilities, lodges, camps and other such recreational facilities;
- I. Utility structures.
- J. Other uses later deemed by the Planning Commission to be conditional.

5. Page 28, Section 9.595 is hereby added to read as follows:

Section 9.595 Rural Residential (RR) Intent: To allow low density residential homesites in areas of steep slopes or areas within the UGB which are committed lands. The RR zone is also intended to provide a transition from more intense residential development to the WOA uses.

Uses Permitted Outright: In the RR zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

- A. Single-family dwellings, including manufactured homes, manufactured home parks and subdivisions.
- B. Residential facility, residential care center, or residential home;
- C. Home Occupations
- D. Forest management;
- E. Farm use
- F. Fish and wildlife management;
- G. Fire prevention, detection and suppression facilities;

- H. Water impoundments with less than 1000 acre feet of storage capacity, in conjunction with beneficial uses of water customarily associated with farm or forest uses or as a source of water for domestic or municipal use, provided that necessary state and federal permits have been issued.

6. Page 28, Section 9.596 is hereby added to read as follows:

Section 9.596. Uses Permitted Conditionally In the RR zone, the following uses and activities are permitted, subject to the provisions of Article III - Criteria for Decision Making:

- A. Public and semi-public uses and activities essential to the physical, social and economic welfare of the area, including, but not limited to fire stations, schools, granges, community halls and churches;
- B. Nursery for the growing, sale and display of trees, shrubs and flowers;
- C. Publicly owned parks, playgrounds, campgrounds, boating facilities, lodges, camps and other such recreational facilities;
- D. Utility structures.
- E. Other uses later deemed by the Planning Commission to be conditional.

7. Land Development Ordinance, Section 9.600 Minimum Lot Size, table is amended, with new information underlined, to read as follows:

MINIMUM LOT SIZES AND SETBACKS

ZONE	NUMBER OF UNITS	MINIMUM LOT SIZE (sq.ft. unless otherwise noted)	MINIMUM WIDTH AT STREET FRONTAGE (sq. ft.)	MINIMUM LENGTH (ft.)
<u>WOA</u>	<u>1</u>	<u>5 ac.</u>	<u>60</u>	<u>85</u>
<u>RR-2</u>	<u>1</u>	<u>87,200</u>	<u>60</u>	<u>85</u>
R-1	1	6,000 (corner lot 7,000)	60 (corner lot 70)	85
R-1	duplex	10,000	100	85
R-2	3	9,000	80	100
R-2	4	11,000	80	100
R-2	5	14,000	80	100
R-2	6	17,000	100	100
R-2	7	20,000	100	100
R-2	8	22,000	100	100
R-2	9	25,000	100	100
R-2	10	28,000	100	100
R-2	11	30,000	100	100
R-2	12	33,000	100	100
R-2	13	36,000	100	100
R-2	14	39,000	100	100
R-2	15	41,000	100	100
R-2	16	44,000	100	100
C-R	single family res.	6,000 (corner lot 7,000)	60 (corner lot 70)	85
C-R	duplex	10,000	100	85
C-R	commercial	6,500	65	100

C-1	commercial	6,500 (corner lot 7,000)	65 (corner lot 70)	100
M-1	industrial	20,000	100	100

8. Land Development Ordinance, Section 9.605 Setbacks, table is amended, with new information underlined, to read as follows:

SETBACKS

ZONE	YARD	MAIN BUILDING AND GUEST HOUSE Setback in Feet	REQUIRED OFF-STREET PARKING Setback in Feet	ACCESSORY BUILDING Setback in Feet
<u>WOA</u>	<u>front</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>WOA</u>	<u>side where no street</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>WOA</u>	<u>side adjacent to street - corner lot</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>WOA</u>	<u>rear</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>RR-2</u>	<u>front</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>RR-2</u>	<u>side where no street</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>RR-2</u>	<u>side adjacent to street - corner lot</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>RR-2</u>	<u>rear</u>	<u>20</u>	<u>20</u>	<u>20</u>
R-1	front	20	20	20
R-1	side where no street	5	5	5
R-1	side adjacent to street - corner lot	10	10	10
R-1	rear	10	1	10
R-2	front	20	20	20
R-2	side where no street	5 (1 story) 10 (2 story)	5	5
R-2	side adjacent to street - corner lot	10	5	10

R-2	rear	10	5	10
C-R (residential)	same as R-2	same as R-2	same as R-2	same as R-2
C-R (commercial)	same as C-1	same as C-1	same as C-1	same as C-1
C-1	front	0	0	0
C-1	side	0	0	0
C-1	side-adjacent to residential zone or use	5	5	0
C-1	rear-except as noted below	0	0	0
C-1	rear- adjacent to residential zone or use	15	5	0
M-1	front	0	0	0
M-1	side except as below	0	0	0
M-1	side adjacent to residential zone or use	20	5	10
M-1	rear adjacent to residential zone or use	25	5	15

- (2) Additional setbacks may be required where a permit is required prior to development as a condition of the development.
- (3) Additional setbacks may be required where necessary to maintain a vision clearance and on corner lots.
- (4) Open, uncovered porches, fireplaces, cornices, and eaves and undetachable mobile home drawbar or hitches, may project up to two feet into the required setback, provided the setback is not less than three feet.

9. Land Development Ordinance, Section 9.610 Maximum Structure Height, table is amended to read as follows (underlined> information is new):

MAXIMUM STRUCTURE HEIGHT

<u>ZONE</u>	<u>STRUCTURE</u>	<u>MAX. HEIGHT IN FEET</u>
<u>WOA</u>	<u>ALL</u>	<u>45'</u> , except fences which shall be no greater than 6' in height
<u>RR-2</u>	<u>Main Building</u>	<u>40'</u>
<u>RR-2</u>	Energy Apparatus on Main Bldg.	<u>5' above main bldg.</u>
<u>RR-2</u>	<u>Accessory Building</u>	15' if less than 5' from side property line, 25 ft. elsewhere
<u>RR-2</u>	<u>Antennas, spires, etc.</u>	<u>75'</u>
<u>RR-2</u>	<u>Fences & Hedges</u>	3' if less than 20' from front property line, or less than 10' from street side property line of a corner lot; 6' elsewhere
R-1	<u>Main Building</u>	30'
R-1	Energy Apparatus on Main Bldg.	5' above Main Bldg.
R-1	<u>Accessory Building</u>	15' if less than 5' from side property line 25' elsewhere
R-1	<u>Antennas, spires, etc.</u>	75'
R-1	<u>Fences & Hedges</u>	3' if less than 20 ft. from property line, or less than 10' from street side property line of a corner lot; 6' elsewhere
R-2	<u>Main Building</u>	30'
R-2	Energy Apparatus on Main Bldg.	5' above Main Bldg.
R-2	<u>Accessory Building</u>	15' if less than 10' from side property line where adjacent to residential zone; 25' elsewhere
R-2	<u>Antennas, spires, etc.</u>	75'

R-2	Fences & Hedges	3' if less than 20' from front property line or less than 10' from street side property line of a corner lot; 6' elsewhere
C-R	Main Building	30'
C-R	Energy Apparatus on Main Bldg.	5' above main building
C-R	Accessory Building	15' if less than 5' from side property line; 25' elsewhere
C-R	Fences & Hedges	3' if less than 20' from front property line or less than 10' from street side on property line of a corner lot; 6' elsewhere
C-1	Main Building	50'
C-1	Accessory Building	25'
M-1	Antennas, spires, etc.	75'

10. Land Development Ordinance, Section 9.615 Maximum Lot Coverage, table is amended to read as follows (underlined information is new):

MAXIMUM LOT COVERAGE

ZONE	PERCENT of TOTAL LOT AREA
<u>WOA</u>	<u>Not over 40% of the area of any building site shall be covered by all buildings located thereon</u>
<u>RR-2</u>	<u>Same as WOA</u>
R-1	70%
R-2	70%
C-R - residential	70%
C-R - commercial	95%
C-1	95%
M-1	100%

11. Land Development Ordinance, Standards Document, Section 12, Improvements in Developments Item K, Preservation of Natural Features is added a table, which reads as follows:

Riparian Habitat Setbacks

	All Residential Zones	<u>All Commercial and Industrial Zones</u>
<u>Pass Creek</u>	<u>25 Feet</u>	<u>50 Feet</u>
<u>Elk Creek</u>	<u>25 Feet</u>	<u>50 Feet</u>

12. Amendments to the City of Drain Zoning Map are described on the table below:

EXPANSION AREA SITE INVENTORY

TRS	LOT	TAXACCT	COMP PLAN		ZONING		ACRES
			CNTY.	CITY	CNTY.	CITY	
22-05-08	300	1993.01	RC2	RR	RR	RR-2	2.24
22-05-08	400	1992.00	RC2	RR	RR	RR-2	4.89
22-05-08	1400	1995.00 1995.01	FFW UGB	R	AW	R-1	19.32
22-05-08	100	1992.01 1992.11	RC2	RR	RR	RR-2	6.76
22-05-08	200	1993.00 1993.03	FFT RC2	RR	FC RR	RR-2	5.71
22-05-08	1500	1996.00 1996.01	FFW	R	AW	R-1	28.55
22-05-09	600	2014.00	RC2	RR	RR	RR-2	1.00
22-05-09	700	2012.02	CO	GC	C2	GC	0.43
22-05-09	800	2012.00	CO	GC	C2	GC	0.37
22-05-09	200 *	2010.00 2010.02	FFT	WOA	FF	WOA	6.99
22-05-09	300	2011.00	RC2	RR	RR	RR-2	6.20
22-05-09	400	2015.02 2015.00	RC2	RR	RR	RR-2	6.98
22-05-09	401	2015.03	FFT	WOA	FF	WOA	3.58
22-05-09	500	2016.00 2016.01	RC2 FFT	RR	RR FF	RR-2	8.76
22-05-04C	100	1975.03 1975.01	IN	I	M3	I	23.30
22-05-04C	200	1975.13	IN	I	M3	I	6.20
22-05-04C	400	1964.02	IN/RC2	I	M3/RR	RR-2	4.09
22-05-04C	500	1964.21	CO	I	C2	C	0.54
22-05-04C	300	1975.00 1975.04	IN	I	M3	I	8.28
22-05-04BD	1700	1963.03	FFW	WOA	AW	WOA	3.75
22-05-04C	1200	1975.01 1975.05	RC2	RR	RR	RR-2	10.15

*only a portion of this property is included in the UGB expansion
 TOTAL ACREAGE INVOLVED IN UGB EXPANSION IS 158 ACRES.

Section 13. Severability

If any section, subsection, sentence, clause or portion of this Ordinance is for any reason held invalid or rendered unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the constitutionality of the remaining portion hereof.

Section 14. Emergency Status

In that the passage of this Ordinance is necessary for the peace, health and safety of the people of the City of Drain, and an emergency is hereby declared to exist, and this Ordinance shall become operative immediately upon its passage.

PASSED BY THE CITY COUNCIL ON THIS 6th DAY OF JULY, 1993.

SIGNED BY THE MAYOR ON THIS 6th DAY OF JULY, 1993.

DRAIN CITY COUNCIL

Margarette Burruss
Margarette Burruss, Mayor

ATTEST:

Bill Ewing
Bill Ewing, Drain City Administrator

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