



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 1, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Winston Plan Amendment
DLCD File Number 001-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 15, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
John Boyd, City of Winston

<paa> ya



FORM 2

D L C D NOTICE OF ADOPTION

DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

AUG 28 2006

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Winston Local File No: None
(If no number, use none)

Date of Adoption: August 21, 2006 Date Mailed: August 25, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 10, 2006

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Legislative amendments to the City of Winston Comprehensive Plan, City of Winston Zoning Ordinance and Subdivision Ordinance to implement miscellaneous reorganization and minor text clarifications to improve the Plan and Ordinances.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Re-organization of document for ease of reading, clarifications and additions made to the definitions, additions to Section 9 "Amendments", Additions to the Subdivison Ordinance, new definitions and clarification of responsibilities. Modification of a Plan Housing Goal & Policy.

Plan Map Changed From: N/A to N/A

Zone Map Changed From: N/A to N/A

Location: N/A Acres Involved: N/A

Specify Density: Current: N/A Proposed: N/A

Applicable Statewide Planning Goals: 1, 2, 5, 6, 11, 12 14

Was an Exception Adopted? Yes: No:

=====
DLCD File No: 001-06 (15227)

Did the Department of Land Conservation and Development **receive** a Notice of Proposed Amendment **FORTY- FIVE (45) days prior to the first evidentiary hearing?** Yes: X No:

If no, do the Statewide Planning Goals apply? Yes: No:

If no, did The Emergency Circumstances Require immediate adoption? Yes: No:

Affected State or Federal Agencies, Local Government or Special Districts: ODOT, Umpqua Regional Council Of Governments, Umpqua Transit, Douglas County, City of Winston, Winston Dillard Water District, Winston Dillard Fire District, Winston Dillard School District,

Local Contact: John J. Boyd AICP Area Code + Phone Number: (541) 440-4289

Address: Room 106, Justice Building, Douglas County Courthouse

City: Roseburg, Oregon Zip Code + 4: 97470

=====

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form on to 8½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 621

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF WINSTON
COMPREHENSIVE PLAN, ZONING ORDINANCE AND SUBDIVISION ORDINANCE AND
REPEALING ORDINANCE 608

Whereas, the City of Winston Planning Commission held a workshop on June 14, 2006 and a public hearing on June 28, 2006 to consider a legislative amendments to the Planning Commission on the adoption of the proposed legislative amendments to the:

- City of Winston Comprehensive Plan to add public facility policies;
- City of Winston Zoning Ordinance that generally will add new definitions, modify development standards, modify design standards, & update notice requirements; and
- City of Winston Subdivision Ordinance to modify application requirements, easement requirements and block standards.
- The legislative amendments will also re-adopt 2005 legislative amendments to the Zoning Ordinance that allow minor text corrections, identify administrative decisions, alter extension time lines, add text on non-conforming uses, identify ministerial actions, and amend development approval and notice procedures implements certain corrections and updates and also re-adopt 2005 legislative amendments to the Subdivision Ordinance changing actions from quasi-judicial to administrative and subsequent changes in duties from the Planning Commission to the City Administrator.

Whereas, Amendments to the City of Winston Comprehensive Plan, Subdivision Ordinance and Zoning Ordinance are needed to clarify, deregulate, and/or improve these ordinances for the City of Winston.

Whereas, on June 28, 2006, the Planning Commission held a hearing and recommended that the amendments be adopted by the City Council.

NOW THEREFORE, THE CITY OF WINSTON ORDAINS AS FOLLOWS:

SECTION ONE: FINDINGS OF FACT

- A. A workshop on the proposed legislative amendments to the Comprehensive Plan, Subdivision Ordinance and Zoning Ordinance was held before the Planning Commission on June 14, 2006.
- B. A public hearing on the proposed legislative amendments to the Comprehensive Plan, Subdivision Ordinance and Zoning Ordinance was held before the Planning Commission on June 28, 2006.
- C. The Planning Commission forwarded a recommendation to adopt the proposed legislative amendments as modified by at the June 28, 2006 Hearing. The 5th Draft dated June 29, 2006 attached as Exhibit "A", includes the changes proposed by the Planning Commission and by this reference made part of this ordinance.
- D. The City Council Staff Report on these legislative amendments accepted the recommendation of the Planning Commission without modifications.

SECTION TWO: REPEALING ORDINANCE 608 AND AMENDING COMPREHENSIVE PLAN, SUBDIVISION ORDINANCE AND ZONING ORDINANCE

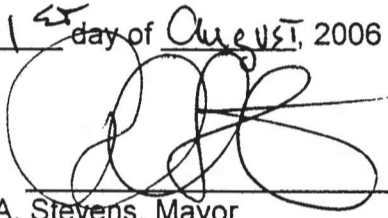
The amendments to the Comprehensive Plan, City Subdivision Ordinance and City Zoning Ordinance are hereby shown in Exhibit A.

SECTION THREE: EFFECT OF AMENDMENT AND REPEAL

Ordinance No.(s) 588 (Comprehensive Plan), 590 (Zoning Ordinance) and 591 (Subdivision Ordinance) heretofore and herein amended, remain in full force and effect. Ordinance 608, upon the effective date of this ordinance, is hereby repealed in its entirety.

First reading before the City Council on the 7th day of August, 2006

PASSED BY THE COUNCIL THIS 21st day of August, 2006



Rex A. Stevens, Mayor

ATTEST:

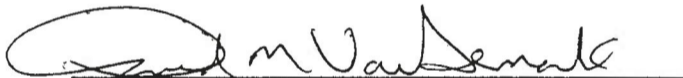

David M. Van Dermark, City Administrator

EXHIBIT "A"

**2006 LEGISLATIVE
AMENDMENTS TO THE**

**CITY OF WINSTON
ZONING ORDINANCE**

&

**CITY OF WINSTON
SUBDIVISION ORDINANCE**

&

**CITY OF WINSTON
COMPREHENSIVE PLAN**

**ADOPTION DRAFT
Final Version
August 21, 2006**

PLANNING COMMISSION

Workshop June 14, 2006

Hearing June 28, 2006

CITY COUNCIL

July 17, 2006

First Reading - August 7, 2006

Second Reading - August 21, 2006

TABLE OF CONTENTS

Zoning Ordinance Amendments 1

Subdivision Ordinance Amendments 29

Comprehensive Plan Amendments 35

Re-Adoption of the 2005 Subdivision Ordinance Amendments 39

Re-Adoption of the 2005 Zoning Ordinance Amendments 42

**ZONING
ORDINANCE
AMENDMENTS**

Proposed Amendments to the Winston Zoning Ordinance

Amend Article 1 Introductory Provisions

Amend Section 1.020 Definitions

Home Occupation. A home occupation is any occupation **or profession and associated parking of vehicles**. For the purpose of this definition, a day nursery or child care center is not a home occupation. **A home occupation is subject to the following standards:**

- X. It shall be operated** ~~carried on within a dwelling by members of the family occupying the dwelling with no non-family employees performing work or rendering services to clients upon the premises.~~ **by a resident or employee of a resident of the property on which the business is located;**

- X. It shall employ on the site no more than five full or part-time persons;**

- X.** All aspects of a home occupation shall be **substantially** contained and conducted within a completely enclosed building which shall be the same structure as the principal residence or appropriate accessory building **typically permitted in the zone**.

- X.** ~~The residential character of the building shall be maintained and the home occupation shall be conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.~~ **It shall not unreasonably interfere with other uses permitted in the zone in which the property is located;**

- X.** Such occupation shall be a secondary use on the premises, and shall not occupy more than 25% of the floor area ~~of one floor~~ of the dwelling.

- X.** No sign, other than a nameplate which identifies the nature of the home occupation and the operator thereof, not to exceed ~~one~~ **three** square foot in area,

- X.** ~~There shall be no displayed that will indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling.~~

- X. The majority of products** Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers.

The existence of home occupations shall not be used as justification for a zone change.

LIMITED HOME OCCUPATION: Any occupation or profession carried on by a member of the family residing on the premises, provided the following conditions are satisfied:

- a. No sign shall be used;**

- b. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling;**

- c. The building retains the characteristics of a residence;**

- d. There is no outside storage of materials;
- e. No non-family paid employees shall perform work or render services to clients upon the premises;
- f. No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes, or for dispatch employees gathered at the premises to work at other locations;
- g. All aspects of a home occupation shall be contained and conducted within a completely enclosed building which shall be the same structure as the principal residence or appropriate accessory building;
- h. The aggregate of all space within any building devoted to one or more home occupation shall not exceed 500 square feet in floor area, except such space within or on a lot occupied by an apartment dwelling containing three or more units shall not exceed one hundred square feet in floor area for any one dwelling unit;
- i. Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;
- j. Customer and client contact shall be primarily by telephone, mail or in their homes and places of business, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact upon the premises;
- k. Instruction in music shall be limited to no more than two students on the premises at one time and, in crafts to no more than six students on the premises at one time.

The existence of home occupations shall not be used as justification for a zone change.

Lot Line, Front. The lot line separating the lot from a street other than an alley, and ~~in the case of a corner lot,~~ **having** the shortest lot line along a street other than an alley. **In the case of the corner lot, the front lot line may consider the arc of corners as long as the lot width immediately adjacent to the arc is maintained. This does not apply to cul-de-sac lots that may be reduced to 30 foot lot frontage.**

Party.

2. All property owners of record, as provided in (1) above, within ~~250~~ **150** feet of the property which is the subject of the application.

Amend Article 4 Zoning Classifications

Article 4. Zoning Classifications
AGRICULTURE AND OPEN SPACE

1. Uses permitted outright.

X. Limited Home Occupation

4. Yards.

d. **On streets not constructed to city standards, at the front setback's of** structure's shall be ~~setback~~ a minimum of forty (40) feet from the center line of a street (other than an alley.)

RESIDENTIAL LOW DENSITY

1. Uses permitted outright.

X. Limited Home Occupation

4. Yards.

e. **On streets not constructed to city standards, at the front setback's of** structure's shall be ~~setback~~ a minimum of forty (40) feet from the center line of a street (other than an alley.)

RESIDENTIAL MEDIUM DENSITY

1. Uses permitted outright.

X. Limited Home Occupation

4. Yards.

b. Each side yard shall be a minimum of five (5) feet from any portion of the building ~~for one-story buildings, and fifteen (15) feet for two or more story buildings.~~

d. The rear yard shall be a minimum of ten (10) feet ~~for one-story buildings and fifteen (15) feet for two or more story buildings.~~

e. **On streets not constructed to city standards, at the front setback's of** structure's shall be ~~setback~~ a minimum of forty (40) feet from the center line of a street (other than an alley.)

RESIDENTIAL HIGH DENSITY

1. Uses permitted outright.

X. Limited Home Occupation

4. Yards.

b. Each side yard shall be a minimum of five (5) feet from any portion of the building ~~for one-story buildings, and fifteen (15) feet for two or more story buildings.~~

- d. The rear yard shall be a minimum of ten (10) feet for one-story buildings and fifteen (15) feet for two or more story buildings.
- e. **On streets not constructed to city standards, all the front setback's of structure's shall be setback a minimum of forty (40) feet from the center line of a street (other than an alley.)**

PUBLIC RESERVE

4. Yards.

a. **Front yard setback is twenty (20) feet.**

~~a. No structure shall be located closer than thirty (30) feet from the center line of a street, other than an alley, which has a right-of-way width of less than sixty (60) feet.~~

d. On streets not constructed to city standards, all the front setback's of structure's shall be setback a minimum of forty (40) feet from the center line of a street (other than an alley.)

SPECIAL HISTORIC COMMERCIAL ZONE

7. Yards.

a. **On streets not constructed to city standards, all structure's shall be setback a minimum of forty (40) feet from the center line of a street (other than an alley.)** ~~thirty (30)~~ **forty (40) feet from the center line of a street, other than an alley, which has a right-of-way width of less than sixty (60) feet.**

OFFICE-PROFESSIONAL ZONE

4. Yards.

~~d. No structure shall be located closer than thirty (30)~~ **forty (40) feet from the center line of a street, other than an alley, which has a right-of-way width of less than sixty (60)** ~~feet.~~ **On streets not constructed to city standards, all structure's shall be setback a minimum of forty (40) feet from the center line of a street (other than an alley.)**

HIGHWAY COMMERCIAL ZONE

4. Yards.

~~e. No structure shall be located closer than forty (40) feet from the center line of a street, other than an alley, which has a right-of-way width of less than sixty (60) feet.~~ **On streets not constructed to city standards, all structure's shall be setback a minimum of forty (40) feet from the center line of a street (other than an alley.)**

GENERAL COMMERCIAL ZONE

a. ~~No structure shall be located closer than thirty (30)~~ **forty (40) feet from the center line of a street, other than an alley, which has a right-of-way width of less than sixty (60) feet** ~~feet.~~ **On streets not constructed to city standards, the front setback's of structure's shall be setback a minimum of forty (40) feet from the center line of a street (other than an alley.)**

INDUSTRIAL LIMITED ZONE

a. ~~No structure shall be located closer than thirty (30) feet from the center line of a street, other than an alley, which has a right-of-way width of less than sixty (60) feet.~~ **On streets not constructed to city standards, the front setback of structure's shall be setback a minimum of forty (40) feet from the center line of a street (other than an alley.)**

INDUSTRIAL GENERAL ZONE

a. ~~No structure shall be located closer than thirty (30) feet from the center line of a street, other than an alley, which has a right-of-way width of less than sixty (60) feet.~~ **On streets not constructed to city standards, the front setback of structure's shall be setback a minimum of forty (40) feet from the center line of a street (other than an alley.)**

Amend Article 5 Supplementary Provisions

Section 4.310 Planned Unit Development

Section 4.

c. If the preliminary development plan provides for phased development, pursuant to Section ~~_____~~ **15** of this Ordinance, that each phase meets the standards of Section ~~_____~~ **15**, and that the applicant has the capability to obtain final development plan approval in the time limits imposed.

e. Any conditions or modifications imposed by the approving authority in the preliminary development plan approval are necessary to meet the requirements of Section ~~_____~~ **5** to ~~_____~~ **14**, to further the purposes of Section 4.310 of this Ordinance, or to comply with the Comprehensive Plan.

Amend Article 5 Supplementary Provisions

Add New Section 5.04X Bicycle Facilities

1. Bicycle parking facilities shall be provided as part of new multi-family residential developments of four units or more and new retail, office and institutional development. Bicycle parking facilities shall not be required for existing developments.

The installation of bicycle parking facilities shall occur as follows:

USE	STANDARD
Multi-Family Residential - 4+	1 space per dwelling unit
Retail	1 space per 3,000 sq. ft.
Office	1 space per 1,000 sq. ft.
Institutional	1 space per 1,000 sq. ft.

2. The installation of public bikeways as part of new subdivisions, multi-family developments, planned developments and for new commercial structures greater than 3,000 sq. ft. within commercial districts shall occur.

a. As a condition of development approval, public bikeway improvements necessary to develop designated bikeways, in the Comprehensive Plan, shall be installed along the front of the subject parcel. Bikeway improvements shall meet those standards described in the Comprehensive Plan and shall be installed under the guidance of the Public Works Department.

Amend Article 5 Supplementary Provisions

Section 5.044 PARKING AREA AND DRIVEWAY DESIGN

All public or private parking areas, parking garages and public spaces, except those required in conjunction with a single-family or two-family dwelling on a single lot, shall be designed, laid out and constructed in accordance with the provisions of _____ through _____. **this ordinance.**

Amend Article 5 Supplementary Provisions

Section 5.046 PARKING AREA IMPROVEMENTS

1. Surfacing.

a. All parking areas, vehicle maneuvering areas and access driveways shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, brick, or concrete paver blocks.

i. In all residential districts, a minimum of two-and-one-half inches asphalt over four inches of aggregate base will be provided or four inches of Portland cement concrete.

ii. In all other districts, either three inches asphalt over four inches aggregate base or a single pavement of five inches of Portland cement concrete is required.

b. All parking areas, except those in conjunction with a single-family or two-family dwelling on a single lot, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

4. Striping. All parking spaces shall be sufficiently marked with painted stripes or other permanent markings acceptable to the City Administrator or his designee ~~and otherwise comply with Section _____ of this Ordinance.~~

5. Driveway Location in relation to Lot Lines. Access driveways shall not be located closer than five ~~950~~ **(5)** feet to an interior side lot line, except that common access driveways (not exceeding forty (40) feet in width) to two adjacent properties may be provided at the common lot line when a common driveway agreement is executed on a form provided by the City Administrator or his designee and recorded with the County Clerk.

Amend Article 5 Supplementary Provisions

Section 5.047 **PARKING AND LANDSCAPING PLAN SUBMITTAL REQUIREMENTS**
A parking plan, drawn to scale, **must just** accompany Site Plan Review applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (~~See Section _____ (site plan review needs to be added to Zoning Ordinance).~~). The plan must show the following elements in conjunction with the requirements of this Ordinance:

- 12. Landscape Plan. A plan, drawn to scale, showing:**
- a. Type of landscaping, fencing or other screening, including name and height of plant species.**
 - b. Location and size of landscaped areas on the development site.**
 - c. Abutting land driveways and structures.**
 - d. Plan for underground irrigation system or alternate landscape professional statement.**

Amend Article 5 Supplementary Provisions

SECTION 5.048. PARKING AREA SCREENING

X. All ~~public and private~~ parking areas, including service and access driveways, which **abutting** residentially zoned properties shall be screened along and immediately adjacent to any interior property line.

- a. Single family and two family dwellings are exempt from** The screening standard ~~shall apply to all parking areas and service drives, except those in conjunction with single and two-family dwellings.~~
- b.** The placement of screening shall adhere to the Clear Vision Standards in Section 5.030.
- c.** Screening shall be located at a distance not more than 5 feet from the interior property line.

1. Minimum Screening Area Requirements. The minimum improvements within a screening area shall consist of the following:

- a. Screening shall consist of either:
 - i.** 1 row of evergreen shrubs which will grow at least 6 feet in height within 1 year of planting
 - ii.** or an earth berm combined with specified evergreen plantings **consisting of 5 five-gallon shrubs or 10 one-gallon shrubs for each 100 lineal feet of required screening area** which forms a sign and noise buffer **grows to a height** at least 6 feet in height within 1 year of installation.

~~The earth berm evergreen plantings shall include at least 5 five-gallon shrubs or 10 one-gallon shrubs for each 100 lineal feet of required screening area.~~

Amend Article 5 Supplementary Provisions

SECTION 5.049. PARKING AREA LANDSCAPING AND BUFFERING

X. The design of the parking area landscaping shall be the responsibility of the developer and should consider:

- a.** visibility of signage, traffic circulation, comfortable pedestrian access and aesthetics.
- b.** Trees shall not be sited as a reason for applying for or granting a variance on placement of signs.

1. Application.

- a.** Parking area landscaping and buffering standards shall apply to all ~~public and private~~ outdoor parking areas that provide for ~~4~~ **5** or more spaces, or
- b.** To any paved vehicular use area 3000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use.
- c.** Parking area landscaping requirements are limited to 10% of the gross land area.

X. Exemptions.

- a.** The parking area landscaping and buffering standards shall be exempt for building additions which increase the size of an existing building by less than 20% of the gross floor area, or
- b.** ~~In addition,~~ Any paved vehicular area which provides fewer than 10 spaces shall be exempt from the interior lot line buffering and interior parking area landscaping requirements.
- c.** Areas used specifically as a utility storage lot or a truck loading area shall also be exempt from interior parking area landscaping requirements.

2. Specifications for Trees and Plant Materials. **Prior to approval of any parking plan, the Superintendent of Public Works shall be provided a list of trees and plant materials proposed for use upon or adjacent to public infrastructure (including but not limited to sidewalks, roads, or utility easements.) The Superintendent may require modifications of the tree or plant materials due to the potential of root damage to infrastructure.**

- ~~a. Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum 1 ½ inch caliper measured 6 inches above ground, balled and burlapped.~~
- ~~b. Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of 6 feet in height above ground, balled and burlapped.~~
- ~~c. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least 1 to 5 gallon size.~~
- ~~d. Living ground covers. Living ground covers shall be fully rooted and shall be well branched or leafed.~~
- ~~e. Other ground covers. Other ground covers shall consist of a decorative treatment of bark, rock or other attractive ground cover.~~
- ~~f. Lawns. Lawns shall consist of grasses, including sod or seeds. Lawns shall be 100% coverage and weed free.~~

3. Parking Area Buffering.

X. Perimeter Buffering: All parking areas **containing more than four parking spaces** shall be buffered from the required areas listed below **along street frontage (exclusive of driveways) and interior lot lines adjacent to a residential zone** with a 5-foot wide strip of landscaping materials.

a. ~~Required Buffer Areas. The parking area shall be buffered from the following areas:~~

~~(i) Street Frontage. The parking area shall be buffered from adjacent lineal street frontage, exclusive of driveways, entrances and exits with the designated landscaping strip.~~

(i) (ii) **Interior Lot line.** The parking area shall be buffered from the interior lot line when abutting residential zones with the designated landscaping strip. Where screening is required in Section 5.049, the screening area shall be incorporated into the landscaping strip.

(ii) This requirement shall not in any way prohibit joint access driveways between two or more adjacent parking areas.

b. ~~Buffer Area Landscaping Standards.~~

(x) **At a** minimum landscaping ~~acceptable~~ per 50 lineal feet of required buffer area **shall be provided** ~~is~~ as follows:

(i) One tree at least 5 feet in height. The tree **species** shall be selected from the Street Tree List (Table No. _____) **shall be approved by the Superintendent of Public Works** in order to avoid root damage to pavement and utilities.

(ii) **A** 5 five-gallon or 8 one-gallon shrubs.

(iii) The remaining area shall be treated with ~~living ground cover~~, lawn or other ground cover.

4. Interior Parking Area Landscaping. **A** minimum ~~of area required to be landscaped of~~ **within a parking lot shall be no less than** five percent (5%) of the total area within the paved parking and maneuvering area or at a ratio of one landscape planter per 10 parking spaces, whichever is greater **shall be provided** ~~Area landscaped to meet minimum interior parking area landscaping requirements shall be located~~ within the paved parking lot area, not in adjacent buffer or screening areas. This requirement shall not in any way prohibit a developer from grouping the required interior landscaping area in one or more sections of the parking lot.

a. ~~Interior Parking Area Landscaping Standards. Trees and landscaping shall be installed as follows:~~

(i) **For** each 160 square feet of required interior parking area landscaping provide **a** ~~shall contain~~ **a** tree at least 6 feet high. **The tree or trees shall be planted in**

a landscaped area such that the tree trunk is at least 2 feet from any curb or paved area.

- (ii) For At least each 100 square feet of required interior parking area landscaping, provide 2 shrubs shall be placed for every 100 square feet of interior parking lot landscaping.
- (iii) Planters shall be surrounded by a perimeter curb not less than 4 inches high.
The remaining planter area shall be treated with ground cover.
- (iv) (ii) The tree species may be shall be reviewed and approved by the Superintendent of Public Works selected from the Street Tree list (See Table No. _____) to avoid root damage to pavement and utilities, and damage from droppings on parked cars and walkways.
- (iii) ~~Planters shall be surrounded by a perimeter curb not less than 4 inches high.~~
- (iv) ~~The tree shall be planted in a landscaped area such that the tree trunk is at least 2 feet from any curb or paved area.~~

~~5. Prohibited Trees. Trees listed in Table No. _____ are prohibited for use as street trees as their roots cause damage to sewers, pavements and sidewalks. Furthermore, these trees are prohibited for planting in a parking lot buffer area adjacent to a street or right-of-way.~~

- (v) All landscaped areas must be provided with a piped underground water supply irrigation system, or have verification from a landscape professional that the proposed plant materials do not require irrigation.

~~6. Irrigation of Required Landscaping. All required landscaped areas must be provided with a piped underground water supply irrigation system, unless a licensed landscape professional submits written verification that the proposed plant materials do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit from the City Public Works Superintendent.~~

~~7. Landscape Plan Submittal Requirements. A Landscape plan, drawn to scale, must accompany Site Plan Review applications. The plan must show the following elements, drawn to scale, in conjunction with the requirements of this Ordinance:~~

- ~~a. Type of landscaping, fencing or other screening materials, including name of plant species. Heights of landscaping materials shall also be noted.~~
- ~~b. Location and size of landscaped areas on the development site.~~
- ~~c. Abutting land uses and/or zones.~~
- ~~d. If existing trees and plant materials are proposed to be preserved, methods for the protection of the plant material shall be noted. This shall include the drip line measurements for trees (See item No. 11 below for information on Landscape Area Credit for the preservation of Existing Trees).~~
- ~~e. Plan for underground irrigation system.~~

~~8. Performance Guarantees. Certificates of Occupancy may be issued prior to the complete installation of all required landscaping if a signed bid contract equal to 100% of the cost of plant materials and labor is submitted to the City Administrator or his designee. In addition, the applicant will be required to sign a standard development agreement to ensure such landscape installation within nine months of occupancy permit issuance.~~

~~9. Clear Vision. All buffering and landscaping material shall not encroach into the Clear Vision areas at the intersections of streets or at the intersection of a street and driveway, as defined in Section 5.030.~~

~~10. Maintenance of Landscaped Areas. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner, free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.~~

~~11. Landscape Area Credit for Preservation of Existing Trees. A system of landscape area credits has been established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for proposed developments.~~

~~a. Criteria for Landscape Credit. Tree(s) preserved on the development site may reduce the total landscaped area required for interior parking lots. Credit shall be considered for approval if a qualified arborist or landscape professional submits the following information to the City Administrator or his designee:~~

~~(i) A statement confirming that the size, health, and physical appearance of the tree(s) warrant landscape credit.~~

~~(ii) A protection plan for the trees' health during construction. This shall include verification of the radius of the drip line area or an area recommended by a licensed landscape professional. The drip line area shall be defined as the ground area and vegetation measured from the outermost branches to the trunk of the tree. Trees preserved for landscape credit shall not have construction or grading occur within the drip line.~~

~~(iii) A plan for future maintenance of the tree(s).~~

~~b. Landscape Credit System. The City Administrator or his designee shall grant landscape credit based on the total area of the preserved tree drip line or the number of required interior parking area planters. The area of the drip line shall be directly credited toward the required landscaping area for interior parking lots. As an alternative to this crediting method, the City Administrator or his designee may reduce the number of required interior parking area planters by 1 for each preserved tree on the development site. In order to secure credit for either method, the entire area within the drip line of the preserved tree must be protected from encroachment unless an alternative is otherwise approved by the City Administrator or his designee.~~

~~c. Limits to Landscape Area Credit. Landscape credits for preserved trees shall not eliminate or reduce the parking area screening and buffering requirements. Landscape credit shall be applied only to the required interior parking area landscaping (See Section 5.049.1(4)). and Credit for preserved trees shall be limited to 60% of the total interior parking area landscaping requirement. The remaining 40% shall be provided according to Section 5.049.1(4). Landscape credit shall not be granted for trees preserved within a required Riparian Habitat.~~

SECTION 5.049.4. PARKING TABLE AND DIAGRAM

TABLE NO. _____ provides the minimum dimensions of public or private parking areas.

- a. Parking Space. An off-street enclosed or unenclosed surfaced area of not less than eighteen (18) feet by nine (9) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one (1) automobile.
- b. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.
- c. Design requirements for parking lots:
 - (i) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
 - (ii) Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
 - (iii) Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.
 - (iv) Lighting of the parking area shall be deflected from a residential zone.
- d. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.

Amend Article 5 Supplementary Provisions

Section 5.200 Mobile **Manufactured** Home Parks

4. General Standards for Mobile Home Park Development.

- g. Area.
 - (iii) Setbacks. No manufactured home or access thereto shall be located any closer than twenty five feet from a park property line abutting a public street or road, five feet from all other park property lines and ten feet from any such areas as a park street, a common parking area, or a common walkway. **For setbacks not clearly listed above, the standards found in the Oregon Manufactured Dwelling and Park Specialty Code apply.**
 - (iv) Spacing. A manufactured home shall **maintain a ten foot separation** be separated from an adjoining manufactured home and **generally a three foot separation is required for** its accessory structures by a minimum of fifteen (15) feet. **For spacing standards not clearly listed in this section, the standards found in the Oregon Manufactured Dwelling and Park Specialty Code apply.**

Amend Article 5 Supplementary Provisions

Amend Section 5.500 Lot Line Adjustments

All references to Lot Line Adjustments shall be amended to Property Line Adjustments.

SECTION 5.500. ~~Lot~~ **Property** Line Adjustment. The lot line adjustment between lots or parcels may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 ~~and 92.185~~ or the vacation procedures in ORS 368. Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The City Administrator or his designee has authority to approve a lot line adjustment.

2. Approval for Access. An applicant must obtain written approval from ODOT for an access onto a State highway or written approval from Douglas County Public Works for an access onto a County Road. ~~This written approval must be included with the application for a lot line adjustment that creates an additional building lot.~~

SECTION 5.500

7. Approval and Filing Requirements.

a. Upon determination that the requirements of this section have been met, the City Administrator or his designee shall advise the applicant in writing that the line adjustment is tentatively approved.

X. Prior to final approval, a deed of conveyance conforming to the approved line adjustment shall be recorded with the Douglas County Clerk. A line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgments.

b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the City Administrator or his designee any map required by Section 5.500(6). If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The City Administrator shall indicate final approval by endorsement upon the map, if any, or if not map is required the City Administrator or his designee shall advise the applicant in writing that final approval has been granted.

c. Once endorsed by the City Administrator, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall **should** indicate the filing information on the map.

X. The survey map and copy of the recorded deed of conveyance shall be filed with the Douglas County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the face of the final map.

d. **A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument reference (e.g. Deed or covenant recorded with the County Clerk) is noted on the face of the map. If no map is required, then the line adjustment shall be effective when final approval is granted by the City Administrator and an instrument (e.g.**

Deed and/or covenant) is recorded with the County Clerk.

e. Exception for Adjustments of Even Width:

- A. The survey requirements shall not apply to a line adjustment lots or parcels contain more than 10 acres before and after the adjustment.
- B. A copy of the recorded deed of conveyance shall be submitted to the City Administrator for final approval of the property line adjustment. The City Administrator shall notify the applicant in writing of the final approval.

Amend Article 6 Flood Plain Development

Section 6.050 Provisions for Flood Hazard Protection

3.c. ~~Prohibit the placement of any mobile homes, except in an existing manufactured home park or existing manufactured home subdivision.~~

Amend Article 7 Conditional Use Permit

SECTION 7.005. Purpose. A conditional use in an activity which is basically similar to the uses permitted in a particular zone, but which may not be entirely compatible with the permitted uses. Therefore, a conditional use must be reviewed ~~by the Planning Commission~~ to ensure that it is, or can be made to be compatible with the other permitted uses in the zone.

SECTION 7.010. Authorization to Grant or Deny Conditional Uses. Conditional uses listed in this ordinance may be permitted, enlarged, or altered ~~upon authorization by the Planning Commission~~ in accordance with the standards and procedures set forth in Sections 7.010 through 7.040.

- 1. In permitting a conditional use or the modification of a conditional use, the ~~Planning Commission~~ **City Administrator** may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which ~~the Planning Commission~~ **are** considered necessary to protect the public health, safety, or general welfare of the surrounding area or the city as a whole. These conditions may include:
- 3. The ~~Planning Commission~~ **City Administrator** shall approve, deny or return the request for revising, if the conditional use request requires further review and study. Denied applications cannot be resubmitted within six (6) months after date of denial.

SECTION 7.050. Revocation of a Permit for a Conditional Use.

1. Any permit for a conditional use may be revoked by the **Administrator or** Planning Commission for violation of any conditions of issuance or other ordinances or regulations.

2. Before the Planning Commission may act on such a revocation, it shall hold a public hearing thereon. **The revocation of a conditional use by the Administrator may be appealed to the Planning Commission. The revocation of a Conditional Use by the Planning Commission may be appealed to City Council.**

3. Within five (5) days after a decision has been rendered with reference to the revocation, the Administrator shall provide the applicant with written notice of the decision of the Commission.

Amend Article 8 Variances

SECTION 8.060. Revocation of Authorization.

1. Authorization for the temporary placement of a second dwelling as provided for in Section 8.050 may be revoked by the **City Administrator or the** Planning Commission upon finding that the conditions which warranted the authorization no longer exist, or upon finding that the applicant has misrepresented the facts upon which the authorization had been granted.

2. Before the Planning Commission may act on such a revocation, it shall hold a public hearing thereon. **The revocation of a conditional use by the Administrator may be appealed to the Planning Commission. The revocation by the Planning Commission may be appealed to City Council.**

3. Within five days after a decision has been rendered with reference to the revocation, the Administrator shall provide the property owner with written notice of the decision of the Commission.

Amend Section 9 Amendments

SECTION 9.022. Notice

1. At least twenty (20) days prior to the hearing by the City Planning Commission, notice thereof shall be given as provided in Article 11, Section 11.080 of this Ordinance.

X. Notice for hearings involving Zone Changes and Comprehensive Plan Amendments shall also be given by publication in a newspaper of general circulation in the area affected at least twenty days prior to the date of the hearing.

X. A ten day notice of the City Council public hearing shall be provided to all parties of quasi-judicial decisions.

X. A notice of the City Council Public hearings involving legislative Zone Changes and Comprehensive Plan amendments shall also be given by publication in a newspaper of general circulation in the area affected at least ten days prior to the date of the hearing.

SECTION 9.024. Public Hearing By City Council

- X. Within thirty (30) days of the decision of the Commission, a public hearing shall be scheduled before the City Council.
- X. The City Council shall conduct a public hearing within sixty (60) days of the decision of the Planning Commission upon all matters heard by the Commission under this Article.
- X. If a Notice of Review is filed with the City Administrator or his designee, the City Council shall conduct a hearing pursuant to Article 11 of this Ordinance.
- X. If there is no request for review of the Commission's action the City Council may adopt the findings and conclusions, and initial decision at **the required public hearing.** ~~a regular public business meeting.~~
- X. If the City Council elects to review the Commission's initial decision, either on its own motion or otherwise pursuant to Article 11 Section 11.310 of this Ordinance, notice of the hearing shall be given pursuant to Article 11 of this ordinance.
- X. The public hearing shall be confined to the record of the proceeding before the Commission, which shall include those matters contained in Section 9.021 of this Article, and, in addition, argument by the parties or their legal representatives at the time of review before the City Council.

Amend Section 11 Development Approval Procedures

SECTION 11.075. Land Use Actions.

1. Ministerial Actions. The City Administrator shall have the authority to review the following applications as Ministerial actions, and shall follow the procedures provided by this ordinance to accomplish such review.

- a. Issuance of building permits and mobile home placement permits.
- b. Issuance of sign permits.
- c. ~~Lot~~ **Property** line adjustments.

Section 11.070

3. Quasi-Judicial Actions. Within ~~thirty (30)~~ **forty-five (45)** days after accepting a completed application for Quasi-judicial action pursuant to this section of this ordinance, the City Administrator shall act upon, or cause a hearing to be held upon, the application, unless such time limitation is extended with the consent of the applicant. The following matters shall be heard by the Planning Commission, pursuant to the procedures established in this Article.

X. **Review of Historic Structures or Sites alteration or demolition**

Section 11.080 Notice

1. At least twenty (20) days prior to the date of a quasi-judicial public hearing under Section 11.075(3.), and within 60 days of receipt of an administrative action under Section 11.075(2.), notice shall be sent by mail to: The applicant and all owners ~~of contract purchasers~~ of record of

the property which is the subject of the applications; all owners of property within one hundred fifty feet (150') of the property; applicable utility providers, Oregon Department of Transportation Region 3; Douglas County Planning Department; Douglas County Public Works Department and Umpqua Transit.

Section 11.330 Amendments to Land Use Actions

- 1. "Minor Amendment" means a change which:**
 - a. Does not increase the intensity of the approved land use;**
 - b. Does not change the general location or amount of land devoted to an approved land use; or**
 - c. Includes only minor shifting of established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.**

2. "Major Amendment" means any change which is not a minor amendment.

3. Approval of Minor Amendments

A minor amendment to an approved ministerial, administrative or quasi-judicial land use action may be approved by the City Administrator.

3. Approval of Major Amendments

Approval of a major amendment to an approved land use action requested within two years of the date of decision (or, within the extension period for the decision if an extension has been authorized) shall be an land use action subject to the provisions of Article 11 of this ordinance.

Amend Article 14 Site Plan Review

ARTICLE 14. SITE PLAN REVIEW Historic Structures or Sites

~~SECTION 14.010 Purpose—It is the purpose of this Article to ensure that the development of property in the Winston Urban Area is commensurate with the character and physical limitations of the land; to promote and protect the public health, safety and welfare of the community; to enhance aesthetic values; to assure development which is suitably related to its environment; to prevent both extremes of monotonous uniformity and substantial dissimilarity; and, to conform with the adopted goals, objectives and policies of the Winston Comprehensive Plan.~~

~~SECTION 14.020 Site Plan Review Required—No lot or parcel in any zoning designation established under the provisions of this Ordinance shall hereafter be developed or physically altered, and no building or structure hereafter shall be erected, enlarged or structurally altered until site development plans have been approved in accordance with the provisions of this Article. Without limiting the foregoing on any other provision of this Ordinance, no installation~~

~~of 3,000 square feet or more of asphalt or other impervious surfaces shall be made until site development plans have been approved in accordance with the provisions of this Article.~~

~~To the extent possible, site plan review shall be coordinated with any other plan review required by this Ordinance. Where other provisions of this Ordinance require plan review, such other review shall serve to meet the requirements of this Article are more restrictive than comparable standards imposed by other provisions of this Ordinance, the standards of this Article shall govern.~~

~~SECTION 14.030 Authority—The City Administrator or his designee shall review all site development plans required by this Article. The City Administrator's authority shall be limited to that necessary to accomplish the provisions of this Article and the provisions of this Ordinance.~~

- ~~1. The City Administrator or his designee may:
 - ~~a. Approve the submitted plan;~~
 - ~~b. Approve the submitted plans with additions, modification or changes; or,~~
 - ~~c. Deny the submitted plans.~~~~
- ~~2. Application. The applicant for site plan review shall submit to the City Administrator or his designee plans consisting of maps, drawings, written descriptions or other materials necessary and appropriate for the City Administrator or his designee to determine that the proposed development will conform with the general requirements of this Article and the specific requirements of this Ordinance.~~
- ~~3. Appeal. Any administrative action by the City Administrator or his designee with respect to approval, modification or denial of site plan review may be appealed by the applicant, as provided for in Section 11.300 of this Ordinance.~~

~~SECTION 14.040 Criteria and Standards—In addition to the other specific requirements of this Ordinance, other applicable ordinances, ODOT State Highway access standards, Douglas County Road access standards, development plans submitted to the City Administrator or his designee shall comply with the following standards and criteria:~~

~~THE FOLLOWING SECTION WAS MOVED TO COMPREHENSIVE PLAN
Page 42 PUBLIC FACILITIES~~

~~1. Improved Street Access - Statement of Policy. It is recognized that many streets with the Winston Urban area do not conform to minimum design standards as established by this Ordinance. It is further recognized that significant increases in traffic volume on such substandard streets could result in the inefficient and unsafe movement of traffic within and throughout the Winston urban Area, and could otherwise adversely affect the general health, safety and welfare. Furthermore, it is recognized that the improvement of such substandard streets to City standards is essential for the ultimate development of the Winston Urban Area in a safe, orderly and efficient manner.~~

~~THE FOLLOWING SECTION WAS MOVED TO COMPREHENSIVE PLAN
Page 44 PUBLIC FACILITIES GOALS AND POLICIES~~

~~**XX** Therefore, any development for which more than six four or more off-street parking spaces are required by Section 5.040 shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of twenty-four (24) feet along the~~

~~entire frontage of the property, and such paved street connects with a collector or arterial street, either directly or via other streets having a minimum paved width of twenty-four (24) feet. In the case where property fronts on a street which conforms to the requirements of this Section but otherwise is not fully improved to the standards established elsewhere in this Ordinance, either expressly or by reference, or in the case where property abuts a street which does not conform to the standards established elsewhere in this Ordinance, either expressly or by reference, the property owner shall improve the street as required to the standards established elsewhere in this Ordinance, or, upon the City Administrator's or his designee's determination, shall file with the Governing Body a suitable instrument of commitment of the subject property in perpetuity to any Local Improvement District, present or future, which may be created for the purpose of financing improvements of abutting streets to the minimum standard established elsewhere in this Ordinance, either expressly or be referenced.~~

~~2. Access, Parking and Loading. With respect to vehicular and pedestrian ingress, egress and circulation, including walkways, interior drives and parking and loading areas, the location and number of access points for normal and emergency uses, general interior circulation, separation of pedestrian, bicycle and vehicular traffic, and arrangement of parking, loading and service areas and driveways shall be reviewed for safety, convenience and mitigation of potential adverse impacts on neighboring properties, on the operation of public facilities, and on the traffic flows of adjacent and nearby streets and shall also be reviewed for conformance with the standards established in Sections 5.040 through 5.049.4.~~

THE FOLLOWING SECTION WAS MOVED TO NEW SECTION
5.049.5 DEVELOPMENT STANDARDS

~~3.X~~ 3.X Surface Water Drainage. Adequate provisions shall be made to ensure property drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawl space and roof drainage, such that they are discharged off-site at a location and in such a manner that they do not damage off-site properties, do not violate drainage ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owners(s).

If a development is, or will periodically be, subject to accumulation of surface water or is traversed by a water course, drainage way, channel, stream, creek or river, the applicant may be required to dedicate to the public storm drain easements approved by the Public Works Superintendent to provide for present and future drainage needs of the area, including access for maintenance. Storm drainage facilities shall conform to the standards established by the Public Works Superintendent.

~~4.XX~~ 4.XX Underground Utilities. All new major development, as defined in this Subsection, shall be served by underground utilities, including, but not limited to, electrical, telephone, cable television and street lighting lines.

- a. For purpose of this Section, new major development is any new development containing more than 5,000 square feet of gross floor area, either in a single structure or in the sum of all structures constructed on a single lot or parcel, or any enlargement or structural alteration exceeding 5,000 square feet of gross floor

area, for which site plan review is required by this Article, or any development subject to the requirements of Section 4.310 of this Ordinance and the Subdivision Ordinance.

b. Exemptions: Under special circumstances and conditions, **where** the City Administrator or his designee ~~may vary the strict application of the requirements of this subsection upon finding~~ **find** that such strict application is impractical due to the location of existing overhead utilities, unusual and special utility requirements of the development, or other conditions beyond the control of the developer, **overhead utilities may be permitted.**

Whenever overhead utilities are utilized in a development, the City Administrator or his designee shall review the proposed location of such overhead utilities, and may require their arrangement and location in such a manner to better carry out the purpose of this Article.

~~5.XX~~ Lighting. Adequate exterior lighting shall be provided to promote public safety and shall be designated to avoid unnecessary glare upon other properties.

~~6.XX~~ Screening. Except in the Industrial Limited (M-L) and Industrial General (M-G), exposed storage areas, utility buildings, machinery, garbage and refuse storage areas, service and truck loading areas, and other accessory uses and structures shall be adequately set back and screened.

a. Screening may consist of fences, walls, berms and landscaping, or any combination thereof, and which otherwise conforms with the standards established by this Ordinance. ~~Screening or buffering of parking areas in all districts shall conform to the standards established in Section 5.048.~~

~~7. Compatibility. Compatibility with the surroundings and the Comprehensive Plan's designation for uses on surrounding property, particularly when the surrounding property is residential in character, the following criteria apply:~~

~~a. Odor, dust, smoke, fumes, noise, glare, heat and vibration from uses which might create a nuisance or be offensive to other uses in the area or be incompatible with such other uses, shall be adequately eliminated or controlled.~~

~~b. Due consideration shall be given to the preservation of attractive and distinctive historical and natural features.~~

~~c. Non conforming uses shall not take precedence over a proposed development which enhances the aesthetics or value of the surrounding property.~~

~~d. This standard and criteria shall not take precedence over the need for housing for all income groups in the City.~~

~~e. Signs shall be of a scale that is in harmony with the site and surrounding development and may be illuminated if within the lighting and other standards and criteria of this section.~~

~~8. Riparian Habitat Protection. The City Administrator or his designee shall comply with Section 5.120 of this Ordinance.~~

~~9.XX~~ Water for Domestic Use. All structures containing a plumbing fixture shall be required to use the Winston-Dillard Water District's water supply system as the sole water source. No development shall be permitted which uses a well as a water source for any

structure containing a plumbing fixture.

~~10. Additional Factors. Additional specific factors as necessary to fulfill concerns raised at the time the property was zoned or rezoned.~~

~~SECTION 14.050 Dedications and Improvement Petitions: Where the City Administrator or his designee determines that the public need would be better served by dedication of rights-of-way rather than an easement, the site plan shall so indicate, and the land shall be conveyed to public ownership by instrument. Where the City Administrator or his designee determines that it is in the public interest to delay construction of any local improvement required by this Article, the City Administrator or his designee may require the property owner file with the Governing Body a suitable instrument of commitment for the subject property in perpetuity to the formation of a local improvement district, present or future, which may be created for the purpose of constructing and financing the local improvement by special benefit assessment.~~

~~SECTION 14.060 Documentation Of Approved Plans: Approval of site plan becomes effective on the date of action by the City administrator or his designee.~~

~~SECTION 14.070 Limits Of Approval: If a building permit for a development for which site plan approval has been granted is not obtained within eighteen (18) months of said approval, unless an extension has been requested and granted by the City Administrator or his designee within that time period, said approval is deemed automatically revoked, and a new site plan and application must be submitted and approved prior to issuance of a building permit.~~

~~SECTION 14.080 Modifications: Except for interior structural modifications, changes in use that are in character with those associated with original approval and changes deemed minor by the City Administrator or his designee, all modifications subsequent to site plan approval must be reviewed and approved according to the requirements for original submittal.~~

~~SECTION 14.090 Compliance: Once approved, the development of the site must conform to approved site plans and all conditions attached thereto. Any departure constitutes a violation of this Ordinance.~~

SECTION 14.400 010 Special Additional Site Review For Registered Historic Resources:
The purpose of this historic preservation provisions is to preserve, protect, maintain and enhance those historic resources which represent or reflect elements of the cultural, social, economic, political and architectural history. Historic resources are the sites, buildings, structures, objects, natural features or specific districts that relate to events or conditions of our past. Protected resources will provide educational value, enjoyment and economic diversification as well as beautification of the City and enhancement of property values. This Section is intended to allow the City to review development or demolition proposals ~~at the time of site review~~ to ensure that registered historic resources are preserved.

SECTION 14.410 020 Historic Resources For the purposes of this Section, historic resources are those within the Douglas County Historic Resource Register and the National Register of Historic Places.

SECTION 14.420 030. Exterior Remodeling or Alteration of Historic Structures Upon receipt by the Planning Department of all building permit requests for exterior alteration of a historic building, the City Administrator or his designee shall within 15 working days, review the permit application for compliance with the requirements of Section **14.050** of this Ordinance and shall

refer the request to the Winston Planning commission and schedule a hearing to review the permit request. The Winston Planning Commission shall review the permit request and shall:

1. Initiate review within 30 working days of the date the completed permit application was submitted to the Planning Department. The applicant shall be notified of the time and place of the review and be encouraged to be present. A failure to initiate review within 30 working days shall be considered as an approval of the application.

2. Direct the City Administrator or his designee to submit to the Douglas County Building Department a statement of development approval if the Planning Commission finds the proposed alterations to be in compliance with Section 14.050.

3. Initiate one of the following if the Planning Commission finds the proposed alterations to be in non-compliance with Section 14.050:

a. Approve the application subject to compliance with conditions which will bring the application into conformance with Section 14.050; or,

b. Place up to a 60-day delay from the date of the hearing action on issuance of a building permit for the proposed alteration to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners; or,

c. Provide the applicant with information concerning local, state and federal preservation programs so that the applicant may gain knowledge of alternatives available to him.

SECTION 14.040. Demolition of Historic Structures or New Construction of Historic Sites. Upon receipt from the Planning Department of request for demolition of a historic building or new construction on historical sites on which no structure exists, the City Administrator or his designee shall schedule a hearing before the Planning commission to review the request. However, if the structure for which the demolition permit request has been filed has been damaged in excess of 70% of its assessed value due to fire, flood, wind, or other action of God, a demolition permit may be approved by the City Administrator or his designee after ratification by the Planning Commission. If the Planning Commission does not ratify a demolition permit, then the City Administrator or his designee shall schedule a hearing before the Planning Commission to review the demolition request. A failure to initiate review within 30 working days shall be considered as an approval of the application.

The Planning Commission may delay the issuance of the demolition permit or building permit for up to 60 days from the date of the hearings action by the Planning Department. The Planning Commission's decision shall be based upon consideration and completion of the following factors:

1. Reasonable efforts shall be made by the Planning Commission to provide the owner of the structure with possible alternatives for demolition, including information concerning local, state and federal preservation programs;

2. Reasonable effort shall be made by the Planning Commission to maintain the

historic structure by an acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for the above is sufficient cause to allow demolition).

3. Consideration shall be given to the Guidelines listed in Section 14.050.

4. The Planning Commission shall seek assistance through referrals from at least the following agencies and organizations: the State Historic Preservation Office, the Douglas County Museum, the Douglas County historic Resource Review Committee and the Umpqua Historic Preservation Society.

Following review, the Planning Commission may grant or deny the request for issuance of a building permit or demolition permit.

The City Administrator or his designee shall file a memorandum of the decision in the records of the Planning Department and shall send a copy to the applicant by mail.

The decision of the Planning Commission is final unless a written appeal from the property owner is received by the City Administrator or his designee within fourteen (14) days after the date on which the decision was filed.

SECTION 14.050. Guidelines For Exterior Alteration of a Historic Building: Affirmative findings shall be documented addressing the following guidelines based upon their relative importance.

1. Retention of original construction. All original exterior materials and details shall be preserved to the maximum extent possible.

2. Height. Additional stories may be added to historic building if:

- a. The added height complies with requirements of the building and zoning codes.
- b. The added height does not exceed that which was traditional for the style of the building.
- c. The added height does not alter the traditional scale and proportions of the building style.
- d. The added height is visually compatible with adjacent historic buildings.

3. Bulk. Horizontal additions may be added to historic buildings provided that:

- a. The bulk of the additions does not exceed that which was traditional for the building style.
- b. The addition maintains the traditional scale and proportion of the building style.

- c. The addition is visually compatible with adjacent historic buildings.
- 4. Visual integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
- 5. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to walls) shall be visually compatible with traditional architectural character of the historic building.
- 6. Materials and Texture. In-kind materials and textures shall be used in the alteration or addition of historic structures. Exterior alteration or addition shall follow the requirements of the Secretary of interior's Standards for historic preservation projects and the Historic Preservation League of Oregon's Rehab Oregon Rights manual.
- 7. Signs, lighting and other appurtenances. Signs, exterior light, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.

Amend Article 15 Nuisances

SECTION 15.023. Odors and Burning

- 1. No person responsible shall cause or allow any condition which causes an offensive odor or is unsanitary. No person responsible shall burn in wood stoves or fireplaces any household waste, garbage, plastic, Styrofoam or other noxious material.
 - a. **Upon official notification of a notice, the person responsible shall remove the nuisance or a fine subject to Section 15.052 may be immediately imposed.**
- 2. ~~Unless exempted by this Section, no person responsible shall cause or allow outdoor burning without a permit issued pursuant to this Section.~~
 - a. Outdoor Burning Restricted. No person shall start or maintain any outdoor fire (except for outdoor cooking) for the purpose of burning any combustible material, except as allowed by this Section. Nor shall any person responsible cause or knowingly allow any such fire to be started or maintained, including but not limited to barrel burning, burning of household waste, burning of garbage, plastic, Styrofoam or other noxious materials.
 - ~~b.a.~~ **Period When Outdoor Burning is Restricted. The restriction on outdoor burning shall be in effect for the entire year. ~~The Fire Chief may issue burn permits authorizing the~~ The burning of residential yard waste during the months of May and November is permitted. However, the Fire Chief may modify the burn period when the Fire Chief determines that health, safety, fire risk or climatic factors justify modifying the burn period established by this Section.**

- ~~e.b.~~ Exempt Outdoor Burning. The following types of outdoor burning may be allowed by the Fire Chief by permit on any day of the year:
- (i) Burning of a structure or other use of the fire for training purposes by the Winston-Dillard Fire District.
 - ~~(ii) Fire hazard reduction burning.~~
 - (iii) Any burning which has written approval of the Department of Environmental Quality.
 - (iv) Field burning in agricultural areas and certain other burning when, because of topography, there is no other feasible way to remove debris. **Any field burning must be completed in conjunction with a coordinated review and approval by Douglas Forest Protective Association.** ; however, the Fire Chief may deny a permit for an outdoor burn allowed under this Subsection if the Fire Chief determines that the debris proposed for burning has a high moisture content and would burn better after a period of aging.
 - (v) Outdoor burns to control agricultural diseases, such as blight, that must be destroyed immediately by fire to prevent the spread of disease. **Any field burning must be completed in conjunction with a coordinated review and approval by Douglas Forest Protective Association.**
 - (vi) Burning bee hives and bee-keeping paraphernalia to prevent the spread of disease.
 - (vii) Fires incidental to a special event.
- ~~d.~~ Burn Permits Required. A burn permit shall be obtained from the Fire Chief for all outdoor burning, including the exempted fires of Subsection C of this Section, and shall be subject to the permitting standards of the Winston-Dillard Fire District.

Amend Article 15 Nuisances

Abatement Procedure

SECTION 15.046. Notice.

- ~~1.~~ Between April 20 and May 20 of each year, the Code Enforcement Official shall cause a notice to be published at least three times in a newspaper of general circulation in the City for the purpose of acquainting the public with their duty to keep their property free of any nuisance described in this Ordinance. The notice shall state the City's intent to abate all known nuisances and to charge the cost of doing so on any particular parcel of property to the owner thereof, the person in charge thereof or the property itself;

~~including the administrative fee established in Section 49. The notice shall also state that the City will inspect all property in the City periodically during the year to determine compliance.~~

- ~~2.~~ ~~The same notice shall be posted in five public places within the City during the period from April 20 to May 20 of each year.~~
- ~~3.1.~~ Upon determination by the Enforcement Officer that a nuisance exists, the Enforcement Officer shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
- ~~4.2.~~ At the time of posting, the Enforcement Officer shall cause a copy of the notice to be forwarded by certified mail, postage prepaid, or hand-delivered to the person responsible at his last known address with the following information.
 - a. A description of the real property, by street address or otherwise, on which the nuisance exists.
 - b. A direction to abate the nuisance within 10 days from the date of the notice.
 - c. A description of the nuisance.
 - d. A statement that, unless the nuisance is removed, the City may abate the nuisance, and the cost of abatement will be charged to the person responsible.
 - e. A statement that failure to abate a nuisance may warrant imposition of a fine or jail sentence.
 - f. A statement that the person responsible may appeal the order to abate by filing a written statement to the City Recorder and paying **the applicable fee** ~~a \$100 appeal fee within 10 days from the date of the notice.~~
- ~~6.3.~~ Upon completion of the posting and mailing or hand-delivery, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting, respectively.
- ~~7.4.~~ An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.

Add Appendix with history of amendments

Winston Zoning Ordinance 590 Amendments

Ordinance	Date	Summary	
294	January 1980	Lands to be zoned Residential 2DU/AC	
295	December 1980	Mobile Home Standards	
313	March 1982	Mobile Home requirements	
315	October 1982	Signs (Violations)	
323	August 1982	Clear Vision (Amended by Ordinance 326)	
326	November 1982	Clear Vision	
Periodic Review	December 1988	Incorporated the following Ordinances	
		Ordinance	Date
		No. 334	April 1983
		No. 351	December 1983
		No. 355	February 1984
		No. 361	April 1984
		No. 384A	January 1986
		No. 399	March 1987
		No. 405	September 1987
		No. 422	December 1988
No. 435	May 1989		
359	May 1985	Signs in differing zones	
452	December 1989	Mobile Home - Hardship	
Codification	November 1991	Incorporated the following Ordinances	
		Ordinance	Date Adopted
		No. 437	June 1989
		No. 451	December 18, 1989
		No. 462	October 1990
495	November 1993	Non-conforming structures	
515	June 1995	Riparian Setbacks	
537	January 1997	Mobile Home standards	

**SUBDIVISION
ORDINANCE
AMENDMENTS**

PROPOSED AMENDMENTS TO THE SUBDIVISION ORDINANCE

Amend SECTION 4. Tentative Plan

E. Information Required. The tentative plan shall include the following information:

(1) General Information. The following general information shall be shown on the tentative plan:

(e) The City Administrator may require the names Names and addresses of all adjacent property owners

Amend SECTION 4. Tentative Plan

(7) Development Phasing.

- (a) A tentative plan may provide for platting in as many as three (3) phases. The tentative plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
- (b) Time limitations for the various phases must meet the following requirements:
- (i) Phase 1 final plat shall be approved within twelve(12) months of approval of the tentative plan.
- (ii) Phase 2 final plat shall be approved within twenty-four (24) months of approval of the tentative plan.
- (iii) Phase 3 final plat shall be approved within thirty-six (36) months of approval of the tentative plan.
- (iv) The City Administrator may, under unique circumstances, may approve a one year extension. A copy of the City Administrator's extension decision shall be provided to the Planning Commission.

SECTION 5. Submission of Tentative Plan.

B. Filing Fee. The filing fee for a tentative plan is contained in a fee schedule set by City Council ~~shall be \$100.00 plus \$5/lot~~ to defray costs in the review and investigation of the plan and action upon the plan including staff and engineering expense, public notification and consultation with affected agencies. Said fee is non-refundable and is in addition to the fee required for filing a final plat (Section 6).

C. Review of Tentative Subdivision Plan. Within thirty (30) days ~~from the first regular Planning Commission meeting following submission~~ acceptance of the subdivision application, of the tentative plan and supplementary information,

a. a hearing shall be scheduled before the Planning Commission to consider ~~shall give~~ tentative approval to the application ~~tentative plan in its tentative form~~ as submitted or as it may be modified or conditioned, or to disapprove the application ~~plan~~ and, in all cases, express its reasons therefore, or continue the hearing.

- b.** Approval of the tentative plan application is the first step toward shall indicate the approval of the final plat provided there is no change in the plan of subdivision as shown on the tentative plan. Final approval is pursuant to the and there is full compliance with all conditions of approval assigned to meet the requirements of this ordinance.

~~The action of the Planning Commission shall be noted on two (2) copies of the tentative plan including reference to any attached documents describing any conditions. One copy shall be returned to the subdivider and the other retained by the Planning Commission~~

Amend SECTION 6. Final Plat

B. Granting of Extensions.

- (1) An applicant may request an extension of a tentative plan approval, or, if the tentative plan provides for phased development, an extension of tentative approval with respect to the phase the applicant is then developing. Requests for extension of any land use approval shall be submitted to the City Administrator for consideration. Such request(s) shall be considered an application, and shall be submitted to the ~~Planning commission~~ in writing, stating the reason why an extension should be granted. A copy of the City Administrator's extension decision shall be provided to the Planning Commission.
- (2) The ~~City Administrator Planning Commission~~ may grant an extension of up to twelve (12) months of a tentative plan approval, or if the tentative plan provides for phased development, an extension of up to twelve ~~9(12)~~ months of a tentative plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.
- (3) Further extensions of up to one year each may be granted by the ~~City Administrator Planning Commission~~ if extraordinary circumstances are shown by the applicant. A copy of the City Administrator's extension decision shall be provided to the Planning Commission.

X. Amendments to Preliminary Plans and Final Plats

A. Definitions

- (1) "Minor Amendment" means a change which:
- (i) Does not increase the number of lots or parcels created by the subdivision or partition;
 - (ii) Does not enlarge the boundaries of subdivided or partitioned area;
 - (iii) Does not change the general location or amount of land devoted to a specific land use; or

(iv) Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.

(2) "Major Amendment" means any change which is not a minor amendment.

B. Approval of Minor Amendments

A minor amendment to an approved preliminary subdivision or partition plan or to an approved final subdivision plat or final partition plat may be approved by the City Administrator.

C. Approval of Major Amendments

Approval of a major amendment to an approved preliminary subdivision or partition preliminary plan or to an approved final subdivision plat or final partition plat shall be a land use action as provided by and subject to the provisions of Article 11 of the Winston Zoning Ordinance.

Amend SECTION 9. Major and Minor Partitioning.

A major or minor partition shall be processed as follows:

A. Submission of Tentative Plan. There shall be submitted to the Administrator the filing fee, and ten (10) **oversized** copies, or more if requested, **or one 11 x 18** of the tentative plan of the partition. The Administrator shall check it for completeness as per Section 3, Applications. Once the application is deemed complete, the Administrator shall distribute copies as necessary and set a hearing to take place within thirty (30) days from the time the application is deemed complete. The partitioner shall also submit the tentative plan to those special districts and agencies specified by the City or otherwise requested. The tentative plan shall be 15 x 18 inches in size and contain the following information:

(3) The **City Administrator may require a listing of the** names and addresses of all adjacent property owners.

Amend SECTION 11. Streets and Sidewalks.

C. Creation of Ways. The Planning Commission **or City Administrator** may approve an easement-of-way to be established by deed without full compliance with these regulations provided such an easement is the only reasonable method by which a portion of a lot large enough to warrant partitioning into two parcels may be provided with access. If the existing lot is large enough so that two or more parcels not having frontage on an existing street may be created, an easement-of-way will not be acceptable and a street must be dedicated.

Amend SECTION 12. Blocks.

C. Easements.

(1) Utility Lines. Easements for electric lines or other public utilities may be required. Easements for utilities shall be a minimum of ten (10) feet in width ~~and~~ **may be** centered on rear or side lot or parcel lines **or along the front setback**. Tieback easements centered on the lot or parcel line six (6) feet by twenty (20) feet long shall be provided for utility poles along lot or parcel lines at change of direction points of easements.

~~(3) Pedestrian Ways. In any block over 750 feet in length a pedestrian way with a minimum width of ten (10) feet or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than 1,200 feet, two (2) pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety.~~

Amend SECTION 6. Final Plat.

B. Granting of Extensions.

(2) ~~The Planning Commission~~ **City Administrator** may grant an extension of up to twelve (12) months of a tentative plan approval, or if the tentative plan provides for phased development, an extension of up to twelve ~~9~~(12) months of a tentative plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation. Further extensions of up to one year each may be granted by the ~~Planning Commission~~ **City Administrator** if extraordinary circumstances are shown by the applicant. **A copy of the City Administrator's extension decision shall be provided to the Planning Commission.**

**COMPREHENSIVE
PLAN
AMENDMENTS**

PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN

Amend Page 40 Housing Goals and Policies

C. GOAL: TO LOCATE FUTURE HOUSING SUCH THAT AVAILABLE LAND IS BOTH USED EFFICIENTLY AND DEVELOPED FOR A HIGH DEGREE OF **LIVABILITY**.

2. ~~Consider Provide **special setbacks to serve as** buffer zones **or permit the existing zone setbacks to buffer uses located** between residential areas and **differing** conflicting land uses (i.e., industrial, certain kinds of commercial, residential, etc.). **Plan Amendments should consider methods** to protect **reasonably mitigate issues and promote** the overall livability of **properties located in those areas of transition.** areas.~~

2. **Plan Map amendments that apply a non-residential designation to properties adjacent to residential designated property should consider reasonable mitigation methods to promote the overall livability of adjacent residential properties.**
- a. **Reasonable mitigation methods include the consideration of special setbacks or other measures to address livability issues.**
- b. **Mitigation methods should be applied only if the existing protection provided in the proposed zone is found inadequate and those special setbacks or other measures are necessary to protect the overall livability of the adjoining residential properties.**

MOVE TO COMPREHENSIVE PLAN Page 42 PUBLIC FACILITIES

XX Improved Street Access - ~~Statement of Policy~~: It is recognized that many streets with the Winston Urban area do not conform to minimum design standards as established by this Ordinance. It is further recognized that significant increases in traffic volume on such substandard streets could result in the inefficient and unsafe movement of traffic within and throughout the Winston urban Area, and could otherwise adversely affect the general health, safety and welfare. Furthermore, it is recognized that the improvement of such substandard streets to City standards is essential for the ultimate development of the Winston Urban Area in a safe, orderly and efficient manner.

MOVE TO COMPREHENSIVE PLAN Page 44 PUBLIC FACILITIES GOALS AND POLICIES

XX ~~Therefore,~~ any development for which **more than six** ~~four or more~~ off-street parking spaces are required ~~by Section 5.040~~ shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of twenty-four (24) feet along the entire frontage of the property, and such paved street connects with a collector or arterial street, either directly or via other streets having a minimum paved width of twenty-four (24) feet.

XX **Where a property fronts a street which has a minimum of twenty four (24) feet of paving but does is not fully improved to City standards, the property owner shall either improve the street or subject to the City Administrator's determination, shall record an irrevocable offer to participate in the formation of a local improvement district for the purpose improving streets to minimum standards.**

Amendments to the

**CITY OF WINSTON
REVISED SUBDIVISION ORDINANCE**

**2nd DRAFT
August 4, 2005**

Planning Commission
July 6, 2005
July 13, 2005
August 10, 2005

City Council
July 18, 2005
August 15, 2005

TABLE OF CONTENTS

Amend Subdivision Ordinance Land Partitioning text on page 13-17.....1

Amend Subdivision Ordinance Land Partitioning text on page 13-17.

Purpose: Amendment of Subdivision Ordinance to deregulate the land partition application process from Quasi-Judicial to Administrative.

Background: A review of the Winston Zoning Ordinance has shown potential for a more efficient process for the land partition application. These amendments will deregulate the land partition permit application process from a Quasi-Judicial process to an Administrative process, creating a more time and cost effective application process.

Amendment:

~~Prior to taking any action at the hearing, all members of the Planning Commission shall disclose the content of any significant pre-hearing or ex parte contacts with regard to the matter being heard. Any party to such contact shall be given the opportunity to rebut the substance of the ex parte disclosure. The tentative plan shall be 15 x 18 inches in size and contain the following information:~~

Amendment:

9) Such additional information as requested by the Planning Commission Administrator including, but not limited to, contours and natural features.

B. Public Hearing. ~~Prior to review of the tentative plan for any partition, the Planning Commission shall give notice of the hearing to be held by publication once, in a newspaper of general circulation in the City of Winston, at least ten (10) days prior to the date of the hearing, and in addition by mailing notification to all owners of property within 250 feet of the property for which the partition is proposed. The notice shall be mailed at least ten (10) days prior to the date of the hearing. In the hearing held on the tentative plan, the rules for land use hearing established in Article 11 of Ordinance No. 289 (Zoning Ordinance) shall be followed. Prior to taking any action at the hearing, all members of the Planning Commission shall disclose the content of any significant prehearing or ex parte contacts with regard to the matter being heard. Any party to such contact shall be given the opportunity to rebut the substance of the ex parte disclosure.~~

C. Planning Commission Approval Administrator Approval. The Planning Commission Administrator shall give its approval to the tentative plan as submitted, as it...

Amendment:

D. Approved Document. The action of the ~~Planning Commission~~ **Administrator** shall be noted on two (2) copies of the tentative plan, including reference to any attached documents describing any conditions. One copy shall be returned to the partitioner and one copy retained by the ~~Planning Commission~~ **Administrator**.

E. Appeal. Any person aggrieved by a decision of the ~~Planning Commission~~ **Administrator** on the tentative plan may appeal the decision to the ~~City Council~~ **Planning Commission** in writing within fourteen (14) days of the decision.

Amendment:

G. Certificate. (1) All improvements have been installed in accordance with the requirements of these regulations as specified in Sections 9-12 and 15-17, and with the action of the ~~Planning Commission~~ **Administrator** giving approval of the map; or

Amendment:

H. Final Authorization. Following tentative approval of the minor land partition by the ~~Planning Commission~~ **Administrator**, the final partition map ~~shall be submitted to the City Administrator and~~ shall be approved if found to be in accordance with all applicable ordinances, rules, statutes and any special conditions placed on the partition by ~~Planning Commission~~ **Administrator**. The partition shall become final upon signature by the ~~chairman of the Planning Commission~~, City Administrator, County Surveyor, and county officers. The final partition map shall be recorded within ninety (90) days after the date the last required approving signature has been obtained or the map shall be null and void.

Amendments to the

**CITY OF WINSTON
REVISED ZONING ORDINANCE**

**3rd DRAFT
August 15, 2005**

Planning Commission
July 6, 2005
July 13, 2005
August 10, 2005

City Council
July 18, 2005
August 15, 2005

TABLE OF CONTENTS

Addition of text to allow Minor Text Corrections text on page 24 1

Amend Zoning Ordinance Conditional Use Permit text on page 113 2

Amend Zoning Ordinance Variance text on page 115-117 2

Addition of text to NonConforming Use Article on page 122 4

Clarify land use actions in the Development Approval Procedures on pages 125-126 5

Amend adjacent owner notification requirements in Development Approval Procedures on page 127 6

Amend legal notice requirements in Development Approval Procedures on page 127 7

Addition of text to allow Minor Text Corrections text on page 24.

Purpose: Amendment of Zoning Ordinance to allow for minor text corrections.

Background: Amendment to allow for minor text corrections will make for efficient correction to superficial changes to the Zoning and Subdivision Ordinances as well as the Comprehensive Plan and Transportation System Plan.

Amendment:

SECTION 2.060. Minor Text Corrections

The Administrator may correct the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan, without prior notice or hearing, so long as the Administrator does not alter the sense, meaning, effect, or substance of any adopted ordinance and, within such limitations, the Administrator may:

- 1. Renumber chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies of Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan;**
- 2. Rearrange chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;**
- 3. Change reference numbers to agree with renumbered chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;**
- 4. Delete references to repealed chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals objectives, and policies;**
- 5. Substitute the proper chapter, article, section, subsection, finding, goal, objective, or policy numbers;**
- 6. Change capitalization and spelling for the purpose of uniformity;**
- 7. Correct manifest clerical, grammatical or typographical errors; and,**
- 8. Change the name of an agency by reason of a name change prescribed by law.**

The Administrator shall maintain a record, available for public access, of all corrections made under this Section.

Corrections to the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan made by the Administrator pursuant to this Section are prima facie evidence of the law, but they are not conclusive evidence. If any correction to the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan made pursuant to this Section differs in sense, meaning, effect, or substance from any adopted ordinance, the adopted ordinance shall prevail.

Amend Zoning Ordinance Conditional Use Permit text on page 113.

Purpose: Amendment of Ordinance to deregulate the conditional use permit application process from Quasi-Judicial to Administrative.

Background: A review of the Winston Zoning Ordinance has shown potential for a more efficient process for the conditional use permit application. These amendments will deregulate the conditional use permit application process from a Quasi-Judicial process to an Administrative process, creating a more time and cost effective application process.

Amendment:

~~Once the Administrator has deemed the application complete, the Planning Commission shall conduct a public hearing on the proposed conditional use application following the procedures described in Sections 11.075 through 11.300.~~

Amendment:

~~However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year, on request.~~ **On request, authorization may be extended for an additional period not to exceed one (1) year, on request.**

Amend Zoning Ordinance Variance text on page 115-117.

Purpose: Amendment of Ordinance to deregulate the Variance application process from Quasi-Judicial to Administrative.

Background: A review of the Winston Zoning Ordinance has shown potential for a more efficient process for the Variance application. These amendments will deregulate the Variance application process from a Quasi-Judicial process to an Administrative process, creating a more time and cost effective application process.

Amendment:

SECTION 8.010. Authorization to Grant or Deny Variances. ~~The Planning Commission may authorize variances~~ **Variances** from the requirements of this ordinance ~~may by~~ **authorized** where it can be...

Amendment:

In granting variance, ~~the Planning Commission may attach~~ conditions ~~which it finds~~ **found** necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance, **may be attached.**

Amendment:

~~Once the Administrator has deemed the application complete, the Planning Commission shall conduct a public hearing on the proposed variance following the procedures described in Sections 11.075 through 11.300.~~

~~The Planning Commission may approve or deny the application for a variance~~ **A variance may be approved or denied...**

Amendment:

~~However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year, on request.~~ **On request, the variance authorization period may be extended up to one (1) year.**

Amendment:

~~...the Planning Commission may authorize~~ the temporary placement of a mobile home ~~may~~ **be authorized** on a lot as a second dwelling for the purpose of alleviating a family hardship if the following criteria are met.

Amendment:

4. Temporary placement of a second dwelling as provided for in this section shall be limited to ~~the time period specified by the Planning Commission, but in no case shall the Commission authorize such placement for a period exceeding two years,~~ **a specified period not to exceed two years** unless upon a subsequent application by the property owner an extension is granted.

5. Authorization by the Planning Commission, as provided for by this section, shall be supported by...

Amendment:

Prior to the issuance of a placement permit for a second dwelling ~~which has been authorized by the Planning Commission pursuant to the provisions of this section, the property owner shall first file a copy of the Planning Commission's written authorization~~ **shall be filed** with the Douglas County Clerk.

Amendment:

If an extension is authorized by the Planning Commission, the property...

Addition of text to Nonconforming Use Article on page 122.

Purpose: Amendment of Ordinance to add the text deleted through a Scrivener's error from the Nonconforming Uses.

Background: The City of Winston updated its Zoning Ordinance, adopted June 23, 2003. Through the update process, text was deleted by a Scrivener's error from Article 10: Nonconforming Uses. The same text will be added.

Amendment:

SECTION 10.040 Destruction Of Nonconforming Use Or Structure. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to the extent exceeding eighty (80) percent of its fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to this ordinance. **In the case of a nonconforming residential use, the structure may be restored and the occupancy or use of such structure which existed at the time of such destruction may be resumed, provided that the restoration is commenced within a period of one (1) year and is diligently pursued to completion. [Amended by Ordinance No 495, passed November 15, 1993.]**

SECTION 10.050 Expansion Of Nonconforming Residential Use. In order to alleviate possible hardships created by a nonconforming residential use, such structures may be increased in floor space by an amount not to exceed twenty-five (25) percent of the floor space used for a nonconforming residential use at the time of the passage

of this amendment or at the time the use becomes nonconforming, which ever is the later event. Such nonconforming residential use may be extended to the new area so created. The expansion of nonconforming residential use may be granted only once to any parcel of land existing at the time of the passage of this amendment or at the time the use becomes nonconforming, whichever is the later event. Such expansions must conform to all other City Ordinances and Codes. [Amended by Ordinance No 495, passed November 15, 1993.]

Clarify land use actions in the Development Approval Procedures on pages 125-126.

Purpose: Amendment of Ordinance to clarify the types of land use applications.

Background: These Amendments will classify land use actions as ministerial, administrative or quasi-judicial.

Amendment:

SECTION 11.075. Land Use Actions

1. Ministerial Action. The City Administrator shall have the authority to review the following applications as ~~administrative~~ ministerial action, and shall follow the procedures provided by this ordinance to accomplish such review.

a. Issuance of building permits and mobile home placement permits.

b. Issuance of sign permits.

c. Lot line adjustments

d. Family Hardship Variance (Temporary Use of Mobile Home)

2. Administrative Actions. The City Administrator shall have the authority to review the following applications as administrative action, and shall follow the procedures provided by this ordinance to accomplish such review. ~~For the purpose of this section, reviews and other actions required of the City Administrator by other provisions of this ordinance, and not specifically listed in this section, shall not be administrative actions.~~ The following applications shall be processed Administratively:

a. Conditional use permits ~~for home occupations that do not increase pedestrian or vehicular traffic or affect the existing parking area for the residential use.~~

b. Variance

c. Land partition

The Planning Commission shall be provided with a copy of Administrative Land Use Decisions. The Planning Commission may at a regular meeting, if within the appeal period, request a public hearing on the decision. Any hearing shall be scheduled for the next regular meeting which allows a 10 day notice to the applicant and others who participated in the action. If no hearing is requested by the Planning Commission then the decision shall be final unless otherwise appealed as provided in this ordinance.

3. Quasi-Judicial Actions. Within thirty (30) days after accepting a completed application for ~~administrative~~ **quasi-judicial** action pursuant to this section of this ordinance, the City Administrator shall act upon, or cause a hearing to be held upon, the application, unless such time limitation is extended with the consent of the applicant. The following matters shall be heard by the Planning Commission, pursuant to the procedures established in this Article.

- a. Zone change
- b. ~~Conditional use permit~~
- c. ~~Variance~~
- d. ~~Land partition~~
- e. Planned Unit Development
- f. Subdivision preliminary plat
- g. Mobile home park preliminary plan review
- h. Comprehensive plan map amendment
- i. Review of annexation petition
- j. Review of **an administrative action requested within the appeal period**
- k. Appeals of decision of the City Administrator
- l. ~~Interpretations of the ordinance by the City Administrator~~
- m. Matters or interpretations referred to the Commission by the City Administrator or City Council

(items to be renumbered)

Amend notification requirements in Development Approval Procedures on page 127.

Purpose: Amendment of Ordinance to require notification of all property owners within 150' of the subject property instead of the current requirement of 250' for Administrative and Quasi-Judicial applications. Also amends timeframes for such notifications.

Background: Deregulation of the mailed notice requirements from 250' of the subject property to 150' complies with Oregon Revised Statutes and will be more cost effective for the City.

Amendment:

SECTION 11.080. Notice.

1. At least twenty (20) days prior to the date of a quasi-judicial public hearing under Section 11.075 (**Quasi-Judicial 11.0xx**), **and within 60 days of receipt of an administrative action under Section (Administrative 11.0xx)** notice shall be sent by mail to: The applicant and all owners of contract purchasers of record of the property which is the subject of the applications; all owners of property within ~~two hundred fifty feet (250')~~ **one hundred fifty feet (150')** of the property; Oregon Department of Transportation Region 3; Douglas County Planning Department; Douglas County Public Works Department and Umpqua Transit.

Amend notification requirements in Development Approval Procedures on page 127.

Purpose: Amendment of Ordinance to remove the publication of hearing requirement.

Background: Removal of the publication of hearing requirement complies with Oregon Revised Statutes and will be more cost effective for the City.

Amendment:

- ~~4. Notice shall also be given by publication in a newspaper of general circulation in the area affected at least twenty (20) days prior to the date of the hearing. An affidavit of publication shall be made part of the administrative record.~~