



# Oregon

Theodore R. Kubongoski, 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

07/07/2014

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 001-14

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: Thursday, July 17, 2014

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: Lisa Hawley, City of Winston  
Gordon Howard, DLCD Urban Planning Specialist  
Josh LeBombard, DLCD Regional Representative

<paa> YA

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 1 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: CITY OF WINSTON

Local file no.: **14-W001**

Date of adoption: 6/16/2014

Date sent: 6/26/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

\* Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1/21/2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? \* Yes No  
If yes, describe how the adoption differs from the proposal:

Yes, proposed concurrent CUP was bifurcated from CPA/ZC proposal on April 10, 2014 and processed separately.

Local contact (name and title): Lisa Hawley, City Planner &amp; David Van Dermark, City Manager

Phone: 541-679-6739

E-mail: lahawley@co.douglas.or.us

Street address: 201 NW Douglas Blvd

City: Winston

Zip: 97496-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from C-OP	to C-G	0.24 acres.	<i>No Exception Required.</i> <del>A goal exception was required for this change.</del>
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T28S, R06W, SEC 16DD, TL 2800; 495 NE LILLIE AVE, WINSTON

\* The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from C-OP	to C-G	Acres: 0.24
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): T28S, R06W, SEC 16DD, TL 2800; 495 NE LILLIE AVENUE, WINSTON

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List affected state or federal agencies, local governments and special districts: City of Winston (Public Works & Police), ODOT, Do Co Public Works, Do Co Planning Dept, Winston-Dillard Fire Dist, Winston-Dillard Water Dist, Winston-Dillard School Dist 116, Umpqua Transit, SHPO and other affected service or utility providers.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Copy of adopting City Ordinance No. 663 and attached exhibits

ORDINANCE NO. 663

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP FROM COMMERCIAL OFFICE/PROFESSIONAL TO COMMERCIAL GENERAL AND THE ZONING MAP FROM (C-OP) OFFICE-PROFESSIONAL TO (C-G) GENERAL COMMERCIAL FOR PROPERTY IDENTIFIED AS TAX LOT NO. 2800, ASSESSORS MAP NO. 28-06-16DD (OWNER: RICHARD G. MUNIZ)**

**WHEREAS**, the Winston Planning Commission held public hearings on February 26, 2014 and March 12, 2014 on the requested Comprehensive Plan Map and Zoning Map amendment; and,

**WHEREAS**, the Planning Commission on April 9, 2014 adopted relevant Findings of Fact and forwarded a favorable recommendation to the City Council to adopt the requested Comprehensive Plan Map and Zoning Map amendment; and,

**WHEREAS**, the City Council held a public hearing on June 2, 2014 and heard relevant testimony on the subject Comprehensive Plan Map and Zoning Map amendments. The City Council accepted the recommendation of the Planning Commission and did not make any additional revisions to the proposed amendment.

**NOW THEREFORE, THE CITY OF WINSTON ORDAINS AS FOLLOWS:**

SECTION ONE: FINDINGS OF FACT

1. DLCD Notice of Proposed Amendment was mailed to the Department of Land Conservation and Development (DLCD) on January 21, 2014, which was at least 35 days prior to the first evidentiary public hearing on February 26, 2014.
2. Former Plan Designation: Commercial Office/Professional. New Plan Designation: Commercial General.
3. Former Zone Designation: Office-Professional Commercial (C-OP). New Zone Designation: General Commercial (C-G).
4. The City Council hereby adopts the attached Findings of Fact contained within the staff report dated May 28, 2014 (Exhibit "A"), and by this reference made part of this ordinance.
5. A map of the property subject to the Comprehensive Plan Map Amendment and Zoning Map Amendment is attached as Exhibit "B", and by this reference made part of this ordinance.

SECTION TWO: AMENDING COMPREHENSIVE PLAN MAP AND ZONING MAP.

The City of Winston Comprehensive Plan Land Use Map and City of Winston Zoning Map are hereby amended to designate the following property as Commercial General (Plan Map) and (C-G) General Commercial (Zoning Map):


Tax Lot 2800 in Section 16DD, Township 28S, Range 06W, Property I.D. No. R60624, and more particularly described as Lot 7, Block 1, Two Oaks Tracts, Douglas County, Oregon.

SECTION THREE: EFFECT OF AMENDMENT

Ordinance Nos. 588 (Comprehensive Plan) and 590 (Zoning Ordinance) as heretofore and herein amended shall remain in full force and effect.

First reading before the City Council on the 2<sup>nd</sup> day of June 2014.

Passed by the City Council the 16<sup>th</sup> day of June, 2014.

  
Sharon K. Harrison, Mayor

ATTEST:

  
David Van Dermark, City Manager



# EXHIBIT "A"

201 N.W. Douglas Blvd. • Winston, OR 97496-9594 • Telephone (541) 679-6739

May 28, 2014

## STAFF REPORT

TO: WINSTON CITY COUNCIL

THROUGH: DAVID VAN DERMARK, CITY MANAGER

FROM: LISA HAWLEY, COMMUNITY SERVICES PLANNER

RE: **RICHARD MUNIZ**, request for Comprehensive Plan Map Amendment from Commercial Office/Professional to Commercial General, and Zone Change from (C-OP) Office-Professional Commercial to (C-G) General Commercial\*\*. The subject 0.24 acre property is located on NE Lillie Ave, northeast of the intersection with NE Brosi Orchard Rd and State Hwy 42 (N. Main Street) in the City of Winston, and is described as Tax Lot 2800 in Section 16DD, T28S, R06W, W.M.; Property ID No. R60624, and addressed as 495 NE Lillie Avenue. It is currently designated Commercial Office/Professional by the City of Winston Comprehensive Plan and zoned (C-OP) Office-Professional Commercial. **Planning Department File No. 14-W001.**

\*\*On April 9, 2014, the concurrent Conditional Use Permit originally proposed with this request was bifurcated and will proceed separately through the Planning Commission.

## INTRODUCTION

The applicant, Richard Muniz, is requesting a Comprehensive Plan Map and Zoning Map Amendment to change a 0.24 acre parcel from Commercial Office/Professional (C-OP) to Commercial General (C-G). The subject property is located at 495 NE Lillie Avenue, northwest of the intersection with NE Brosi Orchard Road and State Hwy 42 in the City of Winston. The property is described as Tax Lot 2800 in Section 16DD, T28S, R6W, W.M.; Property I.D. No. R60624, and is developed with an existing commercial shop and office.

Mr. Muniz originally requested a concurrent Conditional Use Permit (CUP) to allow an automobile service and repair business, which is a conditionally permitted use in the C-G zone. The Planning Commission conducted public hearings on the requested applications on February 26, 2014 and March 12, 2014. On April 9, 2014, the Planning Commission approved a motion to bifurcate the application process and approve separately the Findings of Fact and Decision for the proposed Comprehensive Plan Map and Zoning Map Amendment so such action can proceed to City Council, and that the Planning Commission reconsider the proposed Conditional Use Permit and reopen the record to allow additional information to be submitted on the CUP.

As of the writing of this staff report, an amended CUP application has not been submitted for the Planning Commission to reconsider.

As part of the public hearing, the City Council will review the applicant's request for a Comprehensive Plan Map and Zoning Map Amendment for compliance with the Statewide Planning Goals and the general goals and policies of the Winston Comprehensive Plan and the applicable criteria of Article 4, Section 4.120 (C-OP), and Articles 5, 9 and 11 of the Winston Zoning Ordinance.

An amendment to the Winston Comprehensive Plan Map and Zoning Map is subject to review by both the Winston Planning Commission and City Council. Should the Council agree with the Planning Commission's recommendation and findings of fact, the Council shall by ordinance effect such change of the Plan Map and Zoning Map designations.

### **FINDINGS OF FACT**

1. The Comprehensive Plan Map and Zoning Map Amendment applications and Conditional Use Permit application were filed with the City on January 15, 2014 and deemed complete on January 16, 2014.
2. DLCD Notice of Proposed Amendment was mailed to the Department of Land Conservation and Development (DLCD) on January 21, 2014, which was at least 35 days prior to the first evidentiary public hearing on February 26, 2014.
3. Pursuant to Section 9.022, notice of the public hearing before the Planning Commission was given by publication in *The News Review* on February 6, 2014, which was at least twenty (20) days prior to the date of the public hearing.
4. Notice of a Public Hearing on an application for the Comprehensive Plan Map and Zoning Map Amendment and Conditional Use Permit before the Planning Commission was given in accordance with Sections 9.022 and 11.080 of the Winston Zoning Ordinance. Notice was sent to affected property owners of record within 150 feet of the subject property, service providers, and governmental agencies on February 5, 2014.
5. A 10-day Notice of a Public Hearing before the City Council on the Comprehensive Plan Map and Zoning Map Amendment was given in accordance with Section 9.022.3 of the Winston Zoning Ordinance. Notice was sent to affected property owners of record within 150 feet of the subject property, service providers, and governmental agencies on May 22, 2014.
6. The Planning Commission held public hearings on this matter on February 26, 2014 and March 12, 2014.
7. The Planning Commission declared the following as parties to the hearing:
  - a. Richard Muniz, Applicant and Titleholder
  - b. Thomas Guevara, Jr., Oregon Dept of Transportation
  - c. City of Winston
8. The subject property has access to the Winston Dillard Water District along NE Lillie Avenue; no new service connections are proposed with this request.



9. The subject property has access to the City of Winston sewer system via NE Lillie Avenue; no new service connections are proposed with this request.
10. Transportation System: NE Lillie Avenue veers northeasterly off NE Brosi Orchard Road near its intersection with State Hwy 42 (N. Main Street). The Public Facilities Plan identifies NE Lillie Avenue as a Residential Street.
11. Transportation Connectivity: The subject parcel is in a developed neighborhood. NE Lillie Avenue is an existing public right-of-way that is not constructed to full public road standards. Connectivity is provided on the northeast side of the subject property by the existing public right-of-way for NE Thelma Avenue, which is currently undeveloped at this time.
12. Pedestrian & Bicycle Access: NE Lillie Avenue is not a designated pedestrian or Bicycle Access under the Comprehensive Plan.
13. Present Situation: The subject property is currently developed with an existing commercial shop and office. No new development or construction is proposed with this request. The requested amendment to General Commercial will allow similar commercial uses as to what has been previously authorized by the City.
14. Plan Designation: Commercial Office/Professional. The applicant is requesting an amendment to the Commercial General plan designation.
15. Zone Designation: Office-Professional Commercial (C-OP). The applicant is requesting an amendment to the General Commercial (C-G) zoning designation.
16. Surrounding Properties: The surrounding properties to the west and southwest along NE Lillie Avenue, NE Thelma Avenue and NE Darlene Avenue are all zoned (RLA) Low Density Residential A. These properties are developed primarily with existing residential uses to the south-southwest while the property to the immediate west is developed with an existing church and parking lot. The property to the northeast is zoned (A-O) and developed with an existing RV park. The property located to the north-northeast across State Hwy 42 is also zoned A-O.
17. Public Open Spaces: No proposed park, playground, school or other public use shown located in whole or in part in the subject property.
18. Overlay: No overlays have been applied to the subject property. The subject property is not located within the 100-year flood plain.

**APPLICABLE CRITERIA**

1. The requested application is subject to conformance with the applicable Statewide Planning Goals and the applicable findings and policies of the Winston Comprehensive Plan and Zoning Ordinance. Based upon the applicable criteria, the following findings are made:
  - a. The subject property is designated Commercial Office/Professional in the Winston Comprehensive Plan and zoned (C-OP) Office-Professional Commercial in the Winston Zoning Ordinance.



- b. The findings of the Planning Commission staff report, dated February 19, 2014, demonstrate that the requested Comprehensive Plan Map and Zoning Map amendment from Commercial Office/Professional to Commercial General is in substantial conformance with the applicable Statewide Planning Goals, including Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 6 (Air, Water and Land Resource Quality), Goal 7 (Areas Subject to Natural Hazards), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), and Goal 14 (Urbanization).
- c. The findings of the Planning Commission staff report, dated February 19, 2014, demonstrate the requested amendment is in substantial conformance with the applicable general goals and policies of the Winston Comprehensive Plan, including those related to Natural Features, Population, Economy, Housing, Public Facilities and Services, Transportation System, Pedestrian and Bicycle Transportation, and Land Use and Urbanization.
- d. The findings of the Planning Commission staff report, dated February 19, 2014, demonstrate the requested amendment is consistent with the objectives and the applicable criteria of Article 9 [Amendments] of the Winston Zoning Ordinance, and that there is a public need for the kind of change in question.
- e. The findings of the Planning Commission staff report, dated February 19, 2014, demonstrate that the requested amendment will not adversely impact the City's area transportation system. The change in plan designation from Office/Professional to General Commercial will have limited impact on the intersection with State Hwy 42/99. The size, location and physical improvements of the subject property will limit the future type of general commercial uses that would be developed onsite. The Planning Commission findings further demonstrate there are adequate existing facilities to support the potential additional traffic at the Brosi Orchard and Hwy 42 intersection. The planned existing improvements at this intersection are adequate and will not be impacted by the proposed change from one type of commercial to another.
- f. The findings of the Planning Commission staff report, dated February 19, 2014, and the oral testimony provided, demonstrate that the subject property was redesignated and rezoned from (RLA) Low Density Residential to (C-OP) Office-Professional Commercial by City Ordinance No. 358 in April 1984. The findings further show that in December 2003, the applicant received approval from the City of Winston for construction of the existing 2600 sq.ft. commercial building, which has been used for the applicant's HVAC business since that time. The Commission found that for whatever reason, the City inadvertently authorized this use although it was not a permitted use in the C-OP zone, but was more compatible to permitted uses in the C-G zone. The Commission findings show that this requested Comprehensive Plan Map and Zoning Map amendment to General Commercial will enable the future buyer of the property to conduct similar general commercial uses on the site that are consistent with the existing structural and site improvements originally authorized by the City in 2003.

2. The City Council may adopt by reference the findings of the Planning Commission Staff Report dated February 19, 2014 and the Planning Commission Supplemental Staff Reports dated March 5, 2014 and April 20, 2014, in support of their decision.

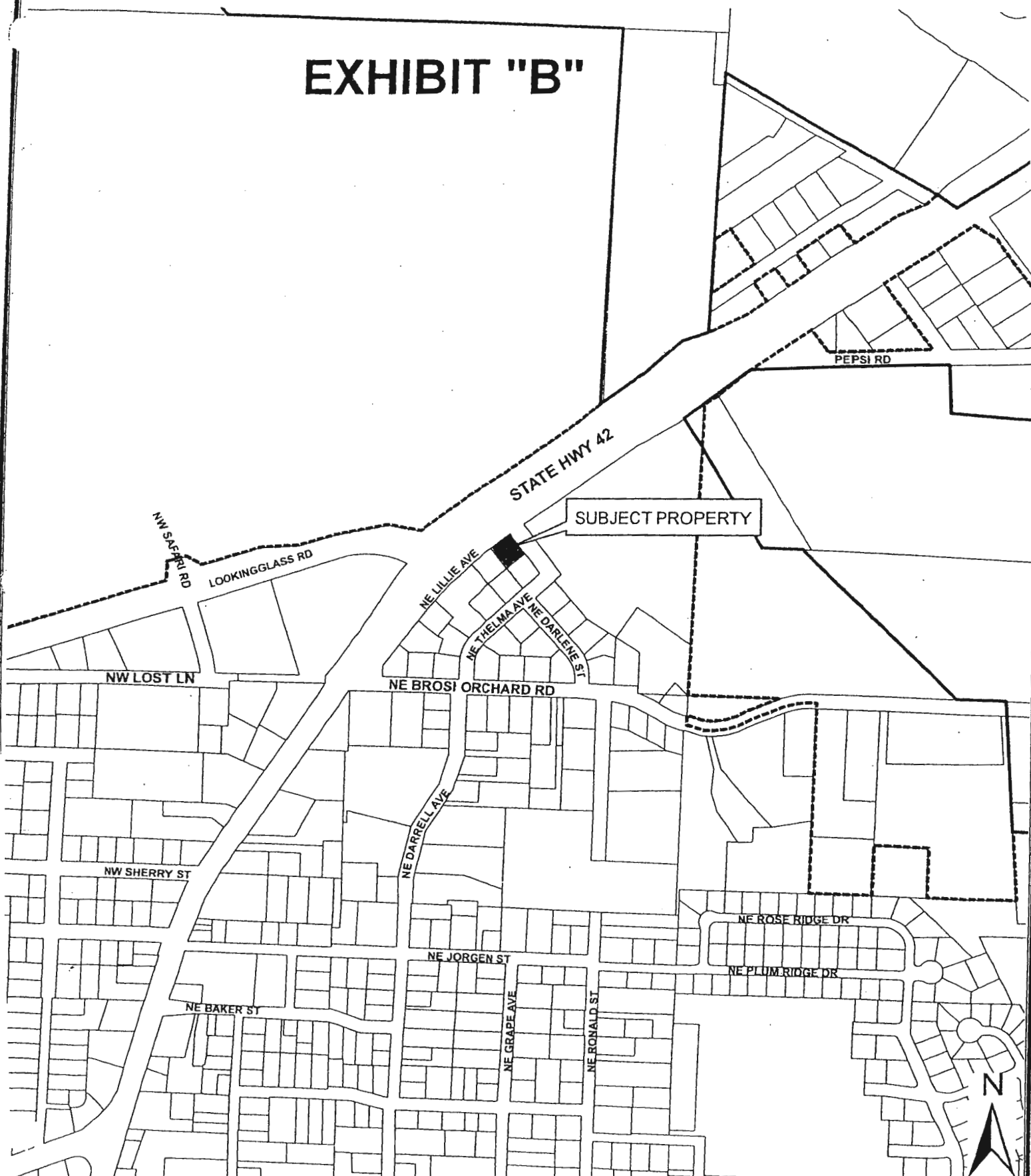
### COUNCIL ALTERNATIVES

1. Approve the requested Comprehensive Plan Map Amendment from Commercial Office/Professional to Commercial General, and Zone Map Amendment from (C-OP) Office-Professional Commercial to (C-G) General Commercial for property located at 495 NE Lillie and property owner, Richard G. Muniz, with the first reading of the adopting City Ordinance.
2. Approve the requested Comprehensive Plan Map Amendment from Commercial Office/Professional to Commercial General, and Zone Map Amendment from (C-OP) Office-Professional Commercial to (C-G) General Commercial for property located at 495 NE Lillie with modifications or additional conditions, for property located at 495 NE Lillie and property owner, Richard G. Muniz, with the first reading of the adopting City Ordinance.
3. Deny the requested Comprehensive Plan Map Amendment from Commercial Office/Professional to Commercial General, and Zone Amendment from (C-OP) Office-Professional Commercial to (C-G) General Commercial for property located at 495 NE Lillie, based on findings which would not support the proposed request.
4. Take no action at this time.

VICINITY  
T28S R6W SEC 16DD TL2800

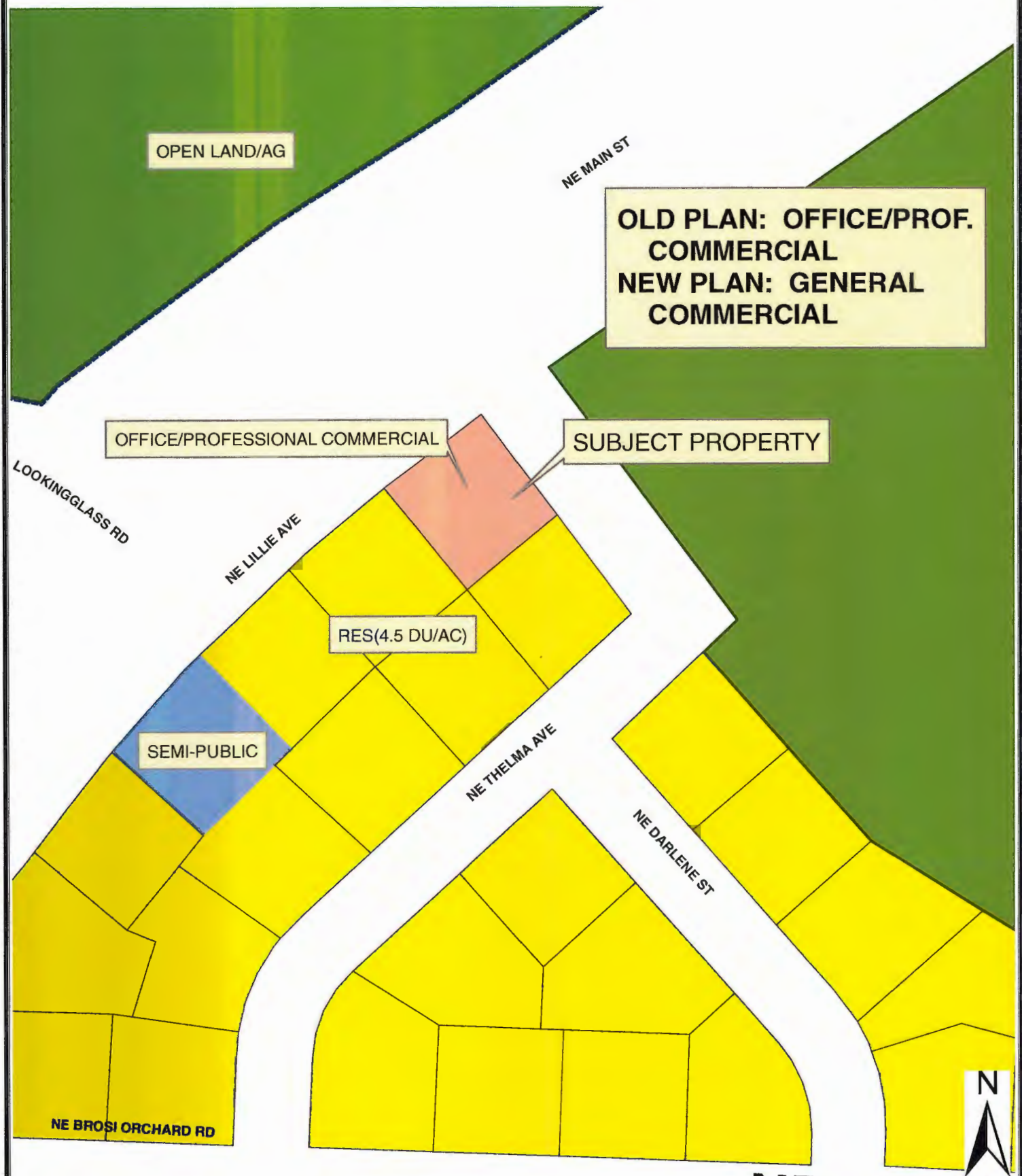
MUNIZ  
14-W001

# EXHIBIT "B"

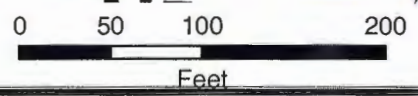


PLAN  
T28S R6W SEC 16DD TL2800

MUNIZ  
14-W001



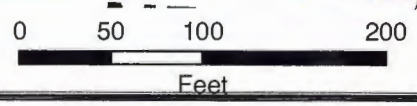
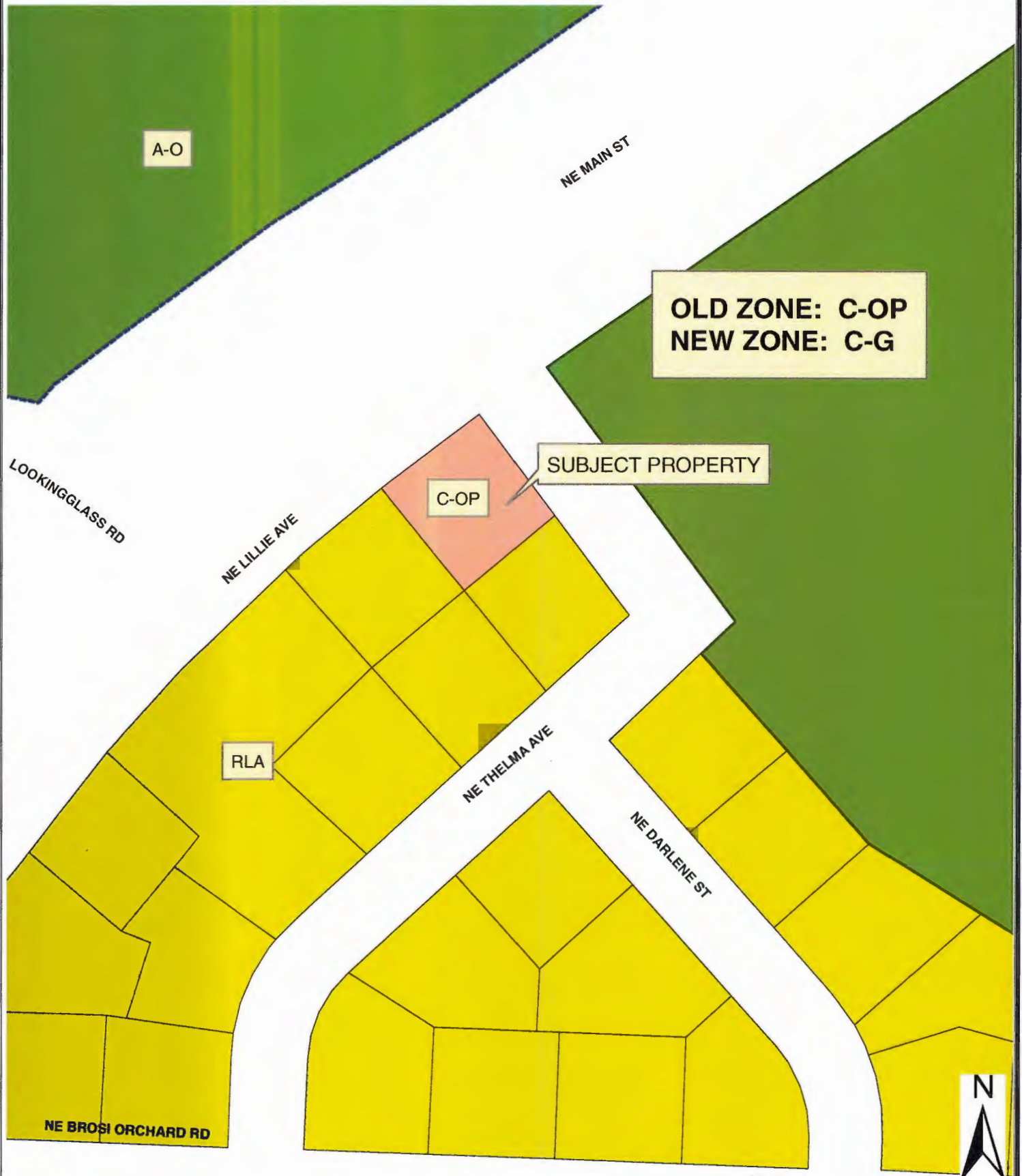
WINSTON PLANNING DEPARTMENT





ZONE  
T28S R6W SEC 16DD TL2800

MUNIZ  
14-W001



DOUGLAS COUNTY PLANNING DEPARTMENT  
ROOM 106, JUSTICE BUILDING  
DOUGLAS COUNTY COURTHOUSE  
ROSEBURG, OR 97470



ATTN: PLAN AMENDMENT SPECIALIST  
DLCD  
635 CAPITOL STREET NE, SUITE 150  
SALEM OR 97301-2540

DEPT OF  
JUN 30 2014  
LAND CONSERVATION  
AND DEVELOPMENT

