

ORDINANCE NO. 403

AN ORDINANCE AMENDING THE CITY OF DRAIN ZONING MAP TO CHANGE THE ZONING OF CERTAIN LAND WITHIN THE CITY (TAX LOT 300 ASSESSOR'S MAP 22-05-08)

WHEREAS, the change to the zoning reflect existing land use patterns; and

WHEREAS, the proposed zoning change aids in the accomplishment of statewide and local goals and guidelines for the provision of residential land to provide a variety of living opportunities within the City limits; and

WHEREAS, the Drain Planning Commission held a public hearing on May 7, 2007 on the proposed zoning map amendment, and public notice of said meeting was published on April 19, 2007 in the Drain Enterprise, a newspaper of general circulation in the City of Drain, and the public was offered an opportunity to testify along with statements from various officials and staff and the contents of that meeting have been provided in written form; and

WHEREAS the Planning Commission has recommended the proposed zoning map amended be approved with conditions; and

WHEREAS, the City Council has reviewed the entire record of the proceedings, and finds in favor of the recommendation of the Planning Commission, and hereby adopts by reference the findings of the Planning Commission referenced above and attached as Exhibit "A", Findings of Fact and Decision Before the Planning Commission of the City of Drain : File No. ZC-07-01; Zone Change – Steven G. Cooper

WHEREAS the City Council held a public hearing on May 14, 2007 on the proposed zoning map amendment and public notice of said meeting was published on April 19, 2007 in the Drain Enterprise, a newspaper of general circulation in the City of Drain, and the public was offered an opportunity to testify along with statements from various officials.

NOW THEREFORE, the City of Drain ordains as follows:

Section 1. The zoning map of the City of Drain as adopted is amended from Rural Residential (RR-2) to Low Density Residential (R-1), for tax lot 300 of Assessor's map 22-05-08.

Section 2. The City Council adopts as "Findings of Fact" the Findings and associated Staff Reported included in the Planning Commission's action and generally summarized below:

1. This request for a Zone Change was heard by the Drain Planning Commission at a public meeting held on Monday, May 7, 2007 at 7:00 P.M and on by Drain City Council on Monday, May 14, 2007 at 7:00 P.M. in the Meeting Room of the Drain Civic Center, Drain, Oregon.

2. Notification of the request and hearing was mailed to property owners of record within 300 feet of the subject site.
3. A Notice of Public Hearing was published on April 19, 2007 in the Drain Enterprise.
4. The Planning Commission received the staff report and accepted written and oral testimony and evidence prior to and during the meeting.
5. The Planning Commission reviewed the request in light of the Goals and Policies of the City of Drain Comprehensive Plan, Development Ordinance and Development Standards. The findings of this review are included below.
6. The Planning Commission voted to recommend approval of the requested amendment for a zoning map change for tax lot 300 of assessor's map 22-05-08 from Rural Residential to Low Density Residential.
7. The Planning Commission at its May 7, 2007 meeting, adopted the findings of fact, and forwarded a recommendation of approval with conditions to the City Council on this amendment request.
8. The proposed zoning map amendment is consistent with the City of Drain Development Ordinance.
9. The zoning map amendment is consistent with the Drain Comprehensive Plan Land Use Plan Diagram and Plan policies as discussed in the findings of fact.

AMENDMENT OF ZONING MAP: Based on the foregoing findings, the City Council hereby declares that the parcel addressed as 196 Umpqua Highway 99, Drain, and identified by the Douglas County Assessor as Tax Lot 300, Map 22-05-08DC, to be reclassified as R-1 Low Density Residential from RR-2 Rural Residential on the City Zoning Map. The following conditions of approval shall apply to this zone change:

1. All future development shall comply with all applicable standards and regulations of the City Development Ordinance and city Development Standards.
2. All required permits shall be obtained prior to any future development.

SEVERABILITY: 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 Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

ASSESSED BY THE CITY COUNCIL OF THE CITY OF DRAIN, DOUGLAS COUNTY, OREGON,
THIS 14TH DAY OF MAY 2007.

Suzanne Anderson
Suzanne Anderson, Mayor

ATTEST:

Carl A. Patenode
Carl A. Patenode, City Administrator