

**2020 LEGISLATIVE
AMENDMENTS TO THE**

**CITY OF WINSTON
ZONING ORDINANCE**

&

**CITY OF WINSTON
SUBDIVISION ORDINANCE**

**FINAL DRAFT
DECEMBER 18, 2020**

CITY COUNCIL MEMBERS 2020

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CITY MANAGER

MARK BAUER

TABLE OF CONTENTS

Zoning Ordinance AmendmentsPage 24, 26, 27, 29 & 33

Subdivision Ordinance AmendmentsPage 28, 29

Appendix A Article 6 Floodplain Development Amendments.....Page 115

Comprehensive Plan Amendments.....Page 24

LEGEND

- Deletion ~~Deletion~~ is marked with strike out function
- Addition **Addition** is marked with redline, bold and underline
- Comments *Comments are provided in italics*

**ZONING
ORDINANCE
AMENDMENTS**

WINSTON ZONING ORDINANCE AMENDMENTS

ARTICLE 1. INTRODUCTORY PROVISIONS

SECTION 1.020. Definitions

1. For the purposes of this Ordinance, unless otherwise specifically provided, certain words, terms and phrases are defined as follows:

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. “Special flood hazard area” is synonymous in meaning and definition with the phrase “area of special flood hazard”.

Area of Shallow Flooding. A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Except when in conjunction with other development, installation of less than 3,000 square feet of asphalt or other impervious paving surfaces shall not be included in this definition.

Flood/Flooding.

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - i. The overflow of inland or tidal waters.
 - ii. The unusual and rapid accumulation or runoff of surface waters from any source.
 - iii. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a (i) of this definition.

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM). The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). See “Flood elevation study”.

Floodway. The channel of river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively-increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or;
 - ii. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this ordinance. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Winston and includes any subsequent improvements to such structures.

Recreational Vehicle. A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

Special flood hazard area: See "Area of special flood hazard" for this definition.

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structures. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Building Code. The combined specialty codes.

Structure. That which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground, including but not limited to, fences and retaining walls. This definition shall include, for the purpose of this ordinance, a manufactured home and accessories thereto. For

floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. before the improvement or repair is started; or
2. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief by the City of Winston from the terms of a flood plain management regulation.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

1. SECTION 4.010. Agriculture/Open Space (A-O).

In an A-O zone, the following regulations shall apply:

1. Uses permitted outright. In an A-O zone, the following uses and their accessory uses are permitted outright:
 - a. Forest Management
 - b. Farm use in accordance with City's animal ordinance
 - c. Fish and wildlife management
 - d. The development of water impoundments and canals
 - e. Publicly owned parks, playgrounds, campgrounds, boating facilities, lodges, camps and other such recreational facilities.
 - f. Fire prevention, detection and suppression facilities.
 - g. Nursery for growing, sale display of trees, shrubs, and flowers.
 - h. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of the area, including but not limited to fire stations, schools, granges, community halls, water and wastewater treatment plants, parks and churches.
 - i. Single family dwellings customarily provided in conjunction with a use permitted in this classification, providing residence for the landowner, immediate family members, or an employee, providing that: a minimum average density of 10 acres per dwelling shall be maintained.
 - j. Home occupations
 - k. Limited Home occupations
 - l. Buildings and structures necessary to the above uses.
 - m. Accessory Residential Unit in conjunction with a single family dwelling or manufactured home subject to the standards in Section 4.020(3)iv.

2. SECTION 4.020. Residential Low Density Zone (R-L).

1. Uses permitted outright. In an R-L zone the following uses and their accessory uses are permitted outright:
 - a. One single-family dwelling;
 - b. One Manufactured home;
 - c. Agricultural use of land provided that no livestock shall be kept on the premises without permit in accordance with city's animal ordinance.
 - d. Residential home.
 - e. Family Day Care Home.
 - f. Limited Home Occupation
 - g. Accessory Residential Unit in conjunction with a single-family dwelling or manufactured home subject to the standards in SECTION 4.020(3)iv.

2. Conditional uses permitted. In an R-L zone the following uses and their accessory uses may be permitted subject to the provisions of Article 7.
 - a. Cemetery
 - b. Church, non-profit religious, or philanthropic institution
 - c. Community Center
 - d. Governmental structure or use of land including but not limited to park, playground, fire station, or library
 - e. Home occupation
 - f. Hospital
 - g. Kindergarten, nursery, day nursery, or similar facility
 - h. Private golf course or country club, but excluding golf driving range, miniature golf course or similar facility
 - i. Private non-commercial recreational club such as tennis club, swimming club, or archery club, but excluding commercial amusement enterprises.

- j. Private school offering curricula similar to public school
 - k. Public utility facility
 - l. Day Care Center
 - m. Day Care Group Home
 - n. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of the area, including but not limited to fire stations, schools, granges, community halls, water and wastewater treatment plants and parks.
 - o. Beekeeping, subject to the additional provisions of Section 5.130, Beekeeping.
3. Lot size and width. Except as provided in Sections 5.090 and 7.010, the minimum lot size and width in an R-L zone shall be as follows:
- a. The minimum lot areas shall be:
 - (i) R-L-A 6,000 square feet
 - (ii) R-L-B 8,500 square feet
 - (iii) R-L-C 20,000 square feet
 - (iv) Accessory Residential Unit: shall not exceed one per single-family unit; may either be part of the primary residence, existing garage, accessory building, or a separate detached structure; maximum size is 1,000 square feet or no more than 50% of the gross floor area of the primary residence, whichever is less; the primary heat source shall be electric or gas, not wood; accessory dwelling units that were established illegally may be legalized, subject to City review and approval, by applying for a Planning Clearance Worksheet.

SECTION 4.030. Residential Medium Density Zone (R-M).

In an R-M zone the following regulations shall apply:

1. Uses permitted outright. In an R-M zone the following uses and their accessory uses are permitted outright.
 - a. Single-family dwelling
 - b. One manufactured home.
 - c. Two-family dwelling (duplexes)
 - d. Multi-family dwelling (limited up to four units only)
 - e. Limited Home Occupation
 - f. Accessory Residential Unit in conjunction with a single-family dwelling or manufactured home subject to the standards in SECTION 4.020(3)iv

SECTION 4.050. Public Reserve Zone (PR).

In a Public Reserve zone the following regulations shall apply:

1. Purpose. The Public Reserve classification is intended to establish districts within which a variety of public service activities may be conducted without interference from inappropriate levels of residential, commercial, or industrial activities. It is intended to be applied primarily, though not exclusively, to publicly owned lands.
2. Uses Permitted Outright. In a Public Reserve zone the following uses and their accessory uses are permitted outright.
 - a. Farm uses
 - b. Parks, playgrounds, campgrounds, boating activities, golf courses, lodges, camps, and other such recreational facilities.
 - c. Public and private schools
 - d. Churches
 - e. Cemeteries
 - f. Hospitals, residential facilities, and nursing homes
 - g. Fish and wildlife management
 - h. Public and semi-public buildings, structures and uses essential physical, social and economic

welfare of the area, including but not limited to fire stations, schools, granges, community halls, water and wastewater treatment plants and parks.

- i. Single-family dwellings that are accessory to, and necessary for, a use permitted in the Public Reserve zone.
- j. Accessory Residential Unit in conjunction with a single-family dwelling or manufactured home subject to the standards in SECTION 4.020(3)iv

4. ARTICLE 5. SUPPLEMENTARY PROVISIONS

SECTION 5.030. Clear-Vision Areas. In all residential zones a clear-vision area shall be maintained on the corners of all property at the intersection of two streets. However, the provisions of this section shall not apply to any of the following:

- a. a public utility pole; or,
 - b. an official street sign, warning sign or signal.
1. A clear-vision area shall contain no planting, fence except for chain link or woven wire fences described below, wall, structure, or temporary or permanent obstruction exceeding four (4) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade. Fences constructed of chain link or woven wire may be allowed exceeding four (4) feet where there is no obstruction in or around the fence, and the fence does not obstruct vision. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above the grade. Plantings exceeding four (4) feet may be allowed in a clear-vision area as long as the plantings do not obstruct vision.
 2. Regardless of the side and rear yard requirements of the zone, an accessory structure in a residential zone may be built to within five (5) feet of a side or rear property line provided the structure is more thirty (30) feet from the street abutting the front yard and twenty (20) feet from the street abutting the street side yard, provided the structure is detached from all other buildings by ten (10) feet or more, and provided the structure does not exceed a height of fifteen (15) feet and an area of six hundred (600) square feet.
 5. A single-family dwelling may be permitted as an accessory use to a use permitted in the Commercial or Industrial zones, provided it is located above the ground floor business building.

ARTICLE 6. FLOODPLAIN DEVELOPMENT

SECTION 6.010. Findings of Fact.

1. Statutory Authority

The State of Oregon has in ORS 197.175, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Winston does ordain as follows:

2. Flood Losses Resulting from Periodic Inundation.

A. The flood hazard areas of the City of Winston are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

SECTION 6.020. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize those public and private losses due to flooding in specific areas, as described in paragraph 1, of Section 6.010, by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money and costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Control the alteration of floodplains, stream channels, and natural barriers which help accommodate or channel flood waters;
5. Minimize prolonged business interruptions;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize blight areas caused by flooding;
7. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
8. Notify potential buyers that the property is in a special flood hazard area;

9. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
10. Participate in and maintain eligibility for flood insurance and disaster relief.

SECTION 6.025 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

SECTION 6.030 General Provisions.

1. Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of City of Winston, Oregon.
2. Basis for Establishing the Areas of Special Flood Hazard. The special flood hazard areas identified by the Federal Insurance Administration in the scientific and engineering reports entitled "Flood Insurance Study for Douglas County, Oregon and Unincorporated Areas" dated February 17, 2010, with accompanying Flood Insurance Maps, are hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Maps are on file at 201 NW Douglas Boulevard (City Hall), Winston, Oregon 97496. The best available information for flood hazard area identification as outlined in Section 6.050, paragraph 3, b, shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 6.050, paragraph 3, b.
3. Coordination with State of Oregon Specialty Codes
Pursuant to the requirement established in ORS 455 that the City of Winston Douglas County Building Department administers and enforces the State of Oregon Specialty Codes, the City of Winston does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

4. Compliance
All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.
5. Penalties For Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a penalty defined in Article 12 of this ordinance. Nothing contained herein shall prevent the City of Winston from taking such other lawful action as is necessary to prevent or remedy any violation.
6. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
7. Severability. This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.
8. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:
 - (a) Considered as minimum requirements;
 - (b) Liberally construed in favor of the governing body; and
 - (c) Deemed neither to limit nor repeal any other powers granted under state statutes.
9. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Winston, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION 6.050. Administration.

1. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 6.040, paragraph 2. The permit shall be for all structures including manufactured homes, as set forth in the "definitions", and for all other development including fill and other activities, also as set forth in the definitions".
2. Designation of the Administrator. The City Manager is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
3. Duties and Responsibilities of the Administrator. Duties of the City Manager or his delegated floodplain administrator shall include, but not be limited to:

- a. Permit Review:

Review all development permits to determine that:

- (i). The permit requirements of this ordinance have been satisfied;
- (ii). All other required local, state, and federal permits have been obtained and approved.
- (iii). Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 6.090, paragraph 2 are met; and
- (iv). Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 6.050, paragraph 4 and;
- (v). Provide to the City Manager the Base Flood Elevation (BFE) Freeboard of One foot is applicable to any building requiring a development permit for habitable structures.
- (vi). Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 1.020 of this ordinance.
- (vii). Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 6.050.6.
- (viii). Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

4. Use of Other Base Flood Data (In A Zone). When base flood elevation data has not been provided (A Zone) in accordance with section 6.040, paragraph 2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the City Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer section 6.060.
- a. The following information shall be obtained and maintained and shall be made available for public inspection as needed:
- (i) Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 6.050, paragraph 4.
 - (ii) Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 6.090, paragraph 2 and section 6.050 (b) are adhered to.
 - (iii) Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
 - (iv) Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
 - (v) Maintain all Elevation Certificates (EC) submitted to the City of Winston.
 - (vi) Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 6.050, paragraph 4.
 - (vii) Maintain all floodproofing certificates required under this ordinance;
 - (viii) Record and maintain all variance actions, including justification for their issuance;

- (x) Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 6.080, paragraph 5.
- (xi) Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 6.090, paragraph 2.
- (xii) Maintain for public inspection all records pertaining to the provisions of this ordinance.

5. Community Boundary Alterations

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

6. Alteration of Watercourses:

- a. Notify adjacent communities, the Department of State Lands, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- c. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- d. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 6.050, paragraph 7. Ensure compliance with all applicable requirements in sections 6.050, paragraph 6 and 7.

- e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions).
- f. Appeals. The Planning Commission, as established by the City of Winston, shall hear and decide appeals and requests for variances from the requirements of this ordinance. Such

appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

(viii) Requirement to Submit New Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

a. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; and;
- ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

b. An applicant shall Notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

(ix) Substantial Improvement and Substantial Damage Assessments and Determinations

Conduct Substantial Improvement (SI) (as defined in section 6.030) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 6.050, paragraph 4 . Conduct Substantial Damage (SD) (as defined in section 1.020 in this ordinance) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 6.040, paragraph 2) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(x) Floodplain Development Permit Required

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 6.040, paragraph 2. The development permit shall be required for all structures, including manufactured homes, and for all other development, as defined in section 1.020 in this ordinance, including fill and other development activities.

(xi) Application for Development Permit

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures,

fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 6.050, paragraph 4 (a).
- b. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in section 6.070, paragraph 6 and 7.
- d. Description of the extent to which any watercourse will be altered or relocated.
- e. Base Flood Elevation data for subdivision proposals or other development when required per sections 6.050 (3) and 6.060, paragraph 2.
- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

(xii) Variance Procedure

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

(xiii) Conditions for Variance

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 6.060 paragraph 12 (C), and paragraph 13. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;

- ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- iv. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 6.060, paragraph 12((B)–(D) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(xiv) Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 6.050, paragraph 4 (a).

SECTION 6.060. Provisions for Flood Hazard Reduction.

1. General Standards. In all areas of special flood hazards areas, the following standards shall be adhered to:
 - a. Alteration of Watercourses:
Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with section 6.050, paragraph 6.
 - b. Anchoring:
 - i. All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - ii. All manufactured homes shall be anchored per section 6.070, paragraph 4.
 - c. Construction Materials and Methods:
 - i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- d. **Water Supply, Sanitary Sewer, and On-Site Water Disposal System:**
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

e. Electrical, Mechanical, Plumbing, and Other Equipment

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level, utility units can be placed at or above BFE, or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

- i. If replaced as part of a substantial improvement shall meet all the requirements of this section.

f. Tanks

- i. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- ii. Above-ground tanks shall be installed at or above the base flood level utility units can be placed at or above BFE, or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

2. Subdivision Proposals:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) shall:
- iii. Be consistent with the need to minimize flood damage

- iv. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- v. Have adequate drainage provided to reduce exposure to flood hazards.
- vi. All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.

3. Review of Building Permits:

- a. When Base Flood Elevation data has not been provided in accordance with section 6.050, paragraph 4, the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 6.050. All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) must meet the requirements of section 6.060, paragraph 2.
- b. Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc where available. Unless an Oregon registered professional engineer certifies to the City of Winston and other agencies, which will require a permit for the proposed development that the cumulative effect of the proposed development and anticipated development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

4. Structures Located in Multiple or Partial Flood Zones

- a. In coordination with the State of Oregon Specialty Codes:
 - i. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
 - ii. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

5. Specific Standards. In all areas of special flood hazards where the base flood elevation data has been provided as set forth in section 6.030, paragraph 2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 6.040, paragraph 3, b, USE OF OTHER BASE FLOOD

DATA (In A Zone), the following provisions are required: These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 1.020 of this ordinance.

6. Flood Openings

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.

1. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:
 - i. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exist of floodwaters;
 - ii. Be used solely for parking, storage, or building access;
 - iii. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - iv. A minimum of two openings,
 - v. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - vi. The bottom of all openings shall be no higher than one foot above grade.
 - vii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - viii. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable by the Douglas County Building Department.

SECTION 6.070. Provisions for Construction in the Floodplain.

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot above the base flood elevation. Enclosed areas below the lowest floor shall comply with the flood openings requirements in section 6.060 (6). The lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - iv. An attached garage where the garage slab is below the base flood elevation is considered an enclosed area and is also subject to the flood vent requirements.
2. Non-residential Construction: New construction and substantial improvement of any commercial, industrial or other non-residential structure shall:
- a. Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE) Or, together with attendant utility and sanitary facilities,
 - i. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 6.050, paragraph 4.
 - iv. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 6.060, paragraph 6.
 - v. Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated one (1) foot below that level.
3. Recreational Vehicles. Recreational vehicles placed on sites are required to:
- i. Be on the site for fewer than 180 consecutive days, or
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - iii. Meet the requirements of section 6.070, paragraph 4, including the anchoring and elevation requirements for manufactured homes.

4. Manufactured Homes.

- i. New or substantially improved manufactured homes supported on solid foundation walls shall be constructed with flood openings that comply with section 6.090, paragraph 2.
- ii. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- iii. The manufactured home shall be anchored to prevent flotation collapse and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques); and, New or substantially improved manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;
- iv. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE) as provided in the Oregon Manufactured home Specialty Code).
- v. All new, replacement or substantially improved manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam (lowest floor) of the manufactured home, as defined in the Oregon Manufactured home Specialty Code, is elevated to a minimum 12 inches above the base flood elevation (BFE) and securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.
- vi. The manufactured home stand or foundation shall be a minimum of 12 inches above the BFE unless the foundation wall is opened on one side or end so that floodwater cannot be trapped;
- vii. Manufactured homes placed or substantially improved in the floodway shall also comply with the provisions of Section 6.060 (b).

5. Garages

Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:

- i. If located within a floodway the proposed garage must comply with the requirements of section 6.090, paragraph 2.
- ii. The floors are at or above grade on not less than one side;
- iii. The garage is used solely for parking, building access, and/or storage;

- iv. The garage is constructed with flood openings in compliance with section 6.060, paragraph 6, subsection g to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
- v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
- vi. The garage is constructed in compliance with the standards in section 6.060, and;
- vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- viii. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 6.070 or nonresidential structures in section 6.060 paragraph 2 depending on the square footage of the garage.

6. Appurtenant (Accessory) Structures

Relief from elevation or floodproofing requirements for Residential and Non-Residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- a. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 6.090, paragraph 2.
- b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- c. In compliance with State of Oregon Specialty Codes, Appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
- d. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 6.060(6);
- g. Appurtenant/accessory structures shall be located and constructed to have low damage potential;
- h. Appurtenant/accessory structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 6.060(f).
- i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

SECTION 6.080. Below-grade crawl spaces.

- i. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:
- ii. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section (2) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- iii. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- iv. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- v. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

- vi. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- vii. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- viii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- x. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used. For more detailed information refer to FEMA Technical Bulletin 11-01.
- xi. For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations: In addition to the general standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH and AE.

SECTION 6.090. Before Regulatory Floodway.

1. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
2. Floodways. Located within areas of special flood hazard established in Section 6.060, paragraph 1, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - b. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; Or,
 - c. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and

the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.

- d. If the requirements of section 6.090, are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 6.060.
- e. Projects for stream habitat restoration may be permitted in the floodway provided the projects have been approved by the U.S. Army Corps of Engineers, Oregon Department of State Lands, or the Oregon Department of Fish and Wildlife, as appropriate.

5. ARTICLE 7. CONDITIONAL USE PERMIT

SECTION 7.010. Authorization to Grant or Deny Conditional Use.

- 1. The City Manager 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 twelve (12) months after date of denial, unless documentation or evidence is provided, which demonstrates the applicant has mitigated or addressed all the points for the basis of denial.
- 4. Upon request, the City Manager may extend the variance authorization for up to one (1) year. An extension request must be submitted to the City Manager, in writing, prior to the expiration of such approval, stating the reason(s) why an extension should be granted.

**SUBDIVISION
ORDINANCE
AMENDMENTS**

Subdivision Ordinance Amendments

1. SECTION 1. Definitions

- A. Building Line. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.
- B. City Council. The Common Council of the City of Winston.
- C. Comprehensive Plan. Plans, maps, reports, or any combination thereof, adopted by the City Council for the guidance of growth and improvement of the City, including modification or refinements which may be made from time to time.
- D. Easement. A grant of the right to use land for specific purposes.
- E. Lot. A unit of land that is created by a subdivision of land.
- F. Major Partition. Partitioning land into 3 or more parcels/units/lots.
- G. Minor Partition. Partitioning land into 2 parcels/units/lots.
- H. Parcel of Land. A unit of land that is created by a partitioning of land.
- I. Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
- J. Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

“Partitioning land” does not include:

- a. Divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosures of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots
- b. Any adjustment of a lot or parcel line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot or parcel size established by any applicable zoning ordinance. “
- c. The sale of a lot or parcel in a recorded subdivision, even though the lot or parcel may have been acquired prior to the sale with other contiguous lots or parcels or property by a single owner.
- d. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposed provided that such road or

right of way complies with the Comprehensive Plan.

2. SECTION 16 Installation of Improvements

In addition to other requirements, improvements installed by the subdivider or partitioner, either as a requirement of these regulations or at his own option, shall conform to the requirements of this ordinance and improvements standards and specifications established by the City. The improvements shall be installed in accordance with the following procedures:

- A. Work shall not begin until plans have been checked for adequacy and approved by the City. All such plans shall be prepared by a registered engineer licensed to practice in the State of Oregon.
- B. All such work shall be guaranteed with a form of security as specified in Section 20.
- C. Improvements shall be constructed under the inspection and to the reasonable satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant the change in the public interest.
- D. Underground utilities installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- E. A map showing all public improvements as built shall be filed with the City Recorder upon completion of the improvements.
- F. All improvements must be properly inspected to demonstrate full compliance with Winston Subdivision Ordinance. The City may require inspection report(s) from a private organization at the developer's expense for all improvements to ensure they meet City standards.

**COMPREHENSIVE
PLAN
AMENDMENTS**

Comprehensive Plan Amendments

1. NATURAL FEATURES

- A. GOAL: TO PRESERVE AGRICULTURAL AND FOREST LANDS, USING FOR URBANIZATION ONLY TO THOSE AREAS WITH LOW AGRICULTURAL CAPABILITY AND LOW SEPTIC SUITABILITY.

POLICIES:

1. Except where other uses already predominate, encourage the planting and careful management of Douglas Fir forests on lands suitable for their growth.
2. Where additional lands outside of the UGB are considered for urbanization, areas of Class V-VII agricultural soils should be given first.
3. Areas where failing septic systems are numerous should have first priority among those areas of poor agriculture capability outside the city limits to receive serves and other urban services subject to city service requirements.
4. The City shall comply with all applicable state and federal environmental regulations.

- B. GOAL: TO PREVENT INAPPROPRIATE DEVELOPMENT IN NATURAL HAZARD AREAS.

POLICIES

1. Require that plans for construction in areas of potential slope or soil hazard be reviewed and signed by a licensed engineering geologist.
2. Floodways shall be protected from encroachment by the provisions of the Zoning Ordinance.
3. Development within the “flood fringe” shall be strongly discouraged and subject to the provisions of the City’s “Floodplain Ordinance”.
4. Areas immediately outside the City’s Urban Growth Boundary, but within the floodplain should be discouraged from further development.
5. The City shall comply with all applicable State and Federal environmental regulations.
6. Wetlands mitigation strategies shall be implemented in sensitive areas.

C. GOAL: TO PROTECT WINSTON'S ENVIRONMENT BY CONSERVING VEGETATION, WILDLIFE AND WATER RESOURCES.

POLICIES:

1. Winston shall protect the South Umpqua River, Lookingglass Creek, Applegate Creek, and Brockway Creek within its UGB by controlling the removal of riparian vegetation along their watercourses.
2. Advocate compliance with Oregon Forest Products Act and other relevant legislature for the reforestation of previously forested lands.
3. Discourage radical changes in existing wildlife habitats.
4. Advocate a program to heighten citizen's awareness on the importance of water conservation.
5. Encourage the adoption by the appropriate governmental body of regulation requiring the rehabilitation of aggregate mining sites.
6. The City shall comply with all state and federal environmental regulations.

D. GOAL : TO CONSERVE HISTORIC RESOURCES IN THE WINSTON AREAS.

POLICIES:

1. Winston shall protect historic sites and resources where practicable from conflicting uses and loss of historic values.
2. Winston shall promote preservation and/or usability of historic sites when deemed acceptable.

E. GOAL : TO PRESERVE MINERAL AND AGGREGATE RESOURCES IN THE AREA.

POLICIES:

1. Winston shall protect mineral aggregate resources where practicable from conflicting land uses.
2. Winston shall conduct an analysis of economic, social, environmental, and energy factors whenever land use conflicts arise between mineral and aggregate extraction and other land uses.

F. GOAL: TO PRESERVE THE NATURAL CHARACTER OF LANDS IDENTIFIED AS SERVING AGRICULTURAL AND/OR FORESTRY

LAND USE.

POLICIES

1. Agricultural and forest lands that are considered suitable resource land shall be preserved. A 50 acre minimum lot size will be preserved through use of the City's Large Lot Overlay Zone.
2. Winston will coordinate with Douglas County and the Cow Creek Band of Umpqua Tribe of Indians regarding review and approval of development proposals within the defined "areas of Mutual Concern". These special areas include farmlands located east of Safari Road and within the existing Winston UGB as well as agricultural and forest lands located north of Lookingglass road.
3. Any requests for zone change in this area will require a plan amendment and application of Statewide Planning Goals as required by state law.

5. INDUSTRIAL OPPORTUNITIES

As reflected in the Comprehensive Plan, there are currently no zoned industrial sites in the City of Winston. There is one industrial site north of Winston within the UGB that is currently a distribution site for a beverage company. In addition, there are two sites located inside the City limits and Urban Growth Boundary of Winston that are suitable to facilitate more industrial type lands. The first is located directly to the west side of Douglas High School. The property is currently 12.05 acres in size and is zoned Special Historical Commercial. The second is located southwest of the intersection of Brockway Road and State Highway 42. The property is currently 3.73 acres in size and is zoned Agricultural Open Space.

Two industrial sites in Green and Dillard are located within close proximity to the City, both are within the Roberts Creek Enterprise Zone which has recently been revised to include an e-commerce designation. The closer of the two industrial sites is located south of the City, in the Dillard area. There are 724 acres of industrial-zoned land in this location. Natural hazards must be taken into account when considering the usability of the area. Portions of the site are constrained by steep slopes and a large portion of the site is in the 100-year flood plain of the South Umpqua River.

Douglas County has designated the Dillard industrial properties as M-3 (Heavy Industrial).

The M-3 designation allows:

1. Any use permitted in the M-2 zone.
2. Processing of aggregate and mineral resources or other subsurface resources, including asphalt plants.
3. Manufacturing, repairing, fabricating, processing, parking, or storage use not listed in any other section of this ordinance or under conditional uses below.
4. One mobile home or watchman's quarters in conjunction with a use listed in this article.

The second cluster of industrial lands is located east of Winston, in the Green area. This cluster contains 498 acres of industrial properties and existing industrial uses. Douglas County has

designated the Green Industrial properties as M-2.

THE FUTURE LAND USE PLAN

Projected Population – Year 2035	<u>7,560</u>
2010 U.S. Census Population	<u>5,571</u>
Additional Population	<u>1,989</u>

Estimations of residential land use needs for Winston in the year 2035 are based on a projected population of 11,095 residents in the year 2065. This projection is based on the average annual growth rate of 1.3% (2000 – 2010) dictated by Portland State University’s population research center. The 2010 Census Report projected a population of 5,571 residents. As shown above, Winston expects to add 1,989 residents by the year 2035.¹

Figure 1. Douglas County and Sub-Areas—Historical and Forecast Populations, and Average Annual Growth Rates (AAGR)

	Historical			Forecast				
	2000	2010	AAGR (2000-2010)	2015	2035	2065	AAGR (2015-2035)	AAGR (2035-2065)
<i>Douglas County</i>	100,399	107,667	0.7%	110,051	132,587	153,136	0.9%	0.5%
Canyonville ¹	1,498	2,005	3.0%	2,101	3,243	4,672	2.2%	1.2%
Drain	1,204	1,352	1.2%	1,346	1,510	1,686	0.6%	0.4%
Elkton	169	195	1.4%	207	293	420	1.7%	1.2%
Glendale	946	979	0.3%	981	1,106	1,324	0.6%	0.6%
Myrtle Creek	6,998	7,478	0.7%	7,614	9,469	13,032	1.1%	1.1%
Oakland	1,117	1,097	-0.2%	1,108	1,221	1,250	0.5%	0.1%
Reedsport	4,437	4,244	-0.4%	4,237	4,723	4,903	0.5%	0.1%
Riddle	1,030	1,182	1.4%	1,172	1,245	1,262	0.3%	0.0%
Roseburg	26,599	28,344	0.6%	29,870	39,239	46,805	1.4%	0.6%
Sutherlin	6,883	8,138	1.7%	8,298	11,096	13,994	1.5%	0.8%
Winston	4,917	5,571	1.3%	5,851	7,560	11,095	1.3%	1.3%
Yoncalla	1,082	1,085	0.0%	1,088	1,130	1,131	0.2%	0.0%
Outside UGBs	43,519	45,997	0.6%	46,177	50,752	51,563	0.5%	0.1%

Sources: U.S. Census Bureau, 2000 and 2010 Censuses; Population Research Center (PRC)

Total housing units in Winston increased from 2,021 to 2,405 from 2000 to 2010, which is an annual growth rate of 1.8%. The 2010 Census housing vacancy rate increased from 5.9% to 6.4% (calculated through the average homeowner vacancy rate and rental vacancy rate), which indicates a continual decrease in long term residency in the City of Winston. According to 2010 Census data the average persons per household remains consistent with the 2000 data at 2.5%.

Figure 13. Douglas County and Sub-Areas—Total Housing Units (2000 and 2010)

	2000	2010	AAGR (2000-2010)	County 2000	County 2010
<i>Douglas County</i>	43,284	48,915	1.2%	100.0%	100.0%
Canyonville ¹	670	874	2.7%	1.5%	1.8%
Drain	529	579	0.9%	1.2%	1.2%
Elkton	92	110	1.8%	0.2%	0.2%
Glendale	395	438	1.0%	0.9%	0.9%
Myrtle Creek	2,883	3,212	1.1%	6.7%	6.6%
Oakland	475	485	0.2%	1.1%	1.0%
Reedsport	2,200	2,245	0.2%	5.1%	4.6%
Riddle	413	490	1.7%	1.0%	1.0%
Roseburg	11,848	13,181	1.1%	27.4%	26.9%
Sutherlin	3,002	3,700	2.1%	6.9%	7.6%
Winston	2,021	2,405	1.8%	4.7%	4.9%
Yoncalla	451	491	0.9%	1.0%	1.0%
Outside UGBs	18,305	20,705	1.2%	42.3%	42.3%

Sources: U.S. Census Bureau, 2000 and 2010 Censuses

The projected number of additional residential units needed in Winston in the year 2035 can be determined by calculating the number of additional households and factoring in the overall vacancy rate.

This figure is derived from the following equation:

$$[(2035 \text{ population} - 2018 \text{ population}) \div 2035 \text{ average household size}] * (1 + 0.70)$$

$$[(7,560 - 5,571) \div 2.5] * 1.70 = 1,353$$

ⁱ *PSU population updates only apply to page 75-78 of the Comprehensive Plan. The full update of the Comprehensive Plan would require a new economic opportunities analysis in order to fully implement updated population projections.*

2. Land Use- Winston

A. GOAL: TO ENSURE THAT THE DEVELOPMENT OF WINSTON IS PROPERLY PHASED AND ORDERLY, SUCH THAT URBAN SPRAWL IS AVOIDED AND LIVABILITY IS ENHANCED.

POLICIES:

1. Residential density should continue to increase near existing service areas and major streets. This same policy should be extended to newly urbanizing areas, with nodes of

higher density in specific, appropriate areas. Clustering lower density housing to make more efficient use for the land should also be encouraged.

2. Develop nodes for future concentrations of commercial activity, both within the existing city and in newly developing areas.
3. Set standards for park development both by the city, through the Park Board and Master Plan, and private interests. These should enable the City to meet the recreation needs of its citizens as it grows.
4. Continue to implement the local street network plan, which developed an overall circulation system which includes pedestrian and bike paths linking all residential areas of the city with activity centers, both existing and proposed. The street network should be closely coordinated with future land use designations to avoid conflicts.
5. Access should be very limited onto arterial streets. Only commercial or residential development that can be buffered from street noise and pollutants should be permitted along arterials. Access points onto collectors should also be kept to a minimum.
6. Land outside the Urban Growth Boundary should continue as a rural residential or agricultural in use.
7. New industrial sites should be developed in Green and Dillard, with full facilities to attract new, stable, base employers to this part of the county.
8. Any changes to the Urban Growth Boundary shall be based on considerations of the following:
 - 1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
 - 2) Need for housing, employment opportunities, and livability;
 - 3) Orderly and economic provision for public facilities and services;
 - 4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
 - 5) Environmental, energy, economic, and social consequences;
 - 6) Retention of agricultural land as defined, with Class I being the highest priority
 - 7) Compatibility of the proposed urban uses with nearby agricultural activities.
9. Conversion of urbanizable land to urban uses shall be based on consideration of:
 - 1) Orderly, economic provision for public facilities and services;
 - 2) Availability for sufficient land for the various uses to ensure choices in the market place;
 - 3) LCDC goals and
 - 4) Encouragement of development within urban areas before conversion of

urbanizable areas.

10. That designations as COMMERCIAL be considered for all or portions of the parcels on the east and west side of Abraham Avenue adjacent to Highway 42 when such a proposal can certify that it is reasonably necessary for beneficial development.
11. That designation as COMMERCIAL be considered for all or portions of the parcels on the north side of Highway 42, diagonal from the Brockway Store when such a proposal can certify that it is reasonable necessary for beneficial development.