



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

06/18/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Winston Plan Amendment  
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Friday, June 29, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: David Van Dermark, City of Winston  
Gordon Howard, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative  
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF

JUN 11 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Winston**

Local file number: **N/A**

Date of Adoption: **6/4/2012**

Date Mailed: **6/7/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 1/31/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Adopted Zoning and Subdivision Ordinance amendments are the same as originally proposed in Jan 31, 2012 Notice of Proposed Amendment, except as noted below. Second reading was delayed until June 4, 2012 to coincide with second reading of City's new City Ordinance on nuisances & abatement, which were removed from the Zoning Ordinance during this legislative process.

Does the Adoption differ from proposal? Yes, Please explain below:

Based upon joint coordination with ODOT, additional minor text revisions were added to Subdivision Ordinance amendments for the City's parking and driveway design standards, which clarify that access widths and approaches onto a state highway must comply with State of Oregon standards.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **NA**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD File No. 001-12 (19164) [17076]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Douglas County Public Works, Building and Planning Departments, Deputy Fire Marshall, Winston-Dillard Fire District, Winston-Dillard Water District, ODOT Region 3, City of Winston (Public Works, Sewer & Police), Winston-Dillard School District, and Umpqua Transit.

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Local Contact: **David Van Dermark, City Manager** Phone: (541) 679-6379 Extension:  
Address: **201 NW Douglas Blvd** Fax Number: - -  
City: **Winston** Zip: **97496** E-mail Address:  **david.vandermark@winstoncity.org**

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

## ORDINANCE NO. 654

### AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF WINSTON ZONING ORDINANCE AND CITY OF WINSTON SUBDIVISION ORDINANCE

**Whereas**, the City of Winston Planning Commission held ten workshops between April 14, 2010 and October 26, 2011, and whereas a public hearing was held on March 7, 2012, and whereas the Winston City Council held a workshop on March 23, 2012, and whereas one public hearing was held on April 2, 2012 before the City Council to consider the following proposed legislative amendments:

- Legislative amendments to the Zoning Ordinance include: change "City Administrator" to "City Manager"; update definitions of Building & Structure; add definition of Condominium & add use to RM & RH zones; clarify number of dwelling units permitted in RH zone; add Day Care facilities as permitted uses to CG & C-OP zones; clarify height of fences & walls; clarify parking area & driveway design standards; add SHPO to notice for land use actions; update floodplain standards with applicable FEMA & state building code provisions, including requirements for manufactured homes; clarify Section 11.300 for appeals of City Manager Decisions; add beekeeping in residential zones & add approval standards for such use; and modify Article 13 (Repeal) and repeal Article 15 (Nuisances & Abatement), which is being made into a separate City ordinance.
- Legislative amendments to the Subdivision Ordinance include: change "City Administrator" to "City Manager"; and add footnotes to Table D and Illustrations 1-5 in Section 11.C and modify Section 11.O to clarify sidewalk standards in residential zones.

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

**Whereas**, on March 7, 2012, the Planning Commission held a public 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. The Winston Planning Commission conducted ten workshops on the proposed legislative amendments to the Zoning Ordinance and Subdivision Ordinance between April 14, 2010 and October 26, 2011.
- B. A public hearing on the proposed legislative amendments to the Zoning Ordinance text and Subdivision Ordinance text was held before the Planning Commission on March 7, 2012. Opportunity was provided for public participation during the hearing and the Planning Commission was provided written comment and oral testimony for consideration.

- C. The Planning Commission forwarded a recommendation to City Council to adopt the proposed legislative amendments, which included minor revisions suggested by the Superintendent of Public Works.
- D. A City Council conducted a workshop on the proposed legislative amendments on March 23, 2012.
- E. The City Council accepted the recommendation of the Planning Commission and did not make any additional revisions to the proposed amendments.
- F. A public hearing on the proposed legislative amendments to the Zoning Ordinance text and Subdivision Ordinance text was held before the City Council on April 2, 2012. Opportunity was provided for public participation during the hearing. No members of the public were present to provide written comment or oral testimony to City Council.

SECTION TWO: AMENDING ZONING ORDINANCE TEXT AND SUBDIVISION ORDINANCE TEXT.

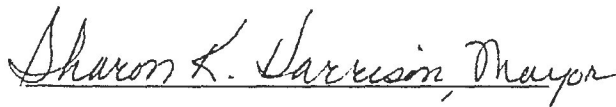
The amendments to the Winston Zoning Ordinance Text, and Winston Subdivision Ordinance Text are hereby attached to this ordinance and identified as Exhibit A, Adoption Draft dated April 16, 2012, and by this reference made part of this ordinance. This adoption draft has the same contents as the Second Draft, dated April 2, 2012, presented at the City Council hearing, except for the updated cover sheet to acknowledge adoption.

SECTION THREE: EFFECT OF AMENDMENT

Ordinance Nos. 590 (Winston Zoning Ordinance) and 591 (Winston Subdivision Ordinance) heretofore and herein amended; remain in full force and effect.

First reading before the City Council on the 16th day of April, 2012.

Second reading and adoption by the City Council on the 4th day of June, 2012.



Sharon K. Harrison, Mayor

ATTEST:

  
David Van Dermark, City Manager