

## ORDINANCE NO. 389

### AN ORDINANCE AMENDING THE CITY OF DRAIN ZONING MAP

**WHEREAS**, the City Council has reviewed the following findings:

1. North Douglas Realty, Inc. (Bill Johnson) requested an Urban Growth Boundary (UGB) Adjustment, Plan Amendment, Annexation and Zone Change to add a 10.88 acres of property into the City Urban Growth Area (UGA) and City Limits and to apply City Land Use and Zoning Designations to the property. The subject property described on the Douglas County Assessor's map as T22S, R05W, S16, Tax Lot # 700 & Tax Lot #705 located adjacent to the eastern City Limits of Drain at the end of Alta Vista Ave (see Attachment 1).
2. The subject property is owned by Bill Johnson, P.O. Box A, Drain, OR 97435.
3. The Planning Commission held a public hearing for the requested Zone Designation on October 7, 2002 and continued to October 17, 2002 to obtain additional information and public input.
4. The Planning Commission made a recommendation to the City Council for approval of a Zone change from Douglas County Farm/Forest to City Rural Residential (RR-2) as shown on Attachment 2.
5. The City Council held a public hearing on November 12, 2002 to considered this matter, receive public input and review the Planning Commission recommendation and staff report.
6. There have been no remonstrances filed with the City regarding the recommended Rural Residential (RR-2) Zone designation for Bill Johnson's 10.88 acre parcel.

**WHEREAS**, the City Council has reviewed the entire record of the proceedings, and finds in favor of the recommendation of the Planning Commission, as adopted by reference and specified in the Findings of Fact and Decision before the City Council on November 12, 2002.

#### **THE CITY OF DRAIN ORDAINS AS FOLLOWS:**

1. **AMENDMENT OF ZONING MAP:** Based on the foregoing Findings, the City Council hereby declares that the 10.88 acre parcel, identified by Douglas County Assessor as Tax Lot 700 & Tax Lot 705 in T22 R5W S16 is changed from the Douglas County Zoning Map designation of Farm Forest to the City of Drain Zoning Map designation of Rural Residential (RR-2).


2. **SEVERANCE:** Should any section, provision, clause or portion of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinances as a whole, or any part thereof, other than the part so declared to be invalid.

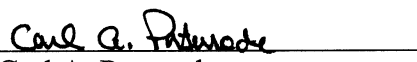
**PASSED and APPROVED by the CITY COUNCIL of the CITY OF DRAIN, OREGON:**

First Reading this 9<sup>th</sup> Day of December, 2002

Second and Final Reading this 10th day of February, 2003.

**SIGNED BY THE MAYOR** this 10<sup>th</sup> day of February, 2003.

  
Suzanne Anderson, Mayor

ATTEST:   
Carl A. Patenode,  
City Administrator

SEE MAP 22 5 17AD

SEE MAP

22 5 16BB

POWER  
S20° 43' W 78'

SEE  
MAP

DRAIN CITY LIMITS

22 5 16BC

701  
164.60 AC

22-01

DRAIN CITY LIMITS

700  
3.69 AC

500  
7.50 AC

705  
7.19 AC

501  
7.50 AC

800  
2.31 AC

600  
7.20 AC

703  
1.00 AC

SEE M54-67

PORTION ON  
PARTITION  
NO  
1991-45

22-03

ATTACHMENT 1

300  
4.46 AC  
SEE RM 1-43

BOOK 1898 PAGE 986

Exhibit A

BEGINNING at the Northwest corner of the Thelma G. Orr and Evelyn B. Lipe property as described in Volume 545, page 233, records of Douglas County, Oregon, Recorder's No. 74-5716, said point being 25.90 chains South and 12.25 chains (South 89° 18' West) West of the quarter section corner between Sections 9 and 16 of Township 22 South, Range 5 West, W.M., Douglas County, Oregon; thence South 89° 18' West to a "T" iron set at the Northeast corner of Duncan's Second Addition to Drain, record of Town Plate Volume 15, Pages 26A and 26B; thence South 2° 53' West 574.90 feet along the East boundary of Duncan's Second Addition to the Northerly right of way line of the property deeded to the City of Drain and described in Volume 509, Page 941, records of Douglas County, Oregon, Recorder's No. 72-17830; thence Southeasterly along said right of way line to a point South of the place of beginning; thence North 1072.95 feet to the place of beginning, being located in Section 16, Township 22 South, Range 5 West, W.M., Douglas County, Oregon.

STATE OF OREGON |  
COUNTY OF DOUGLAS | SS  
I, DOYLE SHAVER JR., COUNTY CLERK AND  
RECORDER OF CONVEYANCES, DO HEREBY CERTIFY  
THAT THIS INSTRUMENT WAS RECORDED

02 AUG 23 PM 2:36

DOYLE SHAVER JR.  
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY

*[Handwritten Signature]*  
DEPUTY  
FEE *[Handwritten]*

2002-22440

Page 3 - AMENDMENT NO. 1  
Order Number: 00096679