

ORDINANCE NO. 372 277

AN ORDINANCE ADOPTING A NEW
DEVELOPMENT ORDINANCE AND STANDARDS,
REPEALING ORDINANCES NOS. 227, 289, 347, 348, 349 & 370
AND AMENDING THE DRAIN PUBLIC IMPROVEMENT CODE
AND DECLARING AN EMERGENCY

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

WHEREAS, the City of Drain is required under ORS 197.628 through 197.646 and OAR 660-25-010 through 660-25-230, to conduct a Periodic Review of its Comprehensive Plan and development ordinances;

WHEREAS, the City of Drain has conducted an evaluation of its Comprehensive Plan and development ordinances according to the Oregon Administrative Rules governing Periodic Review, and found the need to revise numerous sections of its Development Ordinance and Standards;

WHEREAS, the City of Drain adopted a Periodic Review Work Program intended to implement the identified changes needed in its Development Ordinance and Standards;

WHEREAS, the Common Council of the City of Drain finds that all Periodic Review Work Tasks specified in the adopted Work Program have been satisfactorily completed, including all necessary revisions to its Development Ordinance and Standards;

WHEREAS, the Common Council of the City of Drain has conducted a duly noticed public hearing on this matter, and

WHEREAS, the Common Council of the City of Drain has reviewed and accepted the new Development Ordinance and Standards submitted by Umpqua Regional Council of Governments, and finds that the Ordinance complies with the rules and requirements of the Oregon Department of Land Conservation and Development regarding Periodic Review;

NOW, THEREFORE the City of Drain does hereby ordain as follows:

SECTION 1.0 PURPOSE: This ordinance adopts by reference, a new set of standards, requirements and procedures for land development and division within the City of Drain and its designated Urban Growth Area. The ordinance shall be known as the Drain Development Ordinance and Development Standards for the City of Drain, and it shall consist of the ordinance text attached as Exhibit A, and one map entitled "City of Drain Zoning Map".

SECTION 2.0 POLICY: The Development Ordinance and Standards contain statements, standards, requirements and procedures which are hereby adopted and acknowledged to be policy of the City of Drain. These standards, requirements and procedures for land division and development are judged by the City Council to be an appropriate means to implement the goals, policies and actions contained in the Drain Comprehensive Plan. The Development Ordinance and Development Standards are subject to periodic review and revision in accordance with State law, good planning principles and changing community needs.

SECTION 3.0 ORDINANCE REVIEW, REVISION AND UPDATE. The Common Council of the City of Drain, with the participation of the citizens of Drain, shall conduct a review of the Development Ordinances and Development Standards when changed circumstances warrant, or when required to do so by state law, to ensure that the Ordinance continues to serve the needs of the City of Drain.

SECTION 4.0 AMENDMENTS. Amendments to the Development Ordinance and Development Standards (map or text) shall be adopted by ordinance. An individual, group, organization, business agency, or professional staff may submit an application for Ordinance amendment, or an amendment may be initiated by the City Council. Ordinance amendments shall be coordinated with affected agencies, with Douglas County and with the Oregon Department of Land Conservation and Development. Copies of Ordinance amendments will be distributed to agencies whose programs affect the Drain area.

SECTION 5.0 AMENDMENT OF THE DRAIN PUBLIC IMPROVEMENT CODE SECTIONS 7.205 AND 7.210. Drain Public Improvement Code Sections 7.205 and 7.210 are amended at this time to maintain consistency with the Drain Comprehensive Plan, the Development Ordinance and Development Standards and shall read as follows:

7.205 Use of Public Sewers Required

- (1) All property on which construction takes place and all property on which existing structures are located and which is within one hundred (100) feet (30.5 meters) of a public sewer, shall connect all buildings on that property existing for human use to the public sewer in the manner prescribed by this Code and shall discharge all sewage into the public sewer system.
- (2) No person shall uncover, make any connections with or open into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit to do so from the City Administrator.

7.210 Private Sewage Disposal Permit Required

Where property is not required to connect buildings to a public sewer under section 7.205 of this Code, all buildings existing for human use shall be connected to a private disposal system complying with the provisions of this Code.

- (2) No private sewage disposal system shall be allowed within the City unless permits are obtained from the DEQ or its authorized agency and the City Administrator.
- (3) No permit for a private sewage disposal system shall become effective until all permit and inspection fees have been paid and the completed system is inspected and approved by the DEQ or its authorized agency.

SECTION 6.0 IMPLEMENTATION The provisions contained herein, concern the public welfare and safety, and therefore an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor. At the moment this Ordinance takes effect, the former "Development Ordinance and Development Standards Ordinance No. 277" and any amendments thereto (including Ordinance Nos. 289, 347, 348, 349 and 370) shall hereby be repealed and shall cease to serve as acknowledged policy of the City of Drain. The Mayor and City Administrator are hereby authorized to certify the new Development Ordinance and Development Standards to the State of Oregon Land Conservation and Development Commission, the County Board of Commissioners and the County Assessor.

ADOPTED BY THE COMMON COUNCIL of the City of Drain this 8th day of December, 1997.

APPROVED AND SIGNED by the Mayor of the City of Drain this 8th day of December, 1997.



Brad Borigo, Mayor

ATTEST:



Carl A. Patenode
City Administrator

EXHIBIT "A"
TO
ORDINANCE NO. 372

The full text of the *Development Ordinance and Development Standards* of the City of Drain, being large documents, are incorporated herein by reference. A copy of the complete Ordinance may be reviewed during regular office hours at Drain City Hall, and copies are available for purchase for a nominal fee.