

City of Rainier
Regular City Council Meeting
September 11, 2023
6 p.m.
Rainier City Hall

Mayor Jerry Cole called the council meeting to order at 6 p.m.

Council Present: Connie Budge, Scott Cooper, Robert duPlessis, Jeremy Howell, Mike Kreger and Paul Langner

Council Absent: Denise Watson

City Attorney Present: No

City Staff Present: Sarah Blodgett, City Recorder; Gregg Griffith, Police Chief; W. Scott Jorgensen, City Administrator; Sue Lawrence, Public Works Consultant; Pat McCoy, Interim Public Works Director; Preston Van Meter, City Engineer

Flag Salute

Additions/Deletions from the Agenda: City Administrator W. Scott Jorgensen requested that letter of support for Department of Land Conservation and Development (DLCD) Technical Assistance Grant be added to the agenda as item g under New Business. Councilor Scott Cooper moved to add that item to the agenda as requested. That motion was seconded by Council President Mike Kreger and adopted unanimously.

Mayor's Address: Mayor Jerry Cole asked for a moment of silence to honor the recent passing of Diane Dillard, who was known for her volunteerism, philanthropy and community involved. Cole also asked for a moment of silence in honor of the September 11, 2001 national tragedy.

Visitor Comments: Angela Wayman and Kathryn Kreger promoted their efforts to raise \$12,000 to \$13,000 for a 20-foot Christmas tree for the Rainier Winterfest. The Eagles Lodge has donated \$5,000 and a local business has donated \$1,000.

Consider Approval of the Consent Agenda

Consider Approval of the August 7, 2023 and August 17, 2023 Regular Council Meeting Minutes and Monthly Financial Statements—Kreger moved to approve the consent agenda. That motion was seconded by Cooper and adopted unanimously.

New Business

a. Planning Update—Jorgensen announced that the City has been awarded DLCD's Housing Planning Assistance grant. DLCD will provide the City with a consultant to do the work for its potential Urban Growth Boundary (UGB) land swap. He has requested Winterbrook, which is the same firm that the City of Vernonia has been using to conduct the same process. A Planned Unit Development ordinance will be coming before council for a first reading at its next meeting. Planning Commission is recommending that cottage clusters be allowed as conditional uses in R-1 and R-2 zones. That body is also looking at the City of Longview's Accessory Dwelling Unit (ADU) ordinance. The commission is considering allowing

ADUs in SR and R-1 zones as long as they meet building and zoning codes. Tiny homes may also be defined as ADUs and be allowed in SR, R-1 and R-2 zones. The commission will also be making a decision on shipping containers at its next meeting. Jorgensen said the commission priorities for 2024 will include the UGB land swap, a Transportation System Plan and a Public Facilities Plan for the industrial area on the west side of the City if the grants he's applying for are awarded.

b. Centrifuge Repair—Public Works Consultant Sue Lawrence said the centrifuge separates water from solids at the wastewater plant and the City only has one. The estimate to rebuild it has come in at \$26,000 but she is getting another bid. It has been four years since it was last rebuilt. Councilor Paul Langner moved to approve the bid not to exceed \$26,850. That motion was seconded by Councilor Robert duPlessis and adopted unanimously.

c. Wastewater Treatment Plant Facility Plan—Lawrence said this plan is needed for the City to meet the terms of its Mutual Agreement and Order with the Department of Environmental Quality. The proposal is from West Yost, the City's engineering firm, and is for \$213,148. City Engineer Preston Van Meter said the plan consists of five tasks. Lawrence said it is budgeted for, and added that the City has been approved for a grant/loan from DEQ for the plan. Van Meter described the project deliverable as a 20-year plan that will help ensure DEQ compliance. Cole asked for a timeline. Van Meter said one year. Van Meter confirmed that the most recent study was done in 2004 or 2005. duPlessis moved to approve the plan. That motion was seconded by Cooper and adopted unanimously.

d. Emergency Aeration Basin Cleanup—Lawrence said there was an issue at the wastewater plant that required the basin to be cleaned. It was full of sediment, sand and debris. She does not yet have the total cost of the work but it could be over \$10,000. Cole confirmed that he and Jorgensen approved the work on an emergency basis. Lawrence will bring this item back to the next meeting once she has the cost.

e. Public Works Director Position Costs—Lawrence said \$250,000 was budgeted for the position over the next two years. The projected costs are \$229,000 and all the training, travel and membership dues expenses are budgeted for.

f. ODOT Easement Request—Jorgensen said that ODOT requested two easements for a property the city owns and will pay the City \$3000 for them. One is temporary and one is permanent. ODOT needs council approval and verification that he has signature authority. Kreger moved to grant Jorgensen signature authority for those easements. That motion was seconded by Cooper and adopted unanimously.

g. Letter of Support for DLCD Technical Assistance Grant—Jorgensen said that the grant could be used for a public facilities plan for the industrial area on the west side of town that does not have water or sewer infrastructure. He spoke with the City's DLCD regional representative, who informed him that the emphasis of the grants this year is on economic development. Jorgensen needs a letter of support from council in order to complete the grant application. Councilor Connie Budge moved to approve the letter of support. That motion was seconded by Cooper and adopted unanimously.

Unfinished Business

a. Public Hearing on Ordinance 1091—To Amend the Rainier Municipal Code Chapters 2.15, 17.10, 17.15, 17.20, 18.05, 18.15, 18.20, 18.25, 18.30 and 18.150—Cole opened the public hearing at 7:06 p.m. No testimony was given. He closed the hearing at 7:07 p.m.

b. Second Reading of Ordinance 1091—To Amend the Rainier Municipal Code Chapters 2.15, 17.10, 17.15, 17.20, 18.05, 18.15, 18.20, 18.25, 18.30 and 18.150—Kreger moved to approve the ordinance. That motion was seconded by Cooper and adopted unanimously.

c. City Website Revamp—Council heard a presentation by Christina Ishii and Cooper about upgrades that could be made to the City’s website. The website looks just fine on laptop and desktop computers, but comes across poorly on cell phones. It was last updated in 2010 and a lot has changed since then. Ishii can start making the improvements around mid-October and have them completed by the end of the year, with a total cost of between \$3,000 and \$4,000. Budge moved to direct the city administrator to research the costs. That motion was seconded by duPlessis. City Recorder Sarah Blodgett said there were several line items that could be used to fund the website upgrade. Budge withdrew her motion. Councilor Paul Langner moved to approve the expense, not to exceed \$5,000. That motion was seconded by Councilor Jeremy Howell and adopted unanimously.

d. Fox Creek Update—Jorgensen said he spoke with Bill Jablonski at ODOT. That agency is looking into some grant funding for the project. Jablonski asked for a copy of the feasibility study and Jorgensen provided it for him.

Staff Report—Police Chief Gregg Griffith said oral boards will be the following Thursday to do interviews for the vacant officer positions. Lawrence said she’s receiving bids for the repair work to Richards Road. Blodgett said the City’s annual audit will begin towards the end of the month. Jorgensen said he updated the City’s safety manual, helped in the recruitment process for the police department, met with representatives of the Lower Columbia Estuary Partnership and the Oregon Department of Transportation and is making arrangements for the City to host the quarterly city/county dinner scheduled for October 10. He was appointed to represent the City on the Columbia County Cultural Coalition board of directors and onboarded Interim Public Works Director Pat McCoy.

Council Reports—There were no council reports at this time.

City Calendar/Announcements—Jorgensen announced that there will be a ribbon cutting ceremony at the Windemere Realty office September 19th at 4 p.m.

Cole adjourned the meeting at 7:56 p.m.

Mayor Jerry Cole

W. Scott Jorgensen, City Administrator



August 14, 2023

To: Rainier Planning Commission
From: Skip Urling, City Planner
Re: Proposed Ordinance 1093

Attached is proposed Ordinance 1093 which would add a new chapter to Rainier Municipal Code Title 17 Subdivisions. The addition would create a planned unit development (PUD) option to the more traditional subdivision process, providing greater flexibility to the development community which would result in potentially greater residential density in return for preservation or avoidance of impacts to sensitive, environmentally constrained features on any particular parcel or parcels in addition to the provision of open space, recreational, and/or community facilities. The Planning Commission reviewed the proposed ordinance at its June meeting from a policy perspective. PUDs are common throughout Oregon and neighboring states.

Pursuant to RMC 18.125.010, amendments to the text of the comprehensive plan or RMC Title 17 shall be reviewed via a Type IV process with public hearings conducted first by the Planning Commission and subsequently by the City Council prior to the council taking action. RMC 18.125.010 provides two criteria as guidance:

C: Criteria. Text amendments shall be consistent with the following criteria:

- 1. Applicable provides of the Rainier comprehensive plan; and*
- 2. Applicable statewide planning goals and/or administrative rules adopted by the Land Conservation and Development Commission.*

RAINIER COMPREHENSIVE PLAN POLICIES

The Rainier Comprehensive Plan contains 14 goals with associated policies. Four of the goals and their policies apply to this proposed code amendment. Those sets of policies are presented below together with an analysis of the proposed code addition consistency.

GOAL 1: CITIZEN PARTICIPATION

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.



FINDINGS:

- 1. The City of Rainier depends on the efforts of its citizens to achieve its land use goals. Good faith, good communication and mutual trust and respect between the City of Rainier and its citizens are critical if Rainier is to grow and remain livable.*
- 2. The Planning Commission has traditionally encouraged and supported public participation and can most appropriately continue to lead the City's citizen participation efforts.*

POLICIES:

- 1. The Planning Commission is designated as the Committee for Citizen Involvement for Rainier. The Planning Commission has the responsibility for gathering citizen input and information concerning any proposed changes to the Rainier Comprehensive Plan. The Planning Commission may, upon approval from the City Council, form ad hoc committees which include members of the community to study special problems faced by the City.*
- 2. The City will provide as much financial support as possible to the Citizen Involvement process through the Planning Commission. However, volunteers will, of necessity, continue to be the mainstay of the process.*
- 3. The City shall ensure its citizens an adequate opportunity to review and comment on all planning and zoning decisions through public hearing and notice procedures established in state statute and set forth in the Rainier Comprehensive Plan and Zoning Ordinance.*

Staff finding: The fact that the planning commission is conducting a public hearing shows that the public has been offered the opportunity to participate. The city council's hearing will reinforce that opportunity. RMC 18.160.050 spells out the public notice requirements for Type IV actions. Following the code requirements, notice for the planning commission's hearing was published in the Clatskanie *The Chief* July 28, 2023, at least 20 days in advance of the planning commission hearing and notice also was posted in three conspicuous public places.

This goal and policy set is satisfied.

GOAL 2: LAND USE PLANNING



To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land, and to assure an adequate factual basis for such decisions and actions.

FINDINGS:

- 1. Oregon's land use planning system requires that local government comprehensive plans and implementing ordinances conform to the statewide planning goals.*
- 2. The City of Rainier uses the Comprehensive Plan document to state findings and policies and the Zoning Ordinance, Land Division Ordinance and other regulations to govern the use and development of land within the city.*
- 3. The City has prepared an inventory of land within the Urban Growth Boundary and has determined which areas of Rainier are most appropriate for residential, commercial, industrial and other land uses.*

POLICIES:

- 1. The City shall ensure that this comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission.*
- 2. The Comprehensive Plan and any future amendments to the Plan will be adopted by ordinance after adequate public hearings.*
- 3. The Zoning Ordinance, the Land Division Ordinance and any amendments to these ordinances shall conform to the Comprehensive Plan and shall be adopted by ordinance.*
- 4. The City shall maintain a Comprehensive Plan Inventory. This document provides the factual basis for the Comprehensive Plan. The inventory may be updated by the adoption of appendices or by revision of the entire document.*
- 5. To ensure that the Comprehensive Plan and implementing ordinances are kept current with the needs of the community, this plan shall be reviewed and updated every five to seven years, consistent with periodic review requirements established in state statute.*



6. *The City shall coordinate its planning programs and activities with affected public agencies and utilities. At a minimum, the City of Rainier coordination program will involve the following agencies:*

- a. *Columbia County*
- b. *Longview-Kelso [Cowlitz-Wahkiakum] Council of Governments*
- c. *Port of [Columbia County] St. Helens*
- d. *State Agencies (Dept. of Land Conservation & Development, Economic Development Department [Business Oregon], Division [Department] of State Lands, Department of Transportation, State Marine Board, Oregon Parks Department, Department of Environmental Quality)*
- e. *Rainier School District and other affected school districts*
- f. *West Rainier Diking [Company] District, Columbia River Peoples Utility District, Portland General Electric [Clatskanie Public Utility District] and other utilities*
- g. *Rainier Rural Fire District and Rainier City Police Department*

7. *The Comprehensive Plan Map and the Zoning Map will reflect the plan policies and apply land use categories in the following manner: (Author's note: the remainder of the policy merely describes the various plan map designations and zoning districts, and is not included here in effort to save paper and ink.)*

Staff finding: Policy 3 applies to this amendment. The proposed amendment adds a new chapter to the subdivision code to provide greater regulatory flexibility to the development community when subdividing land and will better allow for the protection of sensitive lands. No changes to the plan or zoning maps are proposed, so there is no inconformity with the plan. An ordinance has been drafted and presented to the planning commission, and if approved, with or without changes, will be forwarded to the city council.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the State and visitors.

FINDINGS:

1. *Rainier lacks an adequate public park system. Its one City-wide park has*



insufficient site and facilities, and there are few neighborhood parks.

2. The major outdoor recreation sites, such as Dibblee point (fishing), are outside the UGB.

3. The four creek corridors present enormous opportunities to develop trail systems that would enhance appreciation of the natural environment.

POLICIES:

1. The City will create a Parks Plan for the urban growth area. The plan will consider options such as establishment of a system of pedestrian and bicycle trails and the need for parks in different areas of the City.

2. The City will encourage the establishment of parks owned and maintained by neighborhood associations in conjunction with the development of major residential subdivisions. The City will also work to establish a system of neighborhood parks.

3. Regional park facilities are beyond the scope of the City to create or maintain; however, the City will work with Columbia County and other agencies to encourage the development of regional park facilities in the Rainier vicinity.

4. The City will coordinate with Columbia County to determine if improvement of Red Mill Beach is possible or desirable.

5. The City will cooperate with state agencies and Columbia County to plan for future recreational uses at Dibblee Point.

6. The City shall encourage a mixture of marine recreation and commercial use adjacent to the Columbia River. The Waterfront Development (Urban Renewal) Plan will provide more detailed guidance for appropriate locations for recreation uses and public access.

7. The City will work with and support any local, state or federal agency which seeks to develop recreational facilities in the Rainier area.



8. Public and private recreational sites within the Urban Growth Boundary shall be permitted in all districts except Watershed.

9. Neighborhood parks shall be established as part of a residential subdivision. The Land Division Ordinance shall include provisions for the dedication of park land, payment of an "in lieu" fee or payment of a parks systems development charge to support park land acquisition and development.

Staff finding: The requirement to provide recreational amenities and open space within a planned unit development in return for more flexible development standards will facilitate the addition of these features within new neighborhoods as planned unit developments occur.

This goal is satisfied.

GOAL 10: HOUSING

To provide for the housing needs of the citizens of the State.

FINDINGS:

1. The population of Rainier has remained relatively unchanged over the last twenty-five years. The 1970 census population was 1,731; the 1994 population estimate is 1,700. Housing development has been similarly stagnant, with 635 total housing units in 1970 and 672 in 1990.

2. Households in Rainier tend to be family households with household sizes similar to the average for the State. Housing in Rainier primarily has been for family housing in single family detached homes, including mobile homes. In 1990, 77% of Rainier's housing units were single family (attached or detached).

3. Over time and as Rainier is influenced more by demographic trends in the Portland Metropolitan Area, its housing needs will likely shift toward housing for smaller and non-family households.

POLICIES:



1. Land with slopes in excess of 20 percent, in known slide hazard areas and in designated floodplains and drainage ways has been considered unbuildable for the purposes of the buildable lands inventory. Very limited development will be allowed in these areas subject to engineering documentation that the proposed project can be constructed safely and will not result in a future hazard.

2. The Comprehensive Plan Map includes a range of designations to accommodate construction of a variety of housing types and densities.

3. The Zoning Ordinance will include provisions to allow zero-lot-line construction in specific zones to reduce lot and housing costs.

[4]5. The City will cooperate with the Columbia County Housing Authority, the Community Action Team and any other appropriate group or individual that wishes to construct low income housing within the Rainier Urban Growth Boundary. Affordable housing strategies in the City will be considered in the context of the Comprehensive Housing Affordability Strategy (CHAS) developed for the region including Columbia, Clatsop, Tillamook and Lincoln Counties.

[5]6. The City will review Zoning Ordinance procedures and standards to ensure that they do not preclude the development of needed housing types in Rainier. The City will use land use standards and procedures which are clear and objective.

Staff finding:

The proposed PUD ordinance is intended to provide greater flexibility to the residential development community than that offered through the traditional zoning regulations. That flexibility would potentially accommodate smaller lot areal and dimensional standards so that the lot owner is provided the gross density of the zoning district where the PUD would be located. In return for this flexibility, the developer would provide open space and other recreational features for that new neighborhood. The result is no net loss of gross density in return for the provision of need amenities and protection of environmentally constrained features with the development boundaries.

Such action satisfies this goal.

OREGON STATEWIDE PLANNING GOALS



There are 19 statewide planning goals in the state of Oregon to provide guidance to local governments in their efforts to plan for and use land. The 19 goals cover a variety of topics from citizen involvement to agricultural and forest lands, open space, environmental quality, natural disasters, recreation needs, the economy of the state, housing, public facilities, transportation, energy, urbanization, Willamette greenway, estuarine resources, coastal shorelands, beaches and dunes, and ocean resources. Of these, the same statewide goals have applicability to the proposed code amendments as those identified above in the city's comprehensive plan. The applicable goals are summarized below followed by a staff finding of how the proposal satisfies each one.

1. CITIZEN INVOLVEMENT Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Staff finding: The comprehensive plan goal for citizen participation explicitly identifies the planning commission as the committee for citizen involvement. Public notice requirements included in the zoning code and are consistent with state laws. Notice for the planning commission hearing followed the code requirements, which alerts the public of a pending action and provides the opportunity for the public to participate. The proposal satisfies this goal.

2. LAND USE PLANNING Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Staff finding: The city is in compliance with this goal with the subdivision and zoning codes having been in effect for 25 years. The proposal here is to add a chapter to Title 17 Subdivisions that will provide an alternative but common method of subdividing property when the circumstances of the proposed development property are warranted. These factors satisfy this state goal.



8. RECREATION NEEDS This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

Staff finding: While the proposed PUD ordinance would not likely result in the development of a destination resort in Rainier, it would facilitate the development of additional recreation amenities and open space within new neighborhoods that would be created through the PUD subdivision process. This state goal is satisfied.

10. HOUSING This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Staff finding: As discussed above and in the analysis of the comprehensive plan housing goal, the proposed code addition will provide additional opportunities for creating new residential subdivisions that offer a variety of housing types while adding measures to protect environmentally sensitive or constrained areas within the development site. This goal is satisfied.

Conclusion and Recommendation

The proposed planned unit development code addition amendment meets the criteria of RMC 18.125.010 Amendments to the text of the comprehensive plan or implementing ordinances. It conforms to the applicable and pertinent portions of the city comprehensive plan and the statewide planning goals. A planned unit development code is intended to provide for developments incorporating a single type or variety of housing types and related uses. Such developments may consist of individual lots or of common building sites. Commonly-owned land which is an essential and major element of the plan should be related to and preserve the long-term value of the homes and amenities within the development. Therefore, staff recommends affirming the ordinance and sending it to the city council for adoption.

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Recommended motion: "Based on the findings and other information in the August 14, 2023 and June 12, 2023 staff reports, I move to endorse draft Ordinance 1093 and forward it to the city council for adoption."

Cc: Scott Jorgensen
Sarah Blodgett

Enclosures
Draft Ordinance 1093
June 12, 2023 Planning Commission Staff Report

106 West "B" Street
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September 25, 2023

To: Rainier City Council
From: Skip Urling, City Planner
Re: Ordinance 1093 Planned Unit Developments

Attached is proposed Ordinance 1093 which would add a new chapter to Rainier Municipal Code Title 17 allowing planned unit developments (PUD) as an alternative to the traditional method of subdividing property. PUDs provide additional flexibility to a developer to focus the density of a portion of the development property by reducing areal and dimensional standards of a residential zoning district when the property includes one or more environmental constraints, such as steep slopes, wetlands, and streams. Note that the development would not exceed the net density of the property. In return for this flexibility, the developer is required to provide some amenities, either public or private, such as recreational facilities, parks and or open space.

PUDs are common within the development regulations in most cities and counties in Oregon and other states. It is important to note that the proposed PUD code would accommodate the concept of "cottage clusters" as described and recommended in the 2022 Cascadia Partners "Housing Implementation Plan" which has previously been presented to the Council.

Also attached is a brief memorandum to the Planning Commission describing the mechanics of PUDs, and the compliance analysis memorandum considered by that body at a public hearing during its July meeting. After the hearing, the Planning Commission took action to forward the ordinance to the Council for approval.

Recommended motion: Based on the findings and conclusions in the July 14, 2023 staff report to the Planning Commission and the recommendation of the Planning Commission to approve Ordinance 1093. I move to approve the first reading of the ordinance and schedule the second reading for November 6, 2023.

Cc: Scott Jorgensen
Sarah Blodgett

Attachments: Ordinance 1093
June 12 Planning Commission staff report
August 14 Planning Commission staff report

June 12, 2023

To: Rainier Planning Commission

From: Skip Urling, City Planner

Re: Proposed Planned Unit Development Ordinance

Attached is a proposed ordinance that would add planned unit developments (PUD) as another method of subdividing or otherwise developing property for residential uses. The intent of PUDs is to provide developers with additional flexibility when designing a project when the subject property contains environmental constraints, such as steep slopes, wetlands, other water bodies providing important wildlife habitat, and floodplains. Simply put, it allows the developer to achieve the same level of density on the property as the underlying zoning district permits, but in clusters or smaller lots on that portion of the property which is not constrained. In return, the developer must provide open space and/or recreational amenities within the site boundaries as a part of the project design. Essentially, the constrained areas remain unimpacted and preserved, yet the developer receives credit for the development density rights those areas would ordinarily offer. PUDs are a mechanism commonly used by local governments.

The proposed ordinance focuses on residential development in which opportunities are in short supply in Rainier. One of the contributing factors to this shortage is the availability of developable land, predominantly, but not exclusively, because of the topography. It is our goal that adding flexibility to the development regulations, that there would be added interest by the development community to approach projects more aggressively resulting in an increase in residential inventory to provide more and varied opportunities for current and future residents of the city. The standards for development are spelled out in Section 3

The regulatory review process is two-pronged and would employ a Type III process, meaning the Planning Commission would be the decision making body, with appeal opportunity to the City Council. Applicants would submit a preliminary development plan which conveys the conceptual intent of the project for initial Planning Commission review. Section 4 of the ordinance spells out the required items to be shown on the plan and described in a written document. After receiving preliminary approval the applicant would submit a final development plan reflecting any changes resulting from feedback from, or conditions of approval imposed, by the Planning Commission. The final development plan would provide more detail about existing conditions and the various components of the development proposal; the requirements are itemized in Section 5. Note that if the project includes subdividing the site a final plat will be required after the required infrastructure and site amenities are constructed and approved.. Note

further that phasing the development is permitted, with the caveat that there is a reasonable, but agreed to finite period of time, to complete the project.

Should you have any questions or wish to discuss the concept of a PUD process or sections of the proposed ordinance prior to the planning commission meeting, please call me at 360.431.5117.

ORDINANCE NO. 1093

AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 17 OF THE RAINIER MUNICIPAL CODE ESTABLISHING RULES AND REGULATIONS FOR PLANNED UNIT DEVELOPMENTS AS AN ALTERNATIVE METHOD OF SUBDIVIDING OR DEVELOPING PROPERTY FOR RESIDENTIAL USE

WHEREAS, the city recognizes that physical features of the land within the city limits provide significant challenges which impede needed development of land for residential uses.

WHEREAS, the city seeks to add flexibility to its subdivision review processes to better facilitate the development of much-needed housing; and

WHEREAS, it was determined by city staff that adding a planned unit development process to the code would be in the City's best interest, and

WHEREAS, the City Planning Commission held a duly notified meeting on _____ at 6 p.m. in the Rainier City Hall, and

WHEREAS, the City of Rainier Planning Commission after said hearing concluded to recommend approval of the text amendments to the Rainier City Council; and

WHEREAS, the Rainier City Council held a duly noticed public hearing on XX and found that after due consideration of all the evidence in the record, that they agreed with the recommendation forwarded by the Rainier Planning Commission; and

WHEREAS, the Rainier City Council has considered findings of compliance criteria and law applicable to the proposal.

Section 1. Purpose. The purpose of this chapter is to provide a more desirable environment through the application of flexible and diversified land development standards following an overall comprehensive site development plan. This is intended to provide for developments incorporating a single type or variety of housing types and related uses, which are planned and developed as a unit. Such developments may consist of individual lots or of common buildings sites. Commonly-owned land which is an essential and major element of the plan should be related to and preserve the long-term value of the homes and other improvements.

Section 2. Permitted Building and Uses.

The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the zoning district as provided by Section 3.

A. Single-family detached and attached dwellings.

- B. Duplexes, triplexes, courtyard cottages and multifamily dwellings.
- C. Accessory buildings and uses.
- D. Buildings or uses listed as permitted outright or conditionally in the zone on which the planned development is located. Drive-throughs are prohibited.

Section 3. Development Standards.

- A. Minimum Site Size. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and are no smaller than the minimum lot size established in the zoning district.
- B. Open Space. In all PUDs at least 40% of the total area shall be devoted to open space. Up to 25% of this open space may be utilized privately by individual owners or users of the planned development; however, at least 75% of this area shall be common or shared open space.
- C. Density. The density of the planned development shall not exceed the density of the zone in which it is located. Where PUD standards differ from standards found elsewhere in zoning and/or subdivision codes, the more stringent requirement shall apply.
- D. Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a planned unit development may be less than the minimums set forth elsewhere in the municipal code, provided that the overall density is in conformance with this section and the lots conform to the approved preliminary development plan.
- E. Off-Street Parking. Parking areas shall conform to all provisions of Chapter 18.105.
- F. Signs. All signs of any type within a planned unit development are subject to review and approval of the Planning Commission. The Commission shall consider each sign on its merits based on its aesthetic impact on the area, potential traffic hazards, potential violation of property and privacy rights of adjoining property owners and need for said sign.
- G. Setbacks and Yard Requirements. No structure shall be located closer than 20 feet from any public street within a planned unit development unless otherwise approved by the Planning Commission. Other setbacks are to be determined by the Planning Commission where they are considered essential to the public health, safety or welfare. These setbacks required by the Planning Commission shall be recorded as part of the protective covenants as required by Section 4.A.9.
- H. Height Limits. Height limits for structures in a planned unit development are the same as in the zoning district, except that the Planning Commission may further limit heights when necessary for the maintenance of the public health, safety or welfare.
- I. Streets, Sidewalks and Roads. Necessary streets, sidewalks, and roads within the planned unit development shall be constructed to City standards and dedicated to the public. See Chapter

17.30 for applicable standards. A private roadway, or a private road network, may be permitted if adequate provisions for access and circulation have been provided in accordance with Chapter 17.30 and facilities have been approved and installed in accordance with Chapter 17.30.

1. Pursuant to subsection M, the Planning Commission may adjust Chapter 17.30 standards through the PUD process.

J. Dedication and Maintenance of Facilities. The Planning Commission or, on appeal, the City Council, may as a condition of approval for a planned unit development require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

1. Recreation Facilities. The Planning Commission or City Commission, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners or residents of the development.

2. Common Areas. Whenever a common area is provided, the Planning Commission or City Council may require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, which shall adopt such articles of incorporation and by-laws and impose such declaration of covenants and restrictions on such common areas that are acceptable to the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said common area for the purposes intended. The period of existence of such association shall be not less than 20 years and it shall continue thereafter and until a majority vote of the members shall terminate it.

3. Easements. Easements necessary to the orderly extension of public utilities may be required as a condition of approval.

K. Approvals. Prior to Planning Commission (or City Council approval upon appeal), written consent for the development shall be received from the City-appointed Engineer, Fire District Chief, and any other department or agency (i.e., County Sanitarian, DEQ, ODOT, Division of Health, ODF&W, DSL, DLCD, etc.) that can demonstrate that they have legal authority or jurisdiction over the proposal (or part(s) of the proposal).

L. Other Requirements. The Planning Commission may establish additional requirements which it deems necessary to assure that any development conforms to the purpose and intent of this section.

M. Adjustments. When consistent with subsection K the Planning Commission may approve adjustments to Code standards through the PUD review process set forth in Section 4.B.1. In such cases, the applicant need not address variance procedures that apply to non-PUD development proposals.

Section 4. Procedure-Preliminary Development Plan

A. The applicant shall submit 10 copies of a preliminary development plan to the Planning Commission prior to formal application for approval. This plan and any written statements shall contain at least the following information:

1. Proposed land uses and densities.
2. Location, dimensions and heights of structures.
3. Plan of open or common spaces.
4. Map showing existing structures and features of site and topography, wetlands and water features.
5. Proposed method of utilities service and drainage.
6. Road and circulation plan, including off-street parking areas.
7. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
8. Lot layout if applicable.
9. A schedule, if it is proposed that the final development plan will be executed in phases, including the schedule for providing public infrastructure improvements for all proposed phases.
10. Information deemed necessary by the City Planner and Public Works Superintendent.
11. Required application fee.

B. Applications for planned unit development preliminary approval shall be reviewed by the Planning Commission using a Type III procedure as specified in Section 18.160.040. The Planning Commission shall determine whether the proposal conforms to Section 3 of this ordinance. In addition, in considering the plan, the Planning Commission shall seek to determine that:

1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure (if any) from the standard Code requirements.
2. Resulting development will be consistent with the Comprehensive Plan provisions and zoning objectives of the area.
3. The proposed development will be in substantial harmony with the surrounding area. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.

4. The plan can be completed within a reasonable period of time.
 5. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area based on a traffic impact study consistent with Section 17.30.160. A traffic study will be valid for four years from the notice of decision, otherwise, a new traffic study shall be required to address unanticipated traffic impacts. However, the Transportation Planning Rule (OAR 660-012-060) does not apply to PUD applications that involve uses permitted outright or conditionally in the base zone. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.
 7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- C. The Planning Commission shall notify the applicant whether the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision(s).

Section 5. Procedure-Final Development Plan.

- A. Within one year after preliminary approval or modified approval of a preliminary development plan, the applicant shall, at the next regularly scheduled meeting, file with the Planning Commission a final plan for the entire development or, when submission in phases has been authorized, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development. The final plan shall include all information included in the preliminary plan, plus the following:
1. Contour map of the site showing at least two-foot contour intervals.
 2. Grading plan for the site showing future contours if existing grade is to be changed more than two feet.
 3. Existing and proposed utility lines (water, storm and sanitary sewer, gas, power, etc.).
 4. Preliminary subdivision plat meeting the requirements of Section 17.10.020 if property is to be subdivided.
 5. Location and dimensions of pedestrian ways, roads, common open spaces, recreation areas and parks.
 6. Location, dimensions and arrangement of automobile off-street parking spaces including width of aisles, spaces and other design criteria.
 7. Preliminary architectural plans and elevations of typical structures.
 8. Preliminary planting and landscaping plan for the site.

9. The applicant shall also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned unit development shall be followed.

B. Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards, and whether it conforms in all substantial respects to the previously-approved preliminary development plan; or the Commission shall require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a final development plan within 60 days.

C. After final development plan approval by the Planning Commission, the planned development application will be sent to the City Council for consideration and final approval. A Type III review procedure shall be used. If the PUD is a residential subdivision or institutional use allowed in the base zone, with no RV, or campground amenities, review by the City Council is not required; however, final subdivision plat approval in accordance with Sections 17.10.120 and 130 is required.

Section 6. Adherence to Approved Plan and Modification Thereof.

A. Grading permits and building permits in a planned unit development shall be issued only on the basis of the approved final development plan. Any substantial changes in the approved plan shall be submitted to the Planning Commission for processing in accordance with Section 17.10.080.

B. A performance bond may be required, in an amount to be determined by the Public Works Superintendent, to ensure that a development proposal is completed as approved and within the agreed-upon time limits.

C. An applicant is entitled to rely on land use regulations in effect on the date its preliminary development plan was initially submitted, pursuant to ORS 227.178(3), when seeking approval of a final development plan so long as the applicable preliminary development plan is in effect when the final development plan is submitted. At its option, an applicant may request that a final development plan be subject to the land use regulations in effect on the date its final development plan is initially submitted.

NOW, THEREFORE, the City of Rainier ordains as follows:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The City of Rainier Municipal Code is amended to add a new Chapter regarding Planned Unit Developments to Title 17 Subdivisions.
3. In support of the above amendment to the Municipal Code, the Rainier City Council hereby adopts the Findings of Facts and Conclusions of Law in the (date) City Planner Staff Report dated ----, any additional findings and conclusions established by the Planning Commission, together with its attached addendums and correspondence.

4. The effective date of this Ordinance shall be thirty (30) dates after approval, in accordance with the City Charter and other applicable laws.

Passed by the City of Rainier council and approved by the mayor on the ____ day of _____, 202_.

Attested:

BY: _____
Jerry Cole, Mayor

BY: _____
Scott Jorgensen, City Administrator

DRAFT

2nd

City of Rainier Land Use Application

P.O. Box 100, Rainier, Oregon 97048

Ph: 503.556.7301 Fax: 503.556.3200

<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Text Amendment: Section(s):
<input type="checkbox"/> Variance Permit <input type="checkbox"/> Administrative Variance	<input type="checkbox"/> Similar Use Determination	<input checked="" type="checkbox"/> Map Amendment: Single Parcel Multiple-# Parcels
<input type="checkbox"/> Design Review/Site Review <input type="checkbox"/> GeoHazard / Flood Review	<input type="checkbox"/> Non-Conforming Use Permit Modification/Expansion	<input checked="" type="checkbox"/> Zoning Map Comprehensive Plan Map

Property Address: N/A

Access Road(s): A Steet

Tax Lot Number(s): Tax lot - 7216-DA-00301

Site Size: acres 0.303 sq/ft Zoning: Current CBD Proposed WC

Present Use: Equipment Storage Proposed Use: Warehouse and Maintenance

Water: ☒ City ☐ Well Sewer: ☒ City ☐ or Septic

Development Restrictions: ☒ Flood Area ☐ Slide Area ☐ Slopes > 20% ☐ Creek ☐ Other

Applicant / Consultant: Luke Otteson Phone: 817-583-0114

Address: 8410 NE 349th ST, La Center, WA 98629 Fax: _____

Signature:  Date: 5/2/2023

Property Owner(s) of Record: (Attach separate sheet with signatures of all additional property owners.)

1. Name: Columbia River Launch Service (Brett Bybee Co-owner) Phone: 623-695-5589

Address: 8410 NE 349th St, La Center, WA, 98629 Fax: _____

Signature:  Date: 5/2/23 7-17-23

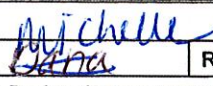
2. Name: Columbia River Launch Service (Jordin Bybee Co-owner) Phone: 801-602-1063

Address: 8410 NE 349th St, La Center, WA, 98629 Fax: _____

Signature:  Date: 5/2/23 7-17-23

Does and owner of this site own any adjacent property? (if so, give tax lot number(s))

Direct Communications To: ☐ Owner ☒ Applicant/Consultant Luke Otteson

Received by: <u></u>	Receipt No.: <u>10025903</u>	Fee: <u>\$1000</u>	Date: <u>7-17-23</u>
Other Land Use Reviews/Approvals Required?		Hearing Date & Status:	
Public Hearing: <input type="checkbox"/> Required	<input type="checkbox"/> Recommended by:	<input type="checkbox"/> Requested by:	

City of Rainier Supplemental Application
Amendments to the Comprehensive Plan Map or Zoning Ordinance Map

PO Box 100, Rainier, Oregon 97048
PHONE: (503) 556-7301 FAX: (503) 556-3200

Map Amendments

Amendments to the Comprehensive Plan Map or the Zoning Map may be initiated by the City--through the City Council, the Planning Commission or Staff--or by a citizen, property owner or other interested party. Map Amendments can be legislative or quasi-judicial in nature:

- ▷ **Legislative Amendments** to the Comprehensive Plan Map or Zoning Map (changes of such size, diversity of ownership or interest as to be legislative in nature) are subject to the requirements of Section 6.2 of the Rainier Zoning Ordinance.
- ▷ **Quasi-Judicial Amendments** to the Comprehensive Plan Map or Zoning Map (generally small in size, single ownership or single interest in changing the zoning map) are subject to the requirements of Section 6.3 of the Rainier Zoning Ordinance.

Purpose of Amendment

Map Amendments are essentially Zone Changes, where the applicant or property owner proposes to change the way in which property is intended to be used. Map Amendments may be single in purpose--where only the Comprehensive Plan Designation or only the Zoning District of property will change--or, a Map Amendment may be dual in purpose--where both the Comprehensive Plan Designation and the Zoning District will change. It is important to understand the difference between a Comprehensive Plan Designation and a Zoning District and the purpose and ultimate result of each type of change. In this way, you can determine which actions will be required to give you the final zoning you desire for your property.

The Comprehensive Plan Designations. The Comprehensive Plan Map lays the foundation for how the City's land is to be used. Land is divided into broad use categories, or Comprehensive Plan Designations that regulate how the land is to be developed. The Comprehensive Plan Designations adopted by the City of Rainier are:

- Residential (R)
- Higher Density Residential (HDR)
- Commercial (C)
- Light Industrial (LI)
- Heavy Industrial (HI), and
- Waterfront Mixed-Use (WM).

A Comprehensive Plan Map Amendment is necessary if you want your property to change from one Comprehensive Plan Designation, such as Residential (R), to another Comprehensive Plan Designation, such as Commercial (C).

The Zoning Districts. The Zoning Map further divides land into Zoning Districts (or zones) that carry out (or implement) the broad purpose of each Comprehensive Plan Designation. Only certain Districts can implement a Plan Designation, and a Zoning District can only be used under the Designation for which it has been adopted. For example:

- The **Residential (R)** Comprehensive Plan Designation can only be implemented by the Zoning Districts of:
 - ... Suburban Residential (SR),
 - ... Low Density Residential (R1), and
 - ... Medium Density Residential (R2)
- The **High Density Residential (HDR)** Comprehensive Plan Designation can only be implemented by the Zoning District of:
 - ... High Density Residential (R3)
- The **Commercial (C)** Comprehensive Plan Designation can only be implemented by Zoning Districts of:
 - ... Neighborhood Commercial (C1),
 - ... General Commercial (C2), and
 - ... Waterfront Commercial (WC)
- The **Waterfront Mixed (WM)** Comprehensive Plan Designation is only implemented by the Waterfront Mixed (WM) Zoning District
- The **Light Industrial (LI)** Comprehensive Plan Designation is only implemented by the Light Industrial District (M1)
- The **Heavy Industrial (HI)** Comprehensive Plan Designation can only be implemented by Zoning Districts of:
 - ... Heavy Industrial (M2), and
 - ... Light Industrial (M1)

The Need for Dual Purpose Amendments. A change to a Designation on the Comprehensive Plan Map will not change the implementing District on the Zoning Map. Likewise, a change in Districts on the Zoning Map will not change the Designation on the Comprehensive Plan Map. The Comprehensive Plan Map and Zoning Map must be consistent--in other words, all Commercial (C) lands must be zoned for commercial use and all Residential (R) lands must be zoned for residential use. If the Comprehensive Plan Map is amended, it is likely that the Zoning Map will also need to be amended. For example: if you want to change the zoning of your property from residential to commercial, or from medium density residential to higher density residential, you need to change both the Comprehensive Plan Designation and the Zoning District; thus, you must apply for both a Comprehensive Plan Map Amendment and a Zoning Map Amendment. Staff can assist you in determining which amendment(s) will be necessary in order for you to achieve the zoning you desire for your property.

Pre-Application Conference

Map Amendments are decisions which must ultimately be decided by Rainier City Council. To be successful, a proposed Map Amendment must be deemed appropriate and must further the goals and policies of the City's Comprehensive Plan. Because a Map Amendment is a request to change the City's policies on how land will be used and regulated, the criteria for granting approval may be difficult to understand and adequately address.

The City strongly encourages the scheduling of a pre-application conference with Staff where the proposed amendment and the approval criteria can be discussed before an application is submitted.

Application

To apply for a Map Amendment, a completed Land Use Application form, the appropriate fee(s), and answers to the questions on this supplemental application must be submitted to the City. For quasi-judicial amendments, the application must include the signature of all property owners of record for all lots proposed in the amendment.

Applications will not be processed by the City until they are deemed complete, which includes the required signatures, all information, and the appropriate fee.

Decision Process

All Comprehensive Plan Map Amendments and Zoning Map Amendments are Type IV Land Use Decisions. Type IV procedures are outlined in Section 7.10 of the Zoning Ordinance.

Decision Authority. The Planning Commission has the authority to conduct a public hearing and make recommendations to City Council on all Map Amendments. City Council has the final authority to approve, approve with conditions, or deny Map Amendment applications. In approving a Map Amendment, the Planning Commission and City Council may impose conditions that are necessary to protect the best interests of the surrounding properties or neighborhood, or the City as a whole.

Appeals. Decisions of the City Council are final at the local level. City Council's decision to adopt a quasi-judicial or a legislative map amendment may be appealed to the Land Use Board of Appeals (LUBA); however, a decision *not* to adopt a legislative amendment may *not* be appealed to LUBA. (ORS 197.620(1)).

Public Hearing. When you have submitted a complete application, you will be scheduled for a public hearing before the Planning Commission. The hearing will be conducted in accordance with the notice, hearing and appeal procedures of Article 7 of the Rainier Zoning Ordinance. A second hearing will be held before City Council, where the final decision will be made.

Concurrent Hearings. To save time in processing applications and to ensure that the City is reviewing the full potential of your project, you should apply for all necessary land use permits at the same time, such as the Map Amendment(s) and Design Review, a Conditional Use Permit, a Variance, or a Text Amendment that applies to a specific project you are proposing. Generally, the Planning Commission and City Council will each hold one public hearing and consider all of your applications concurrently.

I. Amendments: Legislative or Quasi-judicial

A. Map Amendments proposed:

1. Amendment to both Rainier Zoning Map Proposed and Comprehensive Plan Map
2. The Comprehensive Plan Map is to be amended from Central Business District (CBD) to Waterfront Commercial (WC)
3. The Zoning District is to be amended from CBD to WC.
4. 1 parcel is included in proposed amendment
5. 0.303 total acres
6. Property address, Tax Lot Number and Owner(s) of Record
 - a) Property Address - N/A
 - b) Tax Lot Number: 216-DA-00301
 - c) Owners of Record: Columbia River Launch Service LLS

B. Plans for Property:

Columbia River Launch Service offers support services for ships visiting ports on the Columbia River. Among these services we transport clients and provisions to ships anchored. The property's primary use will be for staging goods and equipment that will be delivered to ships on the Columbia. Our two year goal is to build a shop to protect these goods and equipment from the elements.

II. Legislative Amendments - Per Section 6.2 of Zoning Ordinance

A. This property is the old creamery and was formally designated WC. The previous owner changed its designation and never developed the property. We are requesting to restore it to its previous designation. Furthermore the proposed Comprehensive Plan Map and Zoning Map Amendments meet the provision of the Rainier Comprehensive plan in as follows:

1. Goal 1: Citizen Participation
 - a) NA
2. Goal 2: Land Use Planning
 - a) N/A
3. Goal 3: Agricultural Lands
 - a) N/A
4. Goal 4: Forest Lands
 - a) N/A
5. Goal 5: Open Spaces, Scenic and Historical Areas, and Natural Resources
 - a) N/A
6. Goal 6: Air, Water and Land Resource Quality
 - a) The proposal will maintain and endeavor to improve air, water and land resources of the State. The proposal endorses findings and policies in Goal 6. The proposal for development I will further strengthen policy 6 as plans for future development will address drainage, erosion and runoff concerns with this undeveloped section of water front. Our equipment is used and equipped to

assist in environmental clean up in support of local state and federal emergencies. Due to our small vessel size our overall impact to policies 1,2 and 6 are low and in some cases will reduce the impact based on the new proximity loading facility. In addition we have been working with the state and USCG to have the dredge removed and rights water lease secured so that there is recourse if a situation like this one arises again.

7. Goal 7: Areas Subject to Natural Disasters and Hazards

- a) Any proposed development or improvements will adhere to existing codes and regulations regarding scope or flood hazard conditions as was as any other conditions identified in local zoning overlays and studies. Any and all necessary development permits with required engineering or site planning will be obtained in order to ensure compliance with any site specific condition or limitations that may exist.

8. Goal 8: Recreational Needs

- a) N/A

9. Economy of the State

- a) The proposed amendment will bring added economic diversity to the State of Oregon and the City of Rainier. With a new boat moored in Rainier and many of our employees living in Longview-Kelso we will be further supporting findings 1 in the local economy. As a lunch company our business is centered around policy 2 and supporting the maritime industry on the Columbia river. Our facility will provide ships in the Longview-Rainier-Kalama anchorages with provisions to support the marine traffic on the river.

10. Goal 10: Housing

- a) N/A

11. Goal 11: Public Facilities and Services

- a) N/A

12. Goal 12: Transportation

- a) Currently no impact here but potential for future dock or marine facilities if right to water leases are granted by the State.

13. Energy Conservation

- a) Future building plants will include energy conservation design.

14. Urbanization

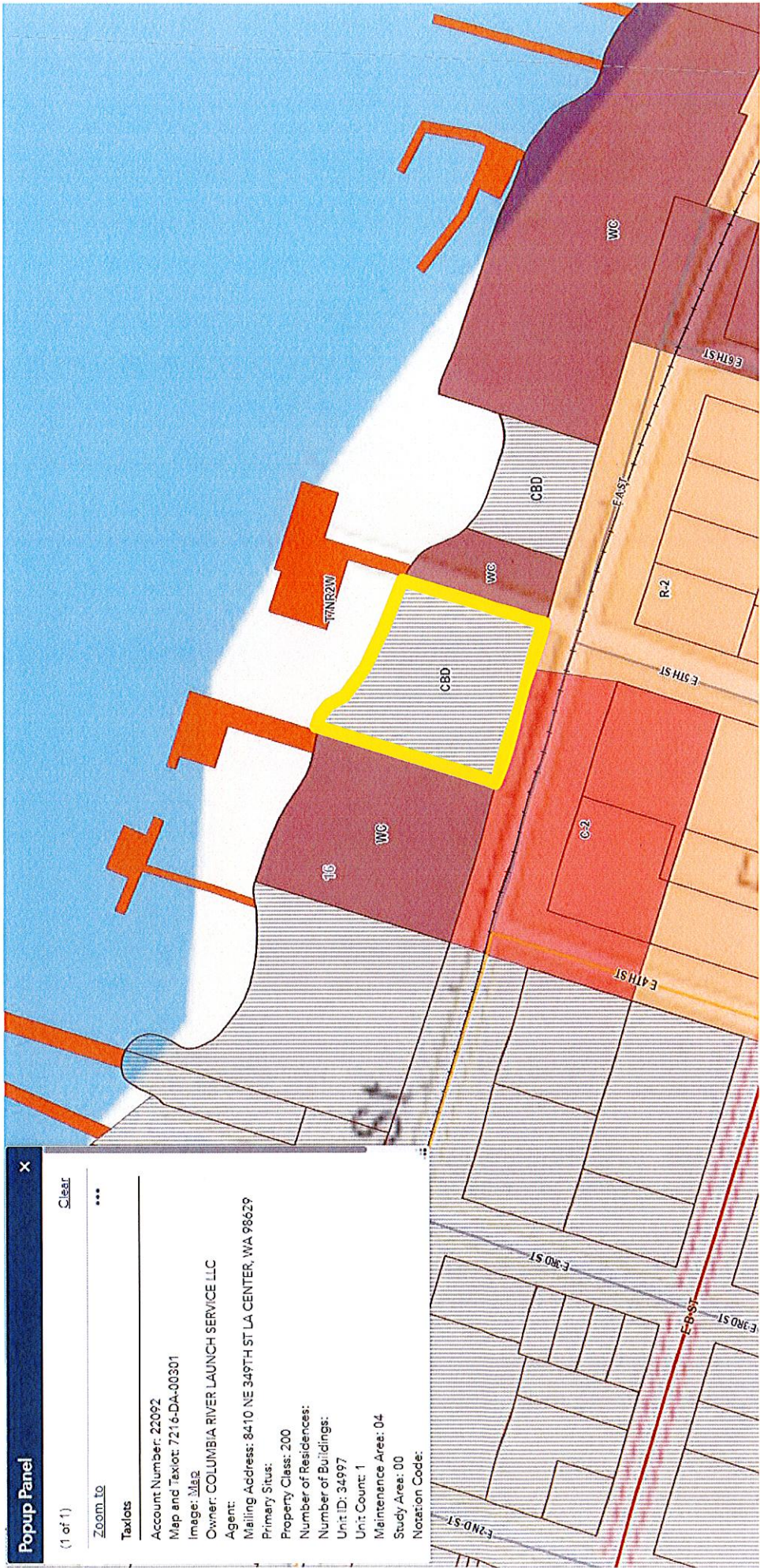
- a) This proposal does non request an adjustment to the UDA. There are a few policies that may be encouraged in Policy 2 subset b, c, d and e but no considerable changes from current zoning designation.

B. Proposed amendment is consistent with all applicable statewide planning goals and administrative rules as adopted by the Land Conservation Development Commission.

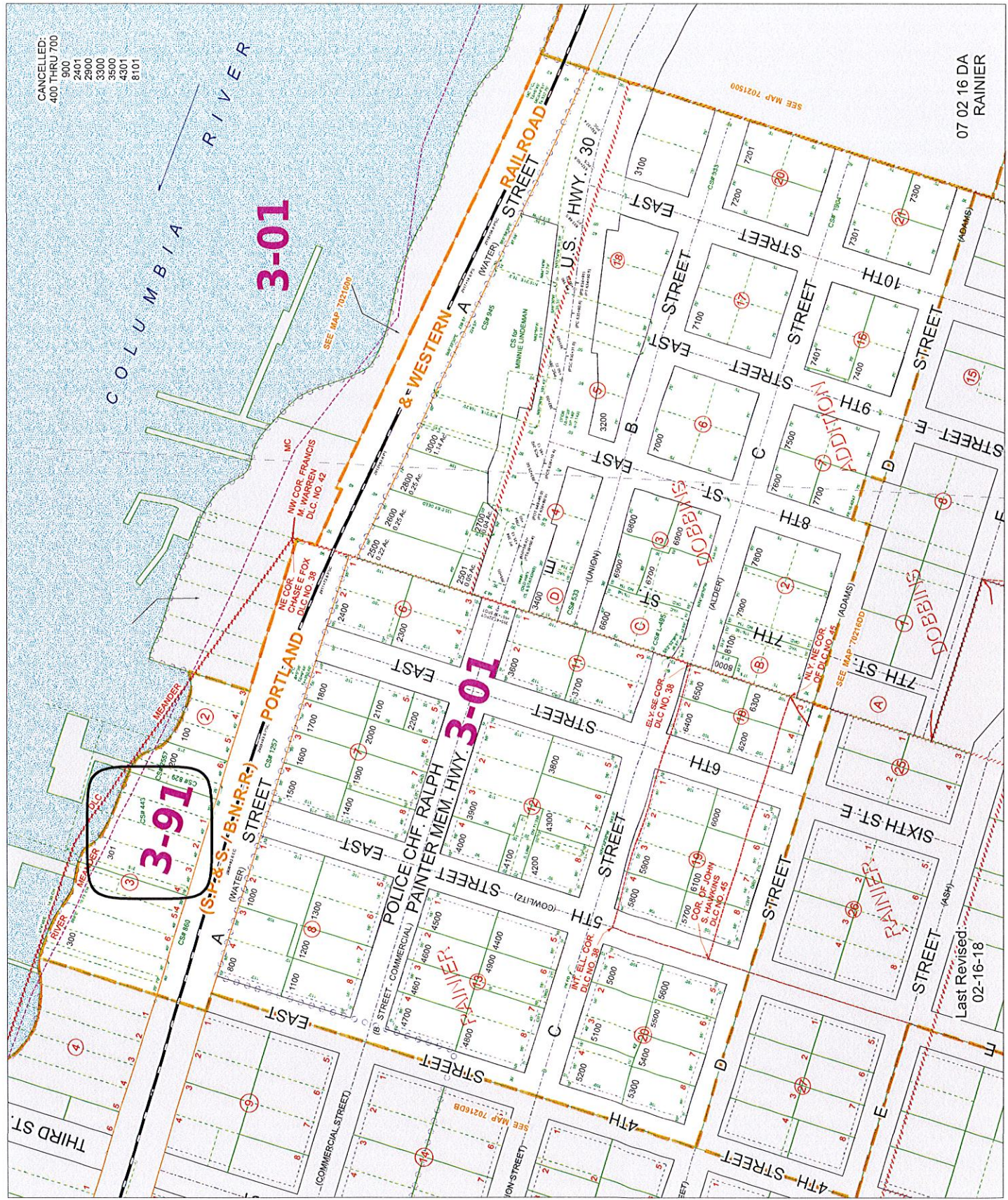
1. Statewide planning goals are included in the Rainier Comprehensive Plan, please see above goals and narrative.
- C. Proposed amendment complies with all statutory and ordinance requirements and regulations.
 1. Regarding statutory compliance ORS 227.175 (1) states (1) "When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service." The proposal application will adhere to the procedures and process as described in ORS 227.175 including all fees, approval criteria, public hearings and land use decisions.
 2. Regarding ordinance compliance the Rainier Comprehensive Plan Policies Goal 2: Land Use policies describe requirements and procedures for the application and approval criteria in relation to zone descriptions and allowances. This proposal and application has addressed the individual criteria required for the proposed zoning change.
 3. This proposed zone change and application also complies with Rainier Zoning Ordinance Section 6.2 which prescribes the procedures and criteria for amendments to the comprehensive plan map and zoning map.
- D. Demonstrate there is a public need for the proposed amendment and that this need will be best served by re-designating the property in question compared with other available properties.
 1. Columbia River Launch Service is positioned well to maximize the utility of this waterfront property utilizing all the geographical advantages this property provides.
 2. This property was formally designated Waterfront Commercial and was unsuccessful in its rezoning. By restoring its original zoning we can utilize the property in a greater capacity.
 3. The proposed rezoning will provide workers that will contribute to the local economy.
- E. Demonstrate that the public interest is best carried out by approving the proposed amendment at this time.
 1. Economic growth and development of a vacant lot.
 2. Development of this property would lead to the better maintenance and upkeep of property.
- III. II. QUASI-JUDICIAL COMPREHENSIVE PLAN MAP AMENDMENTS Per Section 6.3 of the Rainier Zoning Ordinance
 - A. See above
 - B.
 - C. This property was formally the old creamery and was designated WC. The lot was purchased and the structure demolished and hauled out. This property was

then re-zoned CBD and has been unsuccessfully developed. Our proposed amendment will restore former zoning and provide a better fit for the land use in Waterfront Commercial and ensure its development. Columbia River Launch Service is looking to put down roots and Rainier and will bring patrons for other local businesses.

Zoning Map



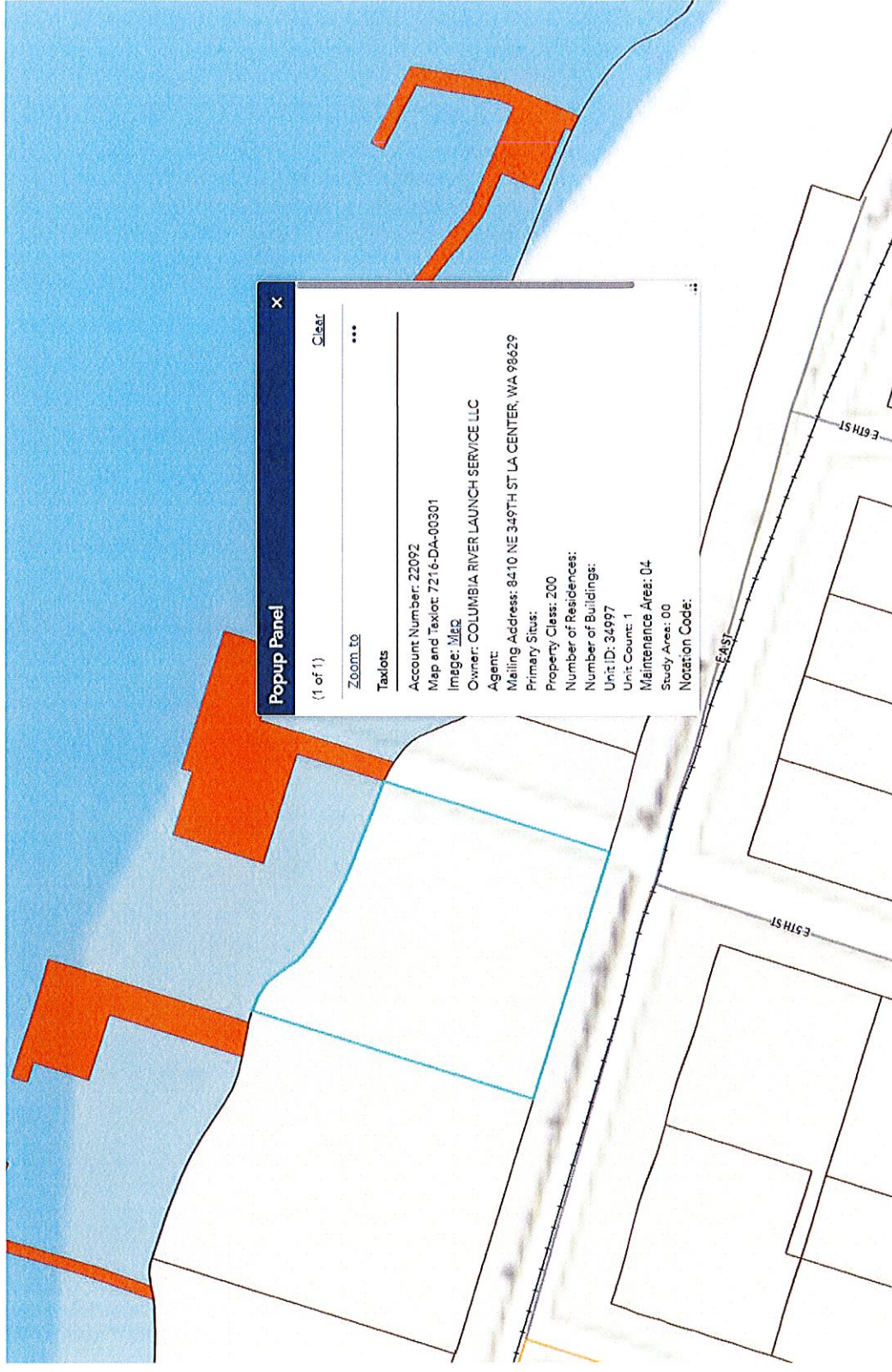
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

 $1'' = 100'$ 

Vicinity Map



Tax Assessor's Map



September 25, 2023

To: Rainier City Council

From: Skip Urling, City Planner

Re: Columbia River Launch Service Rezone Application

Columbia River Launch Service (CRLS) has applied to amend the city zoning map designation for its 0.303-acre property, Tax Lot 7216-DA-00301, from Central Business District to Waterfront Commercial. CRLS services ships anchored in the Columbia River delivering supplies, equipment and ferrying personnel. The attached staff report to the describes in more detail the CRLS operations and how the application comports with the applicable municipal code requirements. It also spells out the chronology of the application.

After conducting a public hearing this past September 18th, at which there was one letter of support from an adjacent property owner, the Planning Commission took unanimous action to forward to the City Council a recommendation to approve the application. The attached Ordinance 1094 would make the map amendment effective.

Cc: Luke Otteson, applicant
Scott Jorgensen
Sarah Blodgett

Attachments

Ordinance 1094

September 11, 2023 Planning Commission Staff Report

Date: September 6, 2023

To: Sarah Blodgett, Rainier City Hall

From: Rob Rich, Shaver Transportation Company

Subject: **Written testimony in support of rezone of Tax Lot 7216-DA-00301.**

Dear Ms. Blodgett,

I am writing to support the proposed rezoning of the above referenced Tax Lot on East A street from Central Business District to Waterfront Commercial as requested by Columbia River Launch Service.

The city of Rainier has over a century of support for waterfront businesses and the solid community sustaining jobs these businesses generate. We at Shaver Transportation Company have operated a nearby tug moorage facility for 40 years and have steadily added tugs, jobs and recently a new warehouse that further solidifies our waterfront presence and prosperity.

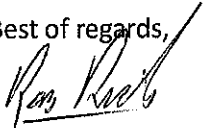
Columbia River Launch Service is another example of a growing company that sees the Rainier waterfront as the ideal location to support maritime launch service operations for ships, tugs, facilities and a myriad of other maritime related businesses. They have grown over the years from 1 boat with 2 employees in one port to multiple boats, crewmembers, and serving all of the deep draft ports of the Columbia River. They are operated by an experienced and highly motivated management team that is constantly on the lookout for improving service and business opportunities.

Their proposed location is not only ideal for this sort of business, it complements the other marine related businesses on the waterfront. This particular property has long needed an influx of energy and upgrade. CRLS is an excellent match for the type of upgrades and development this parcel of the Rainier waterfront needs.

We note that the type of equipment they operate is clean, quiet, and would be a good fit for the nearby residents of that area.

We appreciate the opportunity to comment on this rezoning and again, fully support the change to Waterfront Commercial.

Best of regards,

A handwritten signature in black ink, appearing to read "Rob Rich", written over a horizontal line.

Robert D. Rich, V.P. Marine Services

Shaver Transportation Company

ORDINANCE NO. 1094

AN ORDINANCE AMENDING THE CITY OF RAINIER ZONING MAP CHANGING THE ZONE DESIGNATION OF TAX LOT 7216-DA-00301, A 0.303 ACRE PARCEL, FROM CENTRAL BUSINESS DISTRICT TO WATERFRONT COMMERCIAL

WHEREAS, Columbia River Launch Service has applied to amend the zoning designation of its property to accommodate development which will facilitate its business operations which require a waterfront location; and

WHEREAS, it is in the public interest to make that map amendment to stimulate additional employment, improve the local economy, and increase the city's tax base; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 18, 2023 after which it took action to recommend the City Council approve the Columbia River Launch Service's application; and

WHEREAS, the City Council held a duly noticed public hearing on the application October 2, 2023 to consider the Planning Commission recommendation and found after due consideration of all the evidence in the record, that they agreed with the recommendation forwarded by the Planning Commission; and

WHEREAS, the Rainier City Council has considered findings of compliance criteria and law applicable to the proposal.

NOW, THEREFORE, the City of Rainier ordains as follows:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The City of Rainier Zoning Map is amended to change the zoning designation for Tax Lot 7216-DA-00301 from Central Business District to Waterfront Commercial. The Rainier City Council adopts the Findings of Facts and Conclusions of Law in the September 11, 2023 City Planner Staff Report, any additional findings and conclusions established by the Planning Commission, together with its attached addendums and correspondence.
3. The effective date of this Ordinance shall be thirty (30) dates after approval in accordance with the City Charter and other applicable laws.

Passed by the City of Rainier council and approved by the mayor on the ____ day of _____, 2023.

Attested:

BY: _____
Jerry Cole, Mayor

BY: _____
Scott Jorgensen, City Administrator

City Administrator Report
October 2, 2023 Rainier Council Meeting

Mayor Cole and Members of the Council,

On September 5, I spoke with Bill Jablonski at the Oregon Department of Transportation about possible grant funding for the Fox Creek project.

The following day, I attended a meeting in St. Helens with local Columbia County officials about coordinating strategies for pursuing upcoming transportation project funding. There was a follow-up meeting on the same topic September 18, and I attended that as well.

I spent much time this month working on a Department of Land Conservation and Development Technical Assistance Grant application for a public facilities plan for the industrial area located in West Rainier. That also included obtaining letters of support from other project partners, including Columbia Economic Team, the Port of Columbia County and the board of county commissioners. The grant application was submitted on September 22.

Along with Mayor Cole and Sgt. Manning, I participated in the oral boards September 14 for a police officer candidate.

I represented the City at the ribbon cutting ceremony that was held September 19 for the new Windermere Living Northwest office on B Street.

Lastly, I attended the September 25 Columbia County Cultural Coalition meeting.

Sincerely,

W. Scott Jorgensen, Executive MPA
City Administrator