

**City of Rainier
Planning Commission Meeting
September 22, 2021
6 p.m.
Rainier City Hall**

Chair Erin O'Connell called the meeting to order at 6 p.m.

Commissioners Present: Paul Langner, Dena Nordstrom, Erin O'Connell, Nina Phillips and Laura Trethewey

Commissioners Absent: None

City Staff Present: City Recorder Sarah Blodgett and City Administrator W. Scott Jorgensen

Visitors Present: None

Visitor Comments: There were no visitors at this time.

Consider Approval of the Consent Agenda: Consider Approval of the May 12, 2021, June 16, 2021 and July 21, 2021 Regular Planning Commission Meeting Minutes—Commissioner Paul Langer moved to approve the consent agenda. That motion was seconded by Vice Chair Dena Nordstrom and adopted unanimously.

Unfinished Business

- a. Annexation Policies—City Administrator W. Scott Jorgensen summarized the direction he's received from council on this. Council does not want to provide city services to residences or businesses that are outside of city limits and wants the annexation process to be initiated by citizens or the council itself. The council also doesn't want every annexation to have to be voted on, as some cities do. City Recorder Sarah Blodgett said the city has historically done annexations without having them be voted on in an election. Langer said he liked many of the policies adopted by the City of Gresham that were included in the meeting packet. Annexations should be done on contiguous properties. The city should not do "cherry stem" annexations, like it had previously done on the west side of town. Jorgensen said Gresham's policies included a section allowing the city to annex properties that are a danger to public health due to inadequate water or septic systems. Chair Erin O'Connell said there's a property near Scappoose city limits but outside of its Urban Growth Boundary (UGB) that has a failing system. The owners can't hook up to the city's services because the property is beyond the UGB. These kinds of processes can sometimes take months, which is difficult when there's a public health hazard present. Because of that, those provisions of code are very important. Municipal systems are better overall than on-site septic, so city's codes should encourage residents to hook up to them instead of making it harder. Jorgensen said he could put together a draft ordinance based on the language used by the cities of Gresham and Aurora. O'Connell said she's found the one used by the City of St. Helens to be easy to work with.
- b. Flood Plain Ordinance Update—Jorgensen said that based on advice from the

Department of Land Conservation and Development (DLCD), he drafted an ordinance to repeal the city's outdated flood plain ordinance. Council has adopted the new ordinance and it will take affect in October. DLCD has sent over a proposed updated ordinance, which he sent to the commissioners for review. Langer said it's standard language in similar ordinances in multiple counties throughout the state. Jorgensen asked Langner if adopting this kind of ordinance would make the development of the industrial and commercial land on the west side of town more palpable. Langner said it would. He explained the term "freeboard" and the process that would be used to develop property under a new ordinance. Jorgensen asked Langner if he would be willing to go through the model ordinance, fill in information that is specific to Rainier and get it back to him. Langer said he would. Langer explained that Grocery Outlet wouldn't have flooded a couple of years back if the city had required the building to be constructed a couple of feet higher than it is.

New Business

- a. Review of Rainier Municipal Code Chapter 18.50-Waterfront Mixed Use Overlay Zone—O'Connell said this was prompted by a request from the Rainier Oregon Historical Society. They want to use metal for their new building but that's currently prohibited outright in the Waterfront Mixed Use Overlay Zone. The city planner suggested that a text amendment could be done to accommodate the request. Jorgensen said the current code was adopted in 1998. Langner said that after the closure of the Trojan nuclear facility, the state gave the city funding for studies. One of those studies resulted in that portion of the city's code. The original vision for the overlay zone was for a series of riverfront cottages. O'Connell said the current code has some rigidity to it and could be amended to allow for more discretion in the design review process. She suggested that sections C 2 and D 2 of Rainier Municipal Code 18.50.050 be shortened to read, "buildings should use high quality materials." Langner moved to amend sections C 2 and D 2 to strike the language about building materials that are prohibited. That motion was seconded by Commissioner Nina Phillips and adopted unanimously.

O'Connell adjourned the meeting at 7:41 p.m.

Erin O'Connell, Chair

Sarah Blodgett, City Recorder

**City of Rainier
Planning Commission Meeting
October 20, 2021
6 p.m.
Rainier City Hall**

Chair Erin O’Connell called the meeting to order at 6:09 p.m.

Commissioners Present: Paul Langner and Erin O’Connell

Commissioners Absent: Dena Nordstrom, Nina Phillips and Laura Trethewey

City Staff Present: City Recorder Sarah Blodgett, City Administrator W. Scott Jorgensen and City Planner Keshia Owens

Visitors Present: None

Visitor Comments: There were no visitors at this time.

Consider Approval of the Consent Agenda: Consider Approval of the September 22, 2021 Regular Planning Commission Meeting Minutes—the consent agenda could not be approved due to lack of a quorum.

New Business

- a. Ordinance 1082—Pertaining to Flood Damage Prevention in the City of Rainier—Commissioner Paul Langner went over the proposed draft and suggested some changes. The commissioners and staff present reached consensus that the ordinance would be ready to move forward at the next meeting with those changes in place. There was a discussion about the timeline for notifying the state Department of Land Conservation and Development (DLCD) about the ordinance.
- b. Ordinance 1083—Regarding the Annexation of Contiguous Properties and Annexation of Properties That Are a Danger to Public Health—City Administrator W. Scott Jorgensen said he spoke with the city attorney and had some notes from that discussion that he wanted to go over. One change that he and staff wanted to see in the draft ordinance was clearer language that city services will not be provided to residences or businesses outside of city limits without annexation. Commissioners agreed by consensus. There was discussion about changing language in the draft from “contiguous to existing city limits” to “within the UGB.” That was agreed to by consensus. There was discussion about expanding the reasons the city can initiate annexations to include strategic or economic development. Commissioners agreed by consensus. City Planner Keshia Owens agreed to make those changes and include them in a draft to be presented to the commission at its next meeting.
- b. Urban Growth Boundary Discussion—Jorgensen explained that he’s taken a look at the

UGB and realizes that it includes many lands that are undevelopable because of geography. He believes this is actually keeping the city from growing. There is a process in which cities can engage DLCD and request to change their UGBs. Owens said the best option would be land towards the waterfront that can be developed. The city could present that to DLCD. It's much flatter and has better development potential. Langer said there's land on the west side of the city that's in a flood zone and is not developable. The top of Rainier Hill is developable because it's more level, there are infrastructure connections, highway access and the schools are located there. Chair Erin O'Connell said the argument can be made for that. That real estate is more appropriate for inclusion in the UGB, which bolsters the argument. Jorgensen asked if the county has topographical maps available. O'Connell said they can be obtained through the GIS division of the Assessor's Office. Owens said that an upcoming housing needs analysis could also be used to help make the case for adjusting the UGB.

- c. Processes for Text Amendment to Waterfront Mixed Use Zone—There was a discussion about when to schedule the public hearing for the text amendment in order to satisfy the requirement to notify DLCD. It was agreed to by consensus that the commission's next meeting should be in January. That will give staff enough time to prepare final drafts of the flood plain and annexation ordinances and provide adequate notice to the public and DLCD.

O'Connell adjourned the meeting at 7:33 p.m.

Erin O'Connell, Chair

Sarah Blodgett, City Recorder

ORDINANCE NO. 1082

AN ORDINANCE PERTAINING TO FLOOD DAMAGE PREVENTION IN THE CITY OF RAINIER

STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

1.1 STATUTORY AUTHORIZATION

The State of Oregon has in OR 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 Rainier does ordain as follows:

1.2 FINDINGS OF FACT

- A. The flood hazard areas of the City of Rainier 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.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. 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;
- F. Help maintain a stable tax base by providing for the sound use and development of flood

hazard areas so as to minimize blight areas caused by flooding;

- G. Notify potential buyers that the property is in a special flood hazard area
- H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

1.4 METHODS OF REDUCING FLOOD LOSSES

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

- A. Restricting or prohibiting development which is 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;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

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

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH 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.

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 (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard."

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.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) 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)(1) of this definition.

Flood elevation study: See “Flood Insurance Study.”

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): 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 proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a 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:

1. 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;
2. 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;
3. 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
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. 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 area 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 dwelling: 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 dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling 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: 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 Rainier and includes any subsequent improvements to such structures.

Recreational vehicle: A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, 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, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of 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 dwelling 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 erection 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 structure. 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.

Structure: 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 dwelling.

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. 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
2. 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 Rainier 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.

GENERAL PROVISIONS

1.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Rainier.

1.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for the City of Rainier, Oregon (Flood Map 41009C010D, dated November 26, 2010, with accompanying Flood Insurance Rate Maps (FIRMs) 410038, is hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at the Columbia County Planning Department, St. Helens, Oregon, and available online at <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-122.97294158263547,46.07290874175574,-122.90565032286993,46.102672907506594>.

1.3 COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that the City of Rainier administers and enforces the State of Oregon Specialty Codes, the City of Rainier 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.

1.4 COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

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.

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 Class I misdemeanor, punishable by a \$500 fine. Nothing contained herein shall prevent the City of Rainier from taking such other lawful action as is necessary to prevent or remedy any violation.

1.5 ABROGATION AND SEVERABILITY

ABROGATION

This ordinance is not intended 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 restrictions shall prevail.

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.

1.6 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.

1.7 WARNING AND DISCLAIMER OF LIABILITY

WARNING

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 areas of special flood hazards or uses permitted within such areas will be free from flooding or

flood damages.

DISCLAIMER OF LIABILITY

This ordinance shall not create liability on the part of the City of Rainier, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

ADMINISTRATION

1.8 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Administrator, or designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

1.9 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:
PERMIT REVIEW

Review all development permits to determine that:

- A. The permit requirements of this ordinance have been satisfied;
- B. All other required local, state, and federal permits have been obtained and approved.
- C. 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 0 are met; and
- D. 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 5.1.7; and
- E. Provide to building officials the Base Flood Elevation (BFE) with an additional two-feet freeboard height applicable to any building requiring a development permit.
- F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 2.0.
- G. 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 5.1.1.
- H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

INFORMATION TO BE OBTAINED AND MAINTAINED

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- A. 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 **5.1.7**.
- B. 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 **5.2.4**, **5.3.1(F)**, **4.2.1(B)** are adhered to.
- C. 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).
- D. 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.
- E. Maintain all Elevation Certificates (EC) submitted to the community;
- F. 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 **5.1.7**.
- G. Maintain all floodproofing certificates required under this ordinance;
- H. Record and maintain all variance actions, including justification for their issuance;
- I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section **5.2.4**.
- J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section **4.2.4**.
- K. Maintain for public inspection all records pertaining to the provisions of this ordinance.

REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

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.

WATERCOURSE ALTERATIONS

Notify adjacent communities, 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:

- A. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- B. 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 **4.2.3.3**. Ensure compliance with all applicable requirements in sections **4.2.3.3** and **5.1.1**.

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 Title 44 of the Code of Federal Regulations (CFR), 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.

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

- A. Proposed floodway encroachments that increase the base flood elevation; and
- B. 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.

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).

SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

Conduct Substantial Improvement (SI) (as defined in section 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 4.2.2. Conduct Substantial Damage (SD) (as defined in section 2.0) 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 3.2) 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.

1.10 ESTABLISHMENT OF DEVELOPMENT PERMIT

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 3.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 2.0, including fill and other development activities.

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 4.2.2.
- 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 non-residential structure meet the floodproofing criteria for non-residential structures in section 5.2.3.3.
- 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 4.2.1 and 5.1.6.
- 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.

1.11 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.

CONDITIONS FOR VARIANCES

- 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 4.4.1 (C) and (E), and 4.4.2. 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:
 - 1.** A showing of good and sufficient cause;
 - 2.** A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3.** 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.
- E.** 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 4.4.1 (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.

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 4.2.2.

PROVISIONS FOR FLOOD HAZARD REDUCTION

1.12 GENERAL STANDARDS

In all special flood hazard areas, the following standards shall be adhered to:

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 sections 4.2.3.2 and 4.2.3.3.

ANCHORING

- A.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B.** All manufactured dwellings shall be anchored per section 5.2.3.4.

CONSTRUCTION MATERIALS AND METHODS

- A.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B.** All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

UTILITIES AND EQUIPMENT

WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS

- A.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B.** 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.
- C.** 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.

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 an additional 24 inches 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 meet all the requirements of this section if replaced as part of a substantial improvement.

TANKS

- A.** Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- B.** Above-ground tanks shall be installed at or above the base flood level and an additional two-feet of freeboard height or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS

- A.** All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- B.** All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - 1.** Be consistent with the need to minimize flood damage.
 - 2.** Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - 3.** Have adequate drainage provided to reduce exposure to flood hazards.

USE OF OTHER BASE FLOOD ELEVATION DATA

When Base Flood Elevation data has not been provided in accordance with section 3.2 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 5.0. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 5.1.6.

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. See FIRM 410038. When no Base Flood Elevation data is available the elevation requirement is two feet above the highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

- A.** 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.
- B.** 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.

1.13 SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section **5.1** of this ordinance.

FLOOD OPENINGS

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

Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- A.** Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- B.** Be used solely for parking, storage, or building access;
- C.** Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - 1.** A minimum of two openings,
 - 2.** 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,
 - 3.** The bottom of all openings shall be no higher than one foot above grade.
 - 4.** 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.
 - 5.** 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.

GARAGES

- A.** 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:
 - 1.** If located within a floodway the proposed garage must comply with the requirements of section 5.2.4.
 - 2.** The floors are at or above grade on not less than one side;
 - 3.** The garage is used solely for parking, building access, and/or storage;
 - 4.** The garage is constructed with flood openings in compliance with section 5.2.1 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - 5.** The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - 6.** The garage is constructed in compliance with the standards in section 5.1; and
 - 7.** 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.

- B.** Detached garages must be constructed in compliance with the standards for appurtenant structures in section 5.2.3.6 or non-residential structures in section 5.2.3.3 depending on the square footage of the garage.

FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS

In addition to the general standards listed in section 5.1 the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (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.

RESIDENTIAL CONSTRUCTION

- A.** New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the Base Flood Elevation (BFE) a minimum of two feet of freeboard.
- B.** Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 5.2.1.

NON-RESIDENTIAL CONSTRUCTION

- A.** New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - 1.** Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE) by two feet freeboard;
Or, together with attendant utility and sanitary facilities:

Additional Recommended Language Provided in Appendix B

- i.** Be floodproofed 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 section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 4.2.2.

- B.** Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 5.2.1.
- C.** Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

MANUFACTURED DWELLINGS

- A.** Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 5.2.1;
- B.** The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- C.** Manufactured dwellings to be placed (new or replacement) or substantially improved 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;
- D.** Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:

- A.** Be on the site for fewer than 180 consecutive days, and
- B.** 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
- C.** Meet the requirements of section 5.2.3.4, including the anchoring and elevation requirements for manufactured dwellings.

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 5.2.4.

- 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 5.2.1;
- G.** Appurtenant structures shall be located and constructed to have low damage potential;
- H.** Appurtenant 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 5.1.5.
- 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.

FLOODWAYS

Located within the special flood hazard areas established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters 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:
 - 1.** 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,
 - 2.** 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.

- B.** If the requirements of section 5.2.4 (A) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 5.0.
 - 1.** hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 5.2.3.3(A)(4).
- B.** Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - 1.** Be on the site for fewer than 180 consecutive days, and
 - 2.** 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
 - 3.** Meet the elevation requirements of section 5.2.5.2(A), and the anchoring and other requirements for manufactured dwellings of section 5.2.3.4.
- C.** In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 5.2.3.6.
- D.** In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 5.2.1.

Appendix A –Definitions

Building: See "Structure."

Critical facility: Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

Elevated building: Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Floodplain or flood prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Hazardous material: The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- (a) Hazardous waste as defined in ORS 466.005;
- (b) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
- (c) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- (d) Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- (e) Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- (f) Material regulated as a Chemical Agent under ORS 465.550;
- (g) Material used as a weapon of mass destruction, or biological weapon;
- (h) Pesticide residue;
- (i) Dry cleaning solvent as defined by ORS 465.200(9).

Letter of Map Change (LOMC): Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- (a) **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- (b) **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- (c) **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- (d) **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
- (e) **Letter of Map Revision (LOMR):** A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
- (f) **Letter of Map Revision based on Fill (LOMR-F):** A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- (g) **PMR:** A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

Regulatory floodway: See "Floodway."

Sheet flow area: See "Area of shallow flooding."

Water dependent: Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations.

Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas; to include Columbia River Datum (CRD).

Passed by the City of Rainier council and approved by the mayor on the ____ date of ____, 2022.

Attested:

BY: _____
Jerry Cole, Mayor

BY: _____
Scott Jorgensen, City Administrator

ORDINANCE NO. 1083

**AN ORDINANCE OF THE CITY OF RAINIER, OREGON REGARDING THE ANNEXATION
OF CONTIGUOUS PROPERTIES AND ANNEXATION OF PROPERTIES THAT ARE A
DANGER TO PUBLIC HEALTH**

WHEREAS, on August 25, 1983, the City of Rainier's land use regulations were officially acknowledged by the Oregon Land Conservation and Development Commission; and

WHEREAS, the City of Rainier Municipal Code, Zoning Code Title 18, Chapter 18.10.070: and Ordinance 974 provides the standards, procedures, and factors by which the City evaluates annexation proposals; and

WHEREAS, the Planning Commission desires to provide clear and in-depth regulations in relation to the annexation application and approval process to ensure that annexations are timely, orderly and efficient; and

WHEREAS, Rainier City Council held a meeting on August 2, 2021 and the Planning Commission on September 22, 2021 to discuss code amendments and annexation regulations; and

WHEREAS, the Planning Commission held a public hearing on October 20, 2021 and found that the proposed annexation process and amendments pursuant to ORS 197.175: Cities' and counties' planning responsibilities; rules on incorporations; compliant with goals.

WHEREAS, the Rainier City Council recognizes that the City has historically processed annexations without applications having to be voted on; and

WHEREAS, the Rainier City Council desires to have property owners interested in annexation initiate their own annexation process if the properties are contiguous to existing City limits through the Expedited Annexation process, which does not require a public hearing, and

WHEREAS, The Rainier City Council desires to limit the provision of future city services to properties within the City limits, and

WHEREAS, the Rainier City Council desires to provide city services only to structures within the city limits and will actively pursue the annexation of all properties currently served by city services outside of the city, and

WHEREAS, the Rainier City Council desires that the City of Rainier be able to initiate annexations; and

WHEREAS, the Rainier City Council desires annexations be completed without a citywide election; and

WHEREAS, the Rainier City Council desires to have properties that are within the Urban Growth Boundary and a danger to public health due to inadequate water or septic systems annexed into the City to protect public health or for a reason that the City deems necessary; and

WHEREAS, the Rainier City Council finds that annexation of developed property is in the best interest of the City and of the contiguous territory; now therefore,

BE IT RESOLVED, that the Rainier City Council does hereby allow annexation of properties within the Urban Growth Boundary into city limits by property owner initiation and City initiated annexation of properties that are a danger to public health or for a reason that the City deems necessary.

Adopted by the Rainier City Council at a regularly scheduled meeting thereof, on the ____ day of _____, 202_ and effective this date.

City of Rainier, Oregon

Jerry Cole, Mayor

ATTEST:

City Recorder

Division III

Chapter 18.

ANNEXATIONS

Sections

18.00.00 Purpose

18.00.00 State and regional regulations regarding annexations

18.00.00 Definitions

18.00.00 General Procedures

18.00.00 Initiation Procedures

18.00.00 Annexation Procedures

18.00.00 Submittal Requirements

18.00.00 Approval Criteria

18.00.00 Purpose

The purpose of this section is to establish the necessary procedures and criteria under Oregon Revised Statutes Chapter 222 and all related chapters. The provisions of this section are hereby adopted to achieve orderly and efficient annexation of lands into the City of Rainier city limits.

- A. The procedures and standards set forth in this section are required for review and decision of proposed annexations and will ensure that:
 - a. A system for measuring the physical, environmental, fiscal and related social effects of proposed annexations is established;
 - b. The City of Rainier will be able to initiate annexations;
 - c. The City of Rainier will not be required to hold citywide elections for annexations;
 - d. The City of Rainier will not be held responsible for providing services to any structures outside of city limits; and
 - e. Ensure adequate time for review by staff.

18.00.00 State and regional regulations regarding annexations.

The regulations and requirements of Oregon Revised Statute Chapter 222 are concurrent obligations for annexation and are not affected by the provisions of this chapter.

18.00.00 Definitions

The following definitions shall be used in this chapter:

“Annexation” means boundary change due to an annexation or withdrawal of territory to from a city or district, or from a city/county to a city; and the extra-territorial extension of water or sewer service by a city or district.

“City” means to the City of Rainier

“Commission” means the City of Rainier Planning Commission

“Contiguous” means sharing a common border or touching

“Council” means the City of Rainier City Council

18.00.00 General Procedures

The general procedures stated in this section shall apply to all annexation proposals.

A. Annexation proposals shall be considered by the Council pursuant to the Type IV legislative process, as stated in Chapter 18.160, except that the Commission shall conduct no public hearing or recommendation. The Council decision shall be the “Final Decision” for purposes of compliance with 18.160.050.

B. Notice

- a. The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.
- b. Written notice may also be conducted electronically through Plan Amendments (PAPA) online through DLCD.
- c. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - i. Each owner whose property would be directly affected by the proposal;
 - ii. Any affected governmental agency;
 - iii. Any person who requests notice in writing.
- d. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.
- e. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.

C. A staff report shall be issued prior to Final Decision by the Council.

D. The decision made by Council shall be in writing

18.00.00 Initiation Procedures

Initiation Procedures shall apply to annexation proposals.

A. An annexation proposal may be initiated by the City of Rainier through the Council, on its own motion, as set forth in this section. The Council may terminate proceedings under this section at any time.

B. An annexation proposal may be initiated pursuant to the state law Health Hazard Abatement annexation process.

C. An annexation proposal may be initiated pursuant to the state law Island annexation process.

D. An annexation proposal may be initiated by submission of city forms of property owner(s) of the area to be annexed as set forth in this section.

a. When all of the owners of land in the territory to be annexed and not less than 50% of the electors, if any, residing in the territory to be annexed, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.

b. When a majority of the electors registered in the territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the land in the territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.

c. A pre-application conference is strongly encouraged prior to the submittal of an annexation partition.

18.00.00 Annexation Procedures

A. A proposal shall be considered by the City Council without a public hearing and may be placed on the Council consent agenda. The Council decision on the proposal shall be considered the "Final Decision."

B. The petition requirements for expedited applications must be accompanied by the written consent of 100% of the property owners and at least 50% of the electors, if any, within the affected territory.

- C. Notice of petition for an expedited process must be provided a minimum of 20 days prior to the final decision and shall follow the notification procedures as required for Type IV Comprehensive Plan amendments.
- D. A brief staff report shall be issued at least seven days prior to the decision date.
- E. An expedited process cannot be used if a necessary party gives written notice to contest the decision.

18.00.00 Submittal Requirements

An applicant for annexation shall submit six copies of the application materials. The City may require additional copies if deemed necessary. The application materials shall include:

- A. A complete and signed annexation application packet of forms provided to the City.
- B. A petition, on City forms, completed by property owners and/or electors residing in the affected territory that meets the minimum petition requirements set forth by the City.
- C. A metes and bounds legal description of the territory to be annexed, meeting the relevant requirements of ORS 308.225. A lot and block description may be substituted if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description.
- D. A map showing the affected territory, any public streets to be annexed and parcels within 300 feet of the affected territory including any public streets. The affected territory shall be identified on the map. The map shall be submitted on an 11 x 17-inch map and shall show scale and a north arrow.
- E. A narrative which addresses the approval criteria.
- F. A request for an expedited procedure if desired by the applicant.
- G. The applicant is responsible for all fees related to the annexation process.

18.00.00 Approval Criteria

The City Council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria:

- A. Findings conducted by the City Planning Official or other City staff.
- B. The affected territory must be located within the City's Urban Growth Boundary.
- C. The affected territory is contiguous to the existing city limits.

- D. The city will attempt to apply zoning which is most like the county zone. Try to avoid nonconforming uses.
- E. A City of Rainier Covenant of Waiver of Rights and Remedies City form has been executed by all owners of the property to be annexed and all owners of any interest in the property to be annexed regarding waiver of any statutory or constitutional regulatory provisions, including but not limited to, Ballot Measure 37 (effective December 2, 2004) as amended by Ballot Measure 49. This section only applies to those property owners who have consented in writing to annexation.
- F. That either:
 - a. That funding mechanisms required to construct transportation, wastewater, water, stormwater and park facilities consistent with adopted Public Facility or Utility Master Plans, Parks and/or Transportation System Plans are in place or;
 - b. In lieu, a Public Facilities, Parks, and Transportation Agreement is executed that funding will be in place prior to or concurrent with a development permit application.
- G. That the public interest would be furthered by the annexation.

18.00.00 Fiscal Impact Statement

The City shall prepare a fiscal impact statement, which shall estimate the fiscal impact that the proposed annexation would have on the City's general fund. The fiscal impact information shall be utilized in the determination of whether the public interest would be furthered by the approval of the annexation.

18.00.00 Appeals

The City Council decision may be appealed according to state law.

Chapter 18.50

WATERFRONT MIXED USE OVERLAY ZONE (WM OVERLAY)

Sections:

- 18.50.010 Purpose and intent.**
- 18.50.012 Design objectives for framework plan.**
- 18.50.015 Role of the framework plan.**
- 18.50.020 Permitted uses.**
- 18.50.030 Conditional uses.**
- 18.50.040 Development standards.**
- 18.50.050 Design review.**

18.50.010 Purpose and intent.

This overlay zone is intended to accommodate development of a cohesive community within the context of the Rainier mixed use waterfront framework plan. A primarily residential community is envisioned, including a variety of housing types. Public open space is also an important component of the framework plan, including public access to and along the Columbia River. In addition to residential and public uses, other commercial service, retail, office and marine-related retail and recreational uses are permitted to provide market flexibility and the opportunity for mixed use development. Quality building design and a pedestrian-friendly character for streets are also intended. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

18.50.012 Design objectives for framework plan.

The framework plan for the waterfront mixed use overlay zone was developed through a public, collaborative process. The following design objectives shaped the framework plan:

- A. Create a residential community – a place where neighbors know each other.
- B. Provide a variety of housing that balances quality with appropriate pricing.
- C. Provide for mixed use – living, working, and community gathering.
- D. Link the physical design of the community to Rainier’s small town character.
- E. Provide public access to, and along, the waterfront.
- F. Provide open spaces and river views.
- G. Coordinate with adjacent park lands and the boat launch.

H. Design streets that are attractive for walking.

I. Be flexible – provide for phased development over time. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8.2), 1998)

18.50.015 Role of the framework plan.

The framework plan for the waterfront mixed use overlay zone is attached as Exhibit A to the ordinance codified in this chapter and is incorporated into the zoning ordinance by this reference. The framework plan illustrates the key elements for development in the zone, including the following:

A. Westerly extension of “A” Street and approximate location of north-south local street connections. Cross-sections for “A” Street and local streets are attached as examples.

B. Designation of the Riverfront Greenway and Trail. Approximate locations for riverfront access/viewpoints are also shown. A cross-section for the Riverfront Trail is attached as an example.

C. Identification of a “core area” as the most appropriate location for civic, mixed use development and higher density residential uses to serve and support the adjacent neighborhood areas identified in the framework plan. The core area is also the preferred location for a public park.

D. Identification of “neighborhood edge” areas as the transition where civic, mixed use and higher density uses are also appropriate, but where design and development needs to promote transition and compatibility between the core and the neighborhoods.

Regulatory elements of the framework plan are implemented through the development standards of this zone (see RMC [18.50.040](#)). An illustrative plan has been prepared to show one approach for development that is consistent with the framework plan. The illustrative plan is not regulatory or binding, and it is intended only as a guide for potential development. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8.3), 1998)

18.50.020 Permitted uses.

The following categories of uses are permitted outright in the waterfront mixed use overlay zone (WM overlay):

A. Residential Uses.

1. Detached single-family dwelling (excluding manufactured homes).
2. Zero lot line dwelling.
3. Attached single-family dwelling.

4. Two-family dwelling.

5. Multifamily dwelling.

6. Senior housing, congregate care, assisted living, adult foster care.

B. Commercial/Office/Public Uses.

1. Commercial service uses (for example, barber and beauty shop, laundry, shoe repair, dry cleaner, tailor).

2. Commercial retail uses (for example, grocery store, drug store, restaurant, tavern, garden store, department or furniture store, secondhand store), provided no single retail establishment exceeds 20,000 square feet in floor area.

3. Professional office or clinic (for example, medical or dental office, tax preparation service, veterinary clinic).

4. General business or corporate office uses (for example, offices of financial, insurance, real estate and government organizations).

5. Tourist-oriented uses (for example, motel/hotel, gift shop).

6. Public park. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

18.50.030 Conditional uses.

The following uses are permitted in the waterfront mixed use overlay zone (WM overlay) when a conditional use permit is approved subject to Chapter [18.130](#) RMC.

A. Any of the following water-oriented uses:

1. Marina.

2. Boat sales or service.

3. Boat launching facility.

4. Public or private dock.

5. Storage of marine equipment in buildings with less than 5,000 square feet total space.

B. Public use (public parks are permitted).

C. Semipublic use. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

18.50.040 Development standards.

The following development standards apply in the waterfront mixed use overlay zone (WM overlay) to implement the framework plan.

A. Street Connectivity and Formation of Block Required. In order to promote efficient vehicular and pedestrian circulation through the waterfront mixed use overlay zone (WM overlay) and compatibility with the established street grid of Rainier, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets.

1. Block Length and Perimeter. A block length of 320 feet is recommended for compatibility with the established street grid of Rainier. Block lengths shall not exceed 400 feet and the block perimeter shall not exceed 1,200 feet in the waterfront mixed use overlay zone (WM overlay).

2. Exception. The planning commission may grant an exception to the block length and perimeter standard when blocks are divided by one or more pathway(s). Pathways shall be provided at or near midblock where the block length exceeds the 400-foot standards. Pathways shall be located to minimize out-of-direction travel by pedestrians and cyclists.

Additionally, the planning commission may grant an exception to the block length and perimeter standard for publicly owned parks and for blocks in the waterfront mixed use overlay zone (WM overlay) that abut public parks or industrial zones; or for large commercial or residential uses deemed appropriate by the commission.

B. Street Standards. Public and private streets in the waterfront mixed use overlay zone (WM overlay) shall conform to city standards. Private streets are permitted with planning commission approval subject to the following limitations:

1. Private streets shall be built to city standards.
2. Private streets shall include permanent easements for public access.
3. Private streets shall include provisions and an agreement for maintenance.

Alleys are encouraged but not required in the waterfront mixed use overlay zone (WM overlay).

C. Columbia River Greenway and Trail. Increasing public access to and along the Columbia River is one of the key goals of the Rainier waterfront urban renewal plan and the framework plan. As depicted on these plans, development adjacent to the Columbia River shall maintain a 45-foot setback from the riverfront property line. Public dedication of the greenway and trail is preferred. A cross-section for the landscape treatment and trail

construction within the greenway is shown in the plan. Access to the greenway trail shall be provided from the end of the north/south streets, as depicted on the framework plan.

D. Development Adjacent to the Greenway. Development adjacent to the greenway shall include appropriate breaks between buildings so as to avoid a “wall” effect. Buildings should not exceed 100 feet in length and should be separated by at least 15 feet along the greenway.

E. Lot Standards. The following lot standards are designed to accommodate a variety of housing and building types in the waterfront mixed use overlay zone (WM overlay).

Land Use	Min. Lot Area	Min.
		Lot Width
Detached SF housing	3,500 sf	35 ft.
Attached SF housing	2,400 sf	24 ft.
Duplex	5,000 sf	50 ft.
MF housing (+ 3 units)	9,000 sf	90 ft.
Commercial/office	No minimum	50 ft.
Public/semipublic	No minimum	50 ft.

F. Residential Densities. To assure efficient use of land in the waterfront mixed use overlay zone (WM overlay), residential projects shall be developed at a minimum density of 10 units per net acre (excluding area devoted to streets). Minimum densities shall be calculated on a project-by-project basis and may include multiple contiguous parcels and phased developments. There are no minimum density requirements when residential units are developed above first floor commercial or office uses.

Maximum density in the waterfront mixed use overlay zone (WM overlay) is 25 units per net acre. Assisted living facilities are not subject to this maximum density, and are limited only by maximum building heights and setbacks.

G. Building Setbacks. Building setbacks provide space for private yards and building separation for fire protection, building maintenance, sunlight and air circulation. Building setbacks can also promote human-scale design and neighborhood security by placing buildings close to and oriented to the street.

1. Front Yard Setbacks – Residential Uses.

a. A minimum setback of 10 feet is required outside of the core area. A zero setback is allowed in the core area. An unenclosed front porch may encroach into the front yard setback, as long as it does not encroach into a public utility easement.

b. Residential uses shall not exceed a maximum front yard setback of 25 feet.

c. Garages and carports shall be accessed from alleys or recessed behind the front building elevation by a minimum of two feet.

2. Side and Rear Yard Setbacks – Residential Uses.

a. A minimum side yard setback of five feet is required for detached single-family and multifamily dwellings.

b. A minimum rear yard setback of 10 feet is required for all residential dwellings.

3. Setbacks – Commercial/Office/Public/Semipublic Uses.

a. No minimum front yard setback is required, except as necessary to comply with vision clearance standards.

b. A maximum front yard setback of 25 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 25 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building.

c. The maximum front yard setback standard shall not apply to buildings that do not receive the public (e.g., buildings used for storage or housing mechanical equipment, and similar uses).

d. No minimum side or rear yard setback is required, except where such yards abut existing or approved residential uses. In such cases, the side or rear yard requirement shall match the yard requirement for the residential use.

H. Building Heights. In order to provide a step-down in building heights toward the Columbia River, building heights in the east and west neighborhoods shall not exceed two stories or 35 feet to the north of the A Street extension, and shall not exceed four stories or 55 feet to the south of the A Street extension. Buildings in the core area shall not exceed three stories or 45 feet.

I. Building Orientation. The following standards are intended to orient buildings to streets to promote human-scale development, slow traffic, and encourage walking in neighborhoods. Placing residences and other buildings close to

the street also encourages security and safety by having more “eyes on the street.” The building orientation standards are applicable to all housing types and to nonresidential buildings.

1. All buildings shall have their primary entrance(s) oriented to the street. Multifamily and commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances.
2. Off-street parking areas shall not be placed between the primary entrance and the street. Vehicles may be parked in driveways serving detached and attached single-family housing. However, garages must be recessed a minimum of two feet from the front facade of the dwelling, as specified in subsection (G)(1)(c) of this section.
3. The building orientation standards are not applicable to nonresidential buildings which do not receive the public such as storage or utility buildings. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

18.50.050 Design review.

All new development in the waterfront mixed use overlay zone (WM overlay), including single-family housing types, is subject to design review. In addition to the criteria for design review approval set forth in Chapter [18.145](#) RMC, the following additional criteria are applicable in the waterfront mixed use overlay zone (WM overlay):

- A. Consistency with Design Objectives and Framework Plan. The proposed development is consistent with the design objectives and the framework plan for the waterfront mixed use overlay zone.
- B. Consistency with Development Standards. The proposed development is consistent with the development standards for the waterfront mixed use overlay zone.
- C. Design Guidelines for Residential Buildings. Residential buildings should address the following guidelines:

1. Garage Placement. The garage must not be the dominant feature of the front of the dwelling. Side placement, rear placement, or a recess of two feet minimum are preferred. Overhangs and front porches may be incorporated into addressing this guideline.

2. Quality of Materials.

- a. Buildings should use high quality materials.

At least two different types of materials should be provided on the sides of buildings that face streets. Variation in the patterns of the same materials is an acceptable alternative.

3. Porches. Usable front porches (approximately six feet by eight feet minimum) that are covered should be provided on at least 50 percent of the buildings.

4. Roof Pitch. A minimum roof pitch of 4:12 should be provided.

5. Building and Roof Articulation. Exteriors offsets, balconies, projections, window reveals, variations in roof pitch and similar elements details should be provided.

6. Variation in Color. Developments should avoid overuse of the same exterior paint colors. As a guideline, color should vary on every block face.

D. Design Guidelines for Civic, Commercial and Mixed-Use Buildings. Civic, commercial and mixed-use buildings should address the following guidelines:

1. Location of Entries. The building orientation standards in this chapter shall be met. On corner lot, corner entrances are encouraged and may substitute for having an separate entry on each street side of the building.

2. Quality of Materials. a. Buildings should use high quality materials.

At least two different types of materials should be provided on the sides of buildings that face streets. Variation in the patterns of the same materials is an acceptable alternative.

3. Weather Protection. Buildings that abut the public sidewalk should provide awnings or canopies along appropriate lengths of the building facade.

4. Building and Roof Articulation. Exteriors offsets, balconies, projections, window reveals, variations in roof pitch and similar elements details should be provided.

5. Ground Floor Windows and Doors. Ground floor windows should occupy the majority of the street side facade. A guideline of 60 percent of the length and 25 percent of the first 12 feet of height is suggested.

6. Pedestrian Amenities. Street-side amenities are encouraged. Examples include benches, plazas, planters, seating walls, and public art.

E. Where the standards of the waterfront mixed use overlay zone (WM overlay) conflict with other standards in the zoning ordinance, the land division ordinance or the transportation system plan, the standards of the waterfront mixed use overlay zone (WM overlay) shall control. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

Chapter 18.50

WATERFRONT MIXED USE OVERLAY ZONE (WM OVERLAY)

Sections:

- 18.50.010 Purpose and intent.**
- 18.50.012 Design objectives for framework plan.**
- 18.50.015 Role of the framework plan.**
- 18.50.020 Permitted uses.**
- 18.50.030 Conditional uses.**
- 18.50.040 Development standards.**
- 18.50.050 Design review.**

18.50.010 Purpose and intent.

This overlay zone is intended to accommodate development of a cohesive community within the context of the Rainier mixed use waterfront framework plan. A primarily residential community is envisioned, including a variety of housing types. Public open space is also an important component of the framework plan, including public access to and along the Columbia River. In addition to residential and public uses, other commercial service, retail, office and marine-related retail and recreational uses are permitted to provide market flexibility and the opportunity for mixed use development. Quality building design and a pedestrian-friendly character for streets are also intended. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

18.50.012 Design objectives for framework plan.

The framework plan for the waterfront mixed use overlay zone was developed through a public, collaborative process. The following design objectives shaped the framework plan:

- A. Create a residential community – a place where neighbors know each other.
- B. Provide a variety of housing that balances quality with appropriate pricing.
- C. Provide for mixed use – living, working, and community gathering.
- D. Link the physical design of the community to Rainier’s small town character.
- E. Provide public access to, and along, the waterfront.
- F. Provide open spaces and river views.
- G. Coordinate with adjacent park lands and the boat launch.

H. Design streets that are attractive for walking.

I. Be flexible – provide for phased development over time. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8.2), 1998)

18.50.015 Role of the framework plan.

The framework plan for the waterfront mixed use overlay zone is attached as Exhibit A to the ordinance codified in this chapter and is incorporated into the zoning ordinance by this reference. The framework plan illustrates the key elements for development in the zone, including the following:

A. Westerly extension of “A” Street and approximate location of north-south local street connections. Cross-sections for “A” Street and local streets are attached as examples.

B. Designation of the Riverfront Greenway and Trail. Approximate locations for riverfront access/viewpoints are also shown. A cross-section for the Riverfront Trail is attached as an example.

C. Identification of a “core area” as the most appropriate location for civic, mixed use development and higher density residential uses to serve and support the adjacent neighborhood areas identified in the framework plan. The core area is also the preferred location for a public park.

D. Identification of “neighborhood edge” areas as the transition where civic, mixed use and higher density uses are also appropriate, but where design and development needs to promote transition and compatibility between the core and the neighborhoods.

Regulatory elements of the framework plan are implemented through the development standards of this zone (see RMC [18.50.040](#)). An illustrative plan has been prepared to show one approach for development that is consistent with the framework plan. The illustrative plan is not regulatory or binding, and it is intended only as a guide for potential development. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8.3), 1998)

18.50.020 Permitted uses.

The following categories of uses are permitted outright in the waterfront mixed use overlay zone (WM overlay):

A. Residential Uses.

1. Detached single-family dwelling (excluding manufactured homes).
2. Zero lot line dwelling.
3. Attached single-family dwelling.

4. Two-family dwelling.

5. Multifamily dwelling.

6. Senior housing, congregate care, assisted living, adult foster care.

B. Commercial/Office/Public Uses.

1. Commercial service uses (for example, barber and beauty shop, laundry, shoe repair, dry cleaner, tailor).

2. Commercial retail uses (for example, grocery store, drug store, restaurant, tavern, garden store, department or furniture store, secondhand store), provided no single retail establishment exceeds 20,000 square feet in floor area.

3. Professional office or clinic (for example, medical or dental office, tax preparation service, veterinary clinic).

4. General business or corporate office uses (for example, offices of financial, insurance, real estate and government organizations).

5. Tourist-oriented uses (for example, motel/hotel, gift shop).

6. Public park. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

18.50.030 Conditional uses.

The following uses are permitted in the waterfront mixed use overlay zone (WM overlay) when a conditional use permit is approved subject to Chapter [18.130](#) RMC.

A. Any of the following water-oriented uses:

1. Marina.

2. Boat sales or service.

3. Boat launching facility.

4. Public or private dock.

5. Storage of marine equipment in buildings with less than 5,000 square feet total space.

B. Public use (public parks are permitted).

C. Semipublic use. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

18.50.040 Development standards.

The following development standards apply in the waterfront mixed use overlay zone (WM overlay) to implement the framework plan.

A. Street Connectivity and Formation of Block Required. In order to promote efficient vehicular and pedestrian circulation through the waterfront mixed use overlay zone (WM overlay) and compatibility with the established street grid of Rainier, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets.

1. Block Length and Perimeter. A block length of 320 feet is recommended for compatibility with the established street grid of Rainier. Block lengths shall not exceed 400 feet and the block perimeter shall not exceed 1,200 feet in the waterfront mixed use overlay zone (WM overlay).

2. Exception. The planning commission may grant an exception to the block length and perimeter standard when blocks are divided by one or more pathway(s). Pathways shall be provided at or near midblock where the block length exceeds the 400-foot standards. Pathways shall be located to minimize out-of-direction travel by pedestrians and cyclists.

Additionally, the planning commission may grant an exception to the block length and perimeter standard for publicly owned parks and for blocks in the waterfront mixed use overlay zone (WM overlay) that abut public parks or industrial zones; or for large commercial or residential uses deemed appropriate by the commission.

B. Street Standards. Public and private streets in the waterfront mixed use overlay zone (WM overlay) shall conform to city standards. Private streets are permitted with planning commission approval subject to the following limitations:

1. Private streets shall be built to city standards.
2. Private streets shall include permanent easements for public access.
3. Private streets shall include provisions and an agreement for maintenance.

Alleys are encouraged but not required in the waterfront mixed use overlay zone (WM overlay).

C. Columbia River Greenway and Trail. Increasing public access to and along the Columbia River is one of the key goals of the Rainier waterfront urban renewal plan and the framework plan. As depicted on these plans, development adjacent to the Columbia River shall maintain a 45-foot setback from the riverfront property line. Public dedication of the greenway and trail is preferred. A cross-section for the landscape treatment and trail

construction within the greenway is shown in the plan. Access to the greenway trail shall be provided from the end of the north/south streets, as depicted on the framework plan.

D. Development Adjacent to the Greenway. Development adjacent to the greenway shall include appropriate breaks between buildings so as to avoid a “wall” effect. Buildings should not exceed 100 feet in length and should be separated by at least 15 feet along the greenway.

E. Lot Standards. The following lot standards are designed to accommodate a variety of housing and building types in the waterfront mixed use overlay zone (WM overlay).

Land Use	Min. Lot Area	Min.
		Lot Width
Detached SF housing	3,500 sf	35 ft.
Attached SF housing	2,400 sf	24 ft.
Duplex	5,000 sf	50 ft.
MF housing (+ 3 units)	9,000 sf	90 ft.
Commercial/office	No minimum	50 ft.
Public/semipublic	No minimum	50 ft.

F. Residential Densities. To assure efficient use of land in the waterfront mixed use overlay zone (WM overlay), residential projects shall be developed at a minimum density of 10 units per net acre (excluding area devoted to streets). Minimum densities shall be calculated on a project-by-project basis and may include multiple contiguous parcels and phased developments. There are no minimum density requirements when residential units are developed above first floor commercial or office uses.

Maximum density in the waterfront mixed use overlay zone (WM overlay) is 25 units per net acre. Assisted living facilities are not subject to this maximum density, and are limited only by maximum building heights and setbacks.

G. Building Setbacks. Building setbacks provide space for private yards and building separation for fire protection, building maintenance, sunlight and air circulation. Building setbacks can also promote human-scale design and neighborhood security by placing buildings close to and oriented to the street.

1. Front Yard Setbacks – Residential Uses.

a. A minimum setback of 10 feet is required outside of the core area. A zero setback is allowed in the core area. An unenclosed front porch may encroach into the front yard setback, as long as it does not encroach into a public utility easement.

b. Residential uses shall not exceed a maximum front yard setback of 25 feet.

c. Garages and carports shall be accessed from alleys or recessed behind the front building elevation by a minimum of two feet.

2. Side and Rear Yard Setbacks – Residential Uses.

a. A minimum side yard setback of five feet is required for detached single-family and multifamily dwellings.

b. A minimum rear yard setback of 10 feet is required for all residential dwellings.

3. Setbacks – Commercial/Office/Public/Semipublic Uses.

a. No minimum front yard setback is required, except as necessary to comply with vision clearance standards.

b. A maximum front yard setback of 25 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 25 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building.

c. The maximum front yard setback standard shall not apply to buildings that do not receive the public (e.g., buildings used for storage or housing mechanical equipment, and similar uses).

d. No minimum side or rear yard setback is required, except where such yards abut existing or approved residential uses. In such cases, the side or rear yard requirement shall match the yard requirement for the residential use.

H. Building Heights. In order to provide a step-down in building heights toward the Columbia River, building heights in the east and west neighborhoods shall not exceed two stories or 35 feet to the north of the A Street extension, and shall not exceed four stories or 55 feet to the south of the A Street extension. Buildings in the core area shall not exceed three stories or 45 feet.

I. Building Orientation. The following standards are intended to orient buildings to streets to promote human-scale development, slow traffic, and encourage walking in neighborhoods. Placing residences and other buildings close to

the street also encourages security and safety by having more “eyes on the street.” The building orientation standards are applicable to all housing types and to nonresidential buildings.

1. All buildings shall have their primary entrance(s) oriented to the street. Multifamily and commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances.

2. Off-street parking areas shall not be placed between the primary entrance and the street. Vehicles may be parked in driveways serving detached and attached single-family housing. However, garages must be recessed a minimum of two feet from the front facade of the dwelling, as specified in subsection (G)(1)(c) of this section.

3. The building orientation standards are not applicable to nonresidential buildings which do not receive the public such as storage or utility buildings. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

18.50.050 Design review.

All new development in the waterfront mixed use overlay zone (WM overlay), including single-family housing types, is subject to design review. In addition to the criteria for design review approval set forth in Chapter [18.145](#) RMC, the following additional criteria are applicable in the waterfront mixed use overlay zone (WM overlay):

A. Consistency with Design Objectives and Framework Plan. The proposed development is consistent with the design objectives and the framework plan for the waterfront mixed use overlay zone.

B. Consistency with Development Standards. The proposed development is consistent with the development standards for the waterfront mixed use overlay zone.

C. Design Guidelines for Residential Buildings. Residential buildings should address the following guidelines:

1. Garage Placement. The garage must not be the dominant feature of the front of the dwelling. Side placement, rear placement, or a recess of two feet minimum are preferred. Overhangs and front porches may be incorporated into addressing this guideline.

2. Quality ~~of and Variety of~~ Materials.

a. Buildings should use high quality materials. ~~The following building materials are prohibited in the waterfront mixed use overlay zone (WM overlay):~~

~~a. Cinder block.~~

~~b. Metal.~~

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~~e. T1-11 siding.~~

At least two different types of materials should be provided on the sides of buildings that face streets. Variation in the patterns of the same materials is an acceptable alternative.

3. Porches. Usable front porches (approximately six feet by eight feet minimum) that are covered should be provided on at least 50 percent of the buildings.

4. Roof Pitch. A minimum roof pitch of 4:12 should be provided.

5. Building and Roof Articulation. Exterior offsets, balconies, projections, window reveals, variations in roof pitch and similar elements details should be provided.

6. Variation in Color. Developments should avoid overuse of the same exterior paint colors. As a guideline, color should vary on every block face.

D. Design Guidelines for Civic, Commercial and Mixed-Use Buildings. Civic, commercial and mixed-use buildings should address the following guidelines:

1. Location of Entries. The building orientation standards in this chapter shall be met. On corner lot, corner entrances are encouraged and may substitute for having an separate entry on each street side of the building.

2. Quality ~~and Variety of~~ Materials. ~~The proposed development includes quality building materials. The following building materials are prohibited in the waterfront mixed use overlay zone (WM overlay):~~

a. Buildings should use high quality materials.

~~a. Cinder block.~~

~~b. Metal.~~

~~c. T1-11 siding.~~

At least two different types of materials should be provided on the sides of buildings that face streets. Variation in the patterns of the same materials is an acceptable alternative.

3. Weather Protection. Buildings that abut the public sidewalk should provide awnings or canopies along appropriate lengths of the building facade.

4. Building and Roof Articulation. Exterior offsets, balconies, projections, window reveals, variations in roof pitch and similar elements details should be provided.

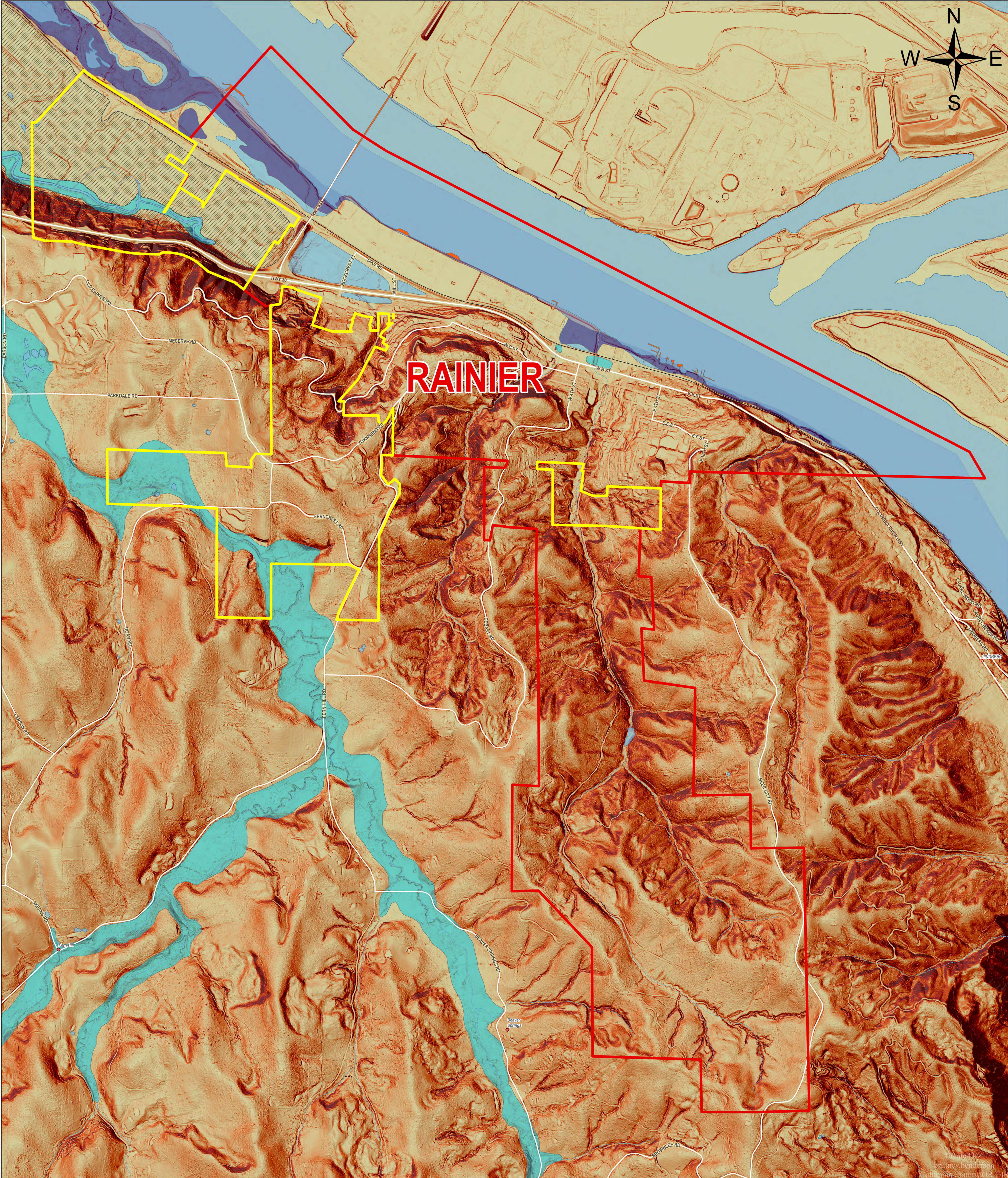
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5. Ground Floor Windows and Doors. Ground floor windows should occupy the majority of the street side facade. A guideline of 60 percent of the length and 25 percent of the first 12 feet of height is suggested.

6. Pedestrian Amenities. Street-side amenities are encouraged. Examples include benches, plazas, planters, seating walls, and public art.

E. Where the standards of the waterfront mixed use overlay zone (WM overlay) conflict with other standards in the zoning ordinance, the land division ordinance or the transportation system plan, the standards of the waterfront mixed use overlay zone (WM overlay) shall control. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

Slope & Flood Zones of Rainier, OR



Cities

- Rural Areas
- Community
- City Limits
- Urban Growth Boundary (UGB)

Roads

- Highways
- Arterial Roads

Hydrography

- Lakes
- Streams

FEMA Floodplain Zones

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- AE
- A
- AO
- X PROTECTED BY LEVEE
- FW

Percent Slope - DOGAMI

90
0

Created by
Brittney Henderson
Columbia County, OR GIS