

**City of Rainier
Planning Commission Meeting
January 19, 2022
6 p.m.
Rainier City Hall**

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

Commissioners Present: Erin O’Connell, Dena Nordstrom and Nina Phillips

Commissioners Absent: Paul Langner 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 visitor comments at this time.

Consider Approval of the Consent Agenda: Consider Approval of the September 22, 2021 and October 20, 2021 Regular Planning Commission Meeting Minutes—Commissioner Nina Phillips moved to approve the consent agenda. That motion was seconded by Commissioner Dena Nordstrom and adopted unanimously.

New Business

- a. Ordinance 1082—Pertaining to Flood Damage Prevention in the City of Rainier—Chair Erin O’Connell said that the state provided the template and Commissioner Paul Langner filled in the details. Nordstrom moved to recommend Ordinance 1082 to the city council for approval. That motion was seconded by Phillips and adopted unanimously.
- b. Ordinance 1083—Regarding the Annexation of Contiguous Properties and Annexation of Properties That Are a Danger to Public Health—O’Connell said the draft ordinance should be more clear about some procedures for annexation. Phillips suggested that section be rewritten. O’Connell said any unclear language in the ordinance could complicate processes. Nordstrom said some of the language mentions an election process, and the council and commission didn’t want that. O’Connell said the language should clarify when that process applies. City Planner Keshia Owens will make those changes and bring them back for the commission’s February meeting.
- c. Text Amendment to Waterfront Mixed Use Zone—O’Connell said the proposed amendment involves design materials. The current code language is problematic for the Rainier Oregon Historical Society (ROHS) and its plans to construct a museum in the zone. The restrictions on building materials are onerous and not necessary or relevant. The proposed amendment is a strike through and it’s simple. Language requiring the use of high-quality materials will still be included in the code. Phillips said the remaining language would still allow consideration on a case-by-case basis.

Phillips moved to recommend that the council approve the text amendment. That motion was seconded by Nordstrom and adopted unanimously. Rick Burnham from the ROHS said the reason for the requested text amendment was that the price of timber was high when the board began looking at building material options. O'Connell agreed that the current language is limiting. City Recorder Sarah Blodgett said that building materials have changed since the code was originally adopted. Burnham said there's a museum in Kalama that uses metal and looks nice. O'Connell said the amendment should provide greater flexibility.

- d. Urban Growth Boundary Discussion—Jorgensen explained that he had the county put together the map included in the meeting packet. It's the city limits and existing Urban Growth Boundary (UGB), but with overlays to demonstrate some of the steep slopes and areas prone to flooding. Owens said that work is being done on a housing needs analysis that includes a buildable lands inventory. She expects it to be completed in a few months. Jorgensen said a bill is being introduced in the upcoming short legislative session to make it easier for cities to adjust their UGBs. O'Connell said the process is onerous and problematic, especially for private property owners. They have to spend a lot of money and hire consultants and it can often be difficult for staff as well. Jorgensen said he can provide an update on the proposed bill at the commission's February meeting. He said he spoke to a lobbyist who specializes in land use, who informed him that the city may qualify for a Goal 7 exemption. O'Connell said the county can provide a map with any potential UGB adjustments the city would want to make.

O'Connell adjourned the meeting at 6:57 p.m.

Erin O'Connell, Chair

Sarah Blodgett, City Recorder

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.

§ 584,304 more people need to get a COVID-19 booster for Oregon to reach its goal to boost an additional 1 million people by Jan. 31, 2022 and fight the Omicron variant in our state. **Find a booster** Updated: 1/20/2022 (<https://govstatus.egov.com/find-covid-19-vaccine>)

 An official website of the State of Oregon »

(<http://www.oregon.gov>)



Oregon Planning

Department of Land Conservation and Development

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 (/lcd/Pages/index.aspx) > Oregon Planning (/lcd/OP/Pages/index.aspx) > Goal 7: Areas Subject to Natural Disasters and Hazards

Site Navigation

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires local comprehensive plans to address Oregon's natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education.

We have been planning for some of Oregon's natural hazards since the program began. River and coastal floods, landslides, wildfires, and coastal erosion are a consistent presence in Oregon. In recent years, more awareness has been developing about the possibility of a major earthquake and tsunami from the Cascadia Subduction Zone (CSZ). Good planning does not put buildings or people in harm's way. Planning, especially for the location of essential services like schools, hospitals, fire and police stations, is done with sensitivity to the potential impact of nearby hazards.

A local government addresses natural hazards in its comprehensive land use plan. They do this by adopting a natural hazard inventory, and supporting plans and policies. A limited amount of planning grant money (/lcd/About/Pages/Grants.aspx) is available through DLCD to help communities address these planning needs.

DLCD works with the Oregon Department of Geology and Mineral Industries, the Federal Emergency Management Agency, and others to help communities plan for natural hazards.

Original Adoption: 12/27/74; Effective: 1/25/75

Amended: 9/28/01; Effective: 6/1/02

POST-ACKNOWLEDGMENT PROCEDURES

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules. (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

(3) Submission of the proposed change must include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The form of notice or a draft of the notice to be provided under ORS 197.797, if applicable; and

(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.

(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:

(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

(5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.

(6) If, after submitting the materials described in subsection (3) of this section, the proposed change is altered to such an extent that the materials submitted no longer reasonably describe the proposed change, the local government must notify the Department of Land Conservation and Development of the alterations to the proposed change and provide a summary of the alterations along with any alterations to the proposed text or map to the director at least 10 days before the

final evidentiary hearing on the proposal. The director shall cause notice of the alterations to be given in the manner described in subsection (4) of this section. Circumstances requiring resubmission of a proposed change may include, but are not limited to, a change in the principal uses allowed under the proposed change or a significant change in the location at which the principal uses would be allowed, limited or prohibited.

(7) When the director determines that a proposed change to an acknowledged comprehensive plan or a land use regulation may not be in compliance with land use statutes or the statewide land use planning goals, including administrative rules implementing either the statutes or the goals, the department shall notify the local government of the concerns at least 15 days before the final evidentiary hearing, unless there is only one hearing or the proposed change has been modified to the extent that resubmission is required under subsection (6) of this section.

(8) Notwithstanding subsection (7) of this section, the department may provide advisory recommendations to the local government concerning the proposed change to the acknowledged comprehensive plan or land use regulation. [1981 c.748 §4; 1983 c.827 §7; 1985 c.565 §27; 1989 c.761 §20; 1999 c.622 §1; 2011 c.280 §1]

197.612 Comprehensive plan or land use regulation changes to conform plan or regulations to new requirement in statute, goal or rule. (1) Notwithstanding contrary provisions of state and local law, a local government that proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal or rule of the Land Conservation and Development Commission implementing the statutes or goals may take action to change the comprehensive plan or the land use regulation without holding a public hearing if:

(a) The local government gives notice to the Department of Land Conservation and Development of the proposed change in the manner provided by ORS 197.610 and 197.615; and

(b) The department confirms in writing that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.

(2) Notwithstanding the requirement under ORS 197.830 (2) that a person must have appeared before the local government orally or in writing, a person that has not appeared may petition for review of the decision under subsection (1) of this section solely to determine whether the only effect of the local decision is to conform the comprehensive plan or the land use regulation to the new requirements. [2011 c.280 §6]

197.615 Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development. (1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the decision to the Director of the Department of Land Conservation and Development within 20 days after making the decision.

(2) The submission must contain the following materials:

(a) A copy of the signed decision, the findings and the text of the change to the comprehensive plan or land use regulation;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

(c) A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under ORS 197.610 and any supplemental

information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and

(d) A statement by the individual transmitting the submission, identifying the date of the decision and the date of the submission.

(3) The director shall cause notice of the decision and an explanation of the requirements for appealing the land use decision under ORS 197.830 to 197.845 to be provided to:

(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

(4) On the same day the local government submits the decision to the director, the local government shall mail, or otherwise deliver, notice to persons that:

(a) Participated in the local government proceedings that led to the decision to adopt the change to the acknowledged comprehensive plan or the land use regulation; and

(b) Requested in writing that the local government give notice of the change to the acknowledged comprehensive plan or the land use regulation.

(5) The notice required by subsection (4) of this section must state how and where the materials described in subsection (2) of this section may be obtained and must:

(a) Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;

(b) List the locations and times at which the public may review the decision and findings; and

(c) Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845. [1981 c.748 §5; 1983 c.827 §9; 1999 c.255 §1; 2011 c.280 §2]

197.620 Appeal of certain comprehensive plan or land use regulation decision-making. (1) A decision to not adopt a legislative amendment or a new land use regulation is not appealable unless the amendment is necessary to address the requirements of a new or amended goal, rule or statute.

(2) Notwithstanding the requirements of ORS 197.830 (2) that a person have appeared before the local government orally or in writing to seek review of a land use decision, the Director of the Department of Land Conservation and Development or any other person may appeal the decision to the Land Use Board of Appeals if:

(a) The local government failed to submit all of the materials described in ORS 197.610 (3) or, if applicable, ORS 197.610 (6), and the failure to submit the materials prejudiced substantial rights of the Department of Land Conservation and Development or the person;

(b) Except as provided in subsection (3) of this section, the local government submitted the materials described in ORS 197.610 (3) or, if applicable, ORS 197.610 (6), after the deadline specified in ORS 197.610 (1) or (6) or rules of the Land Conservation and Development Commission, whichever is applicable; or

(c) The decision differs from the proposed changes submitted under ORS 197.610 to such an extent that the materials submitted under ORS 197.610 do not reasonably describe the decision.

(3) Subsection (2)(b) of this section does not authorize an appeal if the local government cures an untimely submission of materials as provided in this subsection. A local government may cure the untimely submission of materials by either:

(a) Postponing the date for the final evidentiary hearing by the greater of 10 days or the number of days by which the submission was late; or

(b) Holding the evidentiary record open for an additional period of time equal to 10 days or the number of days by which the submission was late, whichever is greater. Additionally, the local government shall provide notice of the postponement or record extension to the Department of Land Conservation and Development. [1981 c.748 §5a; 1983 c.827 §8; 1989 c.761 §21; 1991 c.612 §13a; 2011 c.280 §3]

197.625 Acknowledgment of comprehensive plan or land use regulation changes; application prior to acknowledgment. (1) A local decision adopting a change to an acknowledged comprehensive plan or a land use regulation is deemed to be acknowledged when the local government has complied with the requirements of ORS 197.610 and 197.615 and either:

(a) The 21-day appeal period set out in ORS 197.830 (9) has expired and a notice of intent to appeal has not been filed; or

(b) If an appeal has been timely filed, the Land Use Board of Appeals affirms the local decision or, if an appeal of the decision of the board is timely filed, an appellate court affirms the decision.

(2) If the local decision adopting a change to an acknowledged comprehensive plan or a land use regulation is affirmed on appeal under ORS 197.830 to 197.855, the comprehensive plan or the land use regulation, as modified, is deemed to be acknowledged upon the date the decision of the board or the decision of an appellate court becomes final.

(3) Prior to acknowledgment of a change to an acknowledged comprehensive plan or a land use regulation:

(a) The change is effective at the time specified by local government charter or ordinance; and

(b) If the change was adopted in substantial compliance with ORS 197.610 and 197.615, the local government shall apply the change to land use decisions, expedited land divisions and limited land use decisions unless a stay is granted under ORS 197.845.

(4) Approval of a land use decision, expedited land division or limited land use decision that is subject to an effective but unacknowledged provision of a comprehensive plan or a land use regulation must include findings of compliance with land use statutes, statewide land use planning goals and administrative rules of the Land Conservation and Development Commission implementing the statutes or goals that apply to the decision and that the unacknowledged provision implements.

(5) If an effective but unacknowledged provision of a comprehensive plan or a land use regulation fails to gain acknowledgment, a permit or zone change approved, in whole or in part, on the basis of the change does not justify retention of the improvements that were authorized by the permit or zone change.

(6) If requested by a local government, the Director of the Department of Land Conservation and Development shall issue certification of the acknowledgment upon receipt of an affidavit from:

(a) The local government, attesting that the change to the acknowledged comprehensive plan or the land use regulation was accomplished in compliance with ORS 197.610 and 197.615; and

(b) The Land Use Board of Appeals, stating either:

(A) That no notice of appeal was filed within the 21 days allowed under ORS 197.830 (9); or

(B) The date the decision of the board or the decision of an appellate court affirming the change to the acknowledged comprehensive plan or the land use regulation became final.

(7) The board shall issue an affidavit for the purposes of subsection (6) of this section within five days after receiving a valid request from the local government. [1981 c.748 §5b; 1983 c.827 §10; 1987 c.729 §6; 1989 c.761 §23; 1991 c.612 §14; 1993 c.792 §44; 1995 c.595 §25; 1999 c.348 §9; 1999 c.621 §5; 2003 c.793 §3; 2011 c.280 §4]

197.626 Submission of land use decisions that expand urban growth boundary or designate urban or rural reserves. (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633 and subject to subsection (3) of this section:

(a) An amendment of an urban growth boundary by a metropolitan service district that adds more than 100 acres to the area within its urban growth boundary;

(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;

(c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan service district or by a city with a population of 2,500 or more within its urban growth boundary;

(d) An amendment of the boundary of an urban reserve by a metropolitan service district;

(e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban reserve by a city with a population of 2,500 or more within its urban growth boundary; and

(f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the designation.

(2) When the commission reviews a final land use decision of a metropolitan service district under subsection (1)(a), (c), (d) or (f) of this section, the commission shall issue a final order in writing within 180 days after the commission votes whether to approve the decision.

(3) When reviewing an amendment of an urban growth boundary under subsection (1)(b) of this section and ORS 197.286 to 197.314:

(a) At the request of and in coordination with the city, the Director of the Department of Land Conservation and Development shall parse work tasks in a manner that allows the Department of Land Conservation and Development to issue final orders approving or remanding sequential phases required for completion of the work tasks, including a final order approving:

(A) An inventory of buildable lands and an opportunities analysis under a goal relating to economic activities or an inventory of buildable lands and a needs analysis under a goal relating to housing needs.

(B) An estimation of the land need under a goal relating to economic activities.

(C) Any response to the department regarding approval of the estimation of land need, including changes proposed to comprehensive plan designations or land use zones.

(b)(A) The director shall take action on each sequential phase of a work task described in paragraph (a) of this subsection not later than 90 days after the local government submits the phase for review, unless the local government waives the 90-day deadline or the commission grants the director an extension.

(B) If the director does not take action within the time period required by subparagraph (A) of this paragraph, the sequential phase of the work task is deemed approved.

(c) The director may approve or remand a sequential phase of a work task or refer the phase of the work task to the commission for a decision. A decision by the director to approve or remand a phase of the work task may be appealed to the commission.

(d) The director shall provide a letter to the local government certifying the approval of each sequential phase of a work task, unless an interested party has filed a timely objection to the phase of the work task consistent with administrative rules for conducting periodic review.

(4) A final order of the commission under this section may be appealed to the Court of Appeals in the manner described in ORS 197.650 and 197.651. [1999 c.622 §14; 2001 c.672 §10; 2003 c.793 §4; 2007 c.723 §7; 2011 c.469 §1; 2014 c.92 §6; 2017 c.521 §1]

197.627 Meaning of “compliance with the goals” for certain purposes. For the purposes of acknowledgment under ORS 197.251, board review under ORS 197.805 to 197.855, review of a proposed regional problem-solving agreement under ORS 197.652 to 197.658 or periodic review under ORS 197.628 to 197.651, “compliance with the goals” means the comprehensive plan and regulations, on the whole, conform with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature. [Formerly 197.747]

Note: 197.627 was made a part of ORS chapter 197 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

197.628 Periodic review; policy; conditions that indicate need for periodic review. (1) It is the policy of the State of Oregon to require the periodic review of comprehensive plans and land use regulations in order to respond to changes in local, regional and state conditions to ensure that the plans and regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, and to ensure that the plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services and urbanization.

(2) The Land Conservation and Development Commission shall concentrate periodic review assistance to local governments on achieving compliance with those statewide land use planning laws and goals that address economic development, needed housing, transportation, public facilities and services and urbanization.

(3) The following conditions indicate the need for periodic review of comprehensive plans and land use regulations:

(a) There has been a substantial change in circumstances including but not limited to the conditions, findings or assumptions upon which the comprehensive plan or land use regulations were based, so that the comprehensive plan or land use regulations do not comply with the statewide planning goals relating to economic development, needed housing, transportation, public facilities and services and urbanization;

(b) Decisions implementing acknowledged comprehensive plan and land use regulations are inconsistent with the goals relating to economic development, needed housing, transportation, public facilities and services and urbanization;

(c) There are issues of regional or statewide significance, intergovernmental coordination or state agency plans or programs affecting land use which must be addressed in order to bring comprehensive plans and land use regulations into compliance with the goals relating to

economic development, needed housing, transportation, public facilities and services and urbanization; or

(d) The local government, commission or Department of Land Conservation and Development determines that the existing comprehensive plan and land use regulations are not achieving the statewide planning goals relating to economic development, needed housing, transportation, public facilities and services and urbanization. [1991 c.612 §2; 1999 c.622 §2; 2005 c.829 §1]

197.629 Schedule for periodic review; coordination. (1) The Land Conservation and Development Commission shall establish and maintain a schedule for periodic review of comprehensive plans and land use regulations. Except as necessary to coordinate approved periodic review work programs and to account for special circumstances that from time to time arise, the schedule shall reflect the following timelines:

(a) A city with a population of more than 2,500 within a metropolitan planning organization or a metropolitan service district shall conduct periodic review every seven years after completion of the previous periodic review; and

(b) A city with a population of 10,000 or more inside its urban growth boundary that is not within a metropolitan planning organization shall conduct periodic review every 10 years after completion of the previous periodic review.

(2) A county with a portion of its population within the urban growth boundary of a city subject to periodic review under this section shall conduct periodic review for that portion of the county according to the schedule and work program set for the city.

(3) Notwithstanding subsection (2) of this section, if the schedule set for the county is specific as to that portion of the county within the urban growth boundary of a city subject to periodic review under this section, the county shall conduct periodic review for that portion of the county according to the schedule and work program set for the county.

(4) If the Land Conservation and Development Commission pays the costs of a local government that is not subject to subsection (1) of this section to perform new work programs and work tasks, the commission may require the local government to complete periodic review when the local government has not completed periodic review within the previous five years if:

(a) A city has been growing faster than the annual population growth rate of the state for five consecutive years;

(b) A major transportation project on the Statewide Transportation Improvement Program that is approved for funding by the Oregon Transportation Commission is likely to:

(A) Have a significant impact on a city or an urban unincorporated community; or

(B) Be significantly affected by growth and development in a city or an urban unincorporated community;

(c) A major facility, including a prison, is sited or funded by a state agency; or

(d) Approval by the city or county of a facility for a major employer will increase employment opportunities and significantly affect the capacity of housing and public facilities in the city or urban unincorporated community.

(5) The Land Conservation and Development Commission may schedule periodic review for a local government earlier than provided in subsection (1) of this section if necessary to ensure that all local governments in a region whose land use decisions would significantly affect other local governments in the region are conducting periodic review concurrently, but not sooner than five years after completion of the previous periodic review.

(6) A city or county that is not required to complete periodic review under subsection (1) of this section may request periodic review by the commission.

(7) Upon request by a city, the Land Conservation and Development Commission may permit a city to undergo periodic review for the limited purpose of completing changes to proposed amendments to a comprehensive plan and land use regulations required on remand after review by the commission under ORS 197.626 (1)(b). If periodic review is initiated under this subsection, the city may adopt, and the Director of the Department of Land Conservation and Development may approve, a work program that includes only the changes required on remand.

(8) As used in this section, “metropolitan planning organization” means an organization located wholly within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state pursuant to 49 U.S.C. 5303(c). [1999 c.622 §10; 2001 c.527 §3; 2005 c.829 §2; 2015 c.261 §1]

197.630 [1981 c.748 §5c; repealed by 1983 c.827 §59]

197.631 Commission to amend regulations to facilitate periodic review. In order to use state and local periodic review resources most efficiently and effectively and to concentrate periodic review on adequate provision of economic development, needed housing, transportation, public facilities and services and urbanization, the Land Conservation and Development Commission shall adopt, amend or repeal the statewide land use planning goals, guidelines and corresponding rules as necessary to facilitate periodic review and to provide for compliance by local governments with those goals not described in ORS 197.628 (2) through the post-acknowledgment procedures of ORS 197.610 to 197.625. [1999 c.622 §11; 2005 c.829 §3; 2015 c.261 §3]

197.633 Two phases of periodic review; rules; appeal of decision on work program; schedule for completion; extension of time on appeal. (1) The periodic review process is divided into two phases. Phase one is the evaluation of the existing comprehensive plan, land use regulations and citizen involvement program and, if necessary, the development of a work program to make needed changes to the comprehensive plan or land use regulations. Phase two is the completion of work tasks outlined in the work program.

(2) The Land Conservation and Development Commission shall adopt rules for conducting periodic review that address:

- (a) Initiating periodic review;
- (b) Citizen participation;
- (c) The participation of state agencies;
- (d) The preparation, review and approval of a work program; and
- (e) The preparation, review and approval of work tasks, including:
 - (A) The amendment of an urban growth boundary.
 - (B) The designation of, or withdrawal of territory from, urban reserves or rural reserves.

(3) The rules adopted by the commission under this section may include, but are not limited to, provisions concerning standing, requirements to raise issues before local government as a precondition to commission review and other provisions concerning the scope and standard for commission review to simplify or speed the review. The commission shall confine its review of evidence to the local record. The commission’s standard of review:

(a) For evidentiary issues, is whether there is substantial evidence in the record as a whole to support the local government's decision.

(b) For procedural issues, is whether the local government failed to follow the procedures applicable to the matter before the local government in a manner that prejudiced the substantial rights of a party to the proceeding.

(c) For issues concerning compliance with applicable laws, is whether the local government's decision on the whole complies with applicable statutes, statewide land use planning goals, administrative rules, the comprehensive plan, the regional framework plan, the functional plan and land use regulations. The commission shall defer to a local government's interpretation of the comprehensive plan or land use regulations in the manner provided in ORS 197.829. For purposes of this paragraph, "complies" has the meaning given the term "compliance" in the phrase "compliance with the goals" in ORS 197.627.

(4) A decision by the Director of the Department of Land Conservation and Development to approve a work program, that no work program is necessary or that no further work is necessary is final and not subject to appeal.

(5) The director:

(a) Shall take action on a work task not later than 120 days after the local government submits the work task for review unless the local government waives the 120-day deadline or the commission grants the director an extension. If the director does not take action within the time period required by this subsection, the work task is deemed approved. The department shall provide a letter to the local government certifying that the work task is approved unless an interested party has filed a timely objection to the work task consistent with administrative rules for conducting periodic review.

(b) May approve or remand a work task or refer the work task to the commission for a decision. A decision by the director to approve or remand a work task may be appealed to the commission.

(6) Except as provided in this subsection, the commission shall take action on the appeal or referral of a work task within 90 days of the appeal or referral. Action by the commission in response to an appeal from a decision of the director or a referral is a final order subject to judicial review in the manner provided in ORS 197.650 and 197.651. The commission may extend the time for taking action on the appeal or referral if the commission finds that:

(a) The appeal or referral is appropriate for mediation;

(b) The appeal or referral raises new or complex issues of fact or law that make it unreasonable for the commission to give adequate consideration to the issues within the 90-day limit; or

(c) The parties to the appeal and the commission agree to an extension, not to exceed an additional 90 days.

(7) The commission and a local government shall attempt to complete periodic review within three years after approval of a work program. To promote the timely completion of periodic review, the commission shall establish a system of incentives to encourage local government compliance with timelines in periodic review work programs. [1991 c.612 §3; 1993 c.18 §38; 1999 c.622 §3; 2001 c.527 §1; 2005 c.829 §4; 2011 c.469 §2]

197.635 [1981 c.748 §6; repealed by 1983 c.827 §59]

197.636 Procedures and actions for failure to meet periodic review deadlines. (1) Upon good cause shown by a local government, the Director of the Department of Land Conservation and Development may allow the local government an extension of time for submitting a work program or completing a work task. A decision by the director to grant or deny an extension may be referred to the Land Conservation and Development Commission by the director. The Department of Land Conservation and Development or the commission shall not extend the deadline for submitting a work program more than once nor for more than 90 days, and shall not extend the deadline for a work task more than once nor for more than one year.

(2) If a local government fails to submit a work program or to complete a work task by the deadline set by the director or the commission, including any extension that has been granted, the director shall schedule a hearing before the commission. The commission shall issue an order imposing one or more of the following sanctions until the work program or the work task receives final approval by the director or the commission:

(a) Require the local government to apply those portions of the goals and rules to land use decisions as specified in the order. Sanctions may be imposed under this paragraph only when necessary to resolve a specific deficiency identified in the order.

(b) Forfeiture of all or a portion of the grant money received to conduct the review, develop the work program or complete the work task.

(c) Completion of the work program or work task by the department. The commission may require the local government to pay the cost for completion of work performed by the department, following the withholding process set forth in ORS 197.335 (4).

(d) Application of such interim measures as the commission deems necessary to ensure compliance with the statewide planning goals.

(3) If the department receives a work program or work task completed in response to a commission order issued under subsection (2) of this section, the director shall evaluate and issue a decision on the work program or work task within 90 days.

(4) Commission action pursuant to subsection (1) or (2) of this section is a final order subject to judicial review in the manner provided in ORS 197.650. [1991 c.612 §4; 1999 c.622 §4; 2001 c.527 §2; 2005 c.829 §5]

197.637 Department of Land Conservation and Development may request review by Housing and Community Services Department of certain local housing measures. (1) Upon request of the Department of Land Conservation and Development, the Housing and Community Services Department shall review the inventory and analysis of housing, and measures taken to address the housing need, required of certain local governments under ORS 197.296. The review shall address the likely effect of measures developed by a local government under ORS 197.296 (6) or (7) on the adequacy of the supply of buildable land and opportunities to satisfy needs identified under ORS 197.296 (3).

(2) The Land Conservation and Development Commission and the Director of the Department of Land Conservation and Development shall consider the review and any recommendations of the Housing and Community Services Department when determining whether a local government has complied with the statewide land use planning goals and the requirements of ORS 197.296. [1999 c.622 §12; 2001 c.908 §4]

197.638 Department of Land Conservation and Development may request review by Oregon Business Development Department of local inventory and analysis of industrial and

commercial land. (1) Upon request of the Department of Land Conservation and Development, the Oregon Business Development Department shall review the inventory and analysis of industrial and commercial land, and measures taken to address the land needs, required of certain local governments under ORS 197.712. The review shall address the likely effect of measures developed by a local government on the adequacy of the supply of sites and opportunities to satisfy needs identified under ORS 197.712.

(2) The Land Conservation and Development Commission and the Director of the Department of Land Conservation and Development shall consider the review and any recommendations of the Oregon Business Development Department when determining whether a local government has complied with the statewide land use planning goals and the requirements of ORS 197.712. [1999 c.622 §13]

197.639 State assistance teams; alternative coordination process; grant and technical assistance funding; priority of population forecasting program; advisory committee. (1) In addition to coordination between state agencies and local government established in certified state agency coordination programs, the Department of Land Conservation and Development may establish one or more state assistance teams made up of representatives of various agencies and local governments, utilize the Economic Revitalization Team established under ORS 284.555 or institute an alternative process for coordinating agency participation in the periodic review of comprehensive plans.

(2) The Economic Revitalization Team may work with a city to create a voluntary comprehensive plan review that focuses on the unique vision of the city, instead of conducting a standard periodic review, if the team identifies a city that the team determines can benefit from a customized voluntary comprehensive plan review.

(3) The department may develop model ordinance provisions to assist local governments in the periodic review plan update process and in complying with new statutory requirements or new land use planning goal or rule requirements adopted by the Land Conservation and Development Commission outside the periodic review process.

(4) A local government may arrange with the department for the provision of periodic review planning services and those services may be paid with grant program funds allocated under subsection (5) of this section.

(5) The commission shall establish an advisory committee composed, at a minimum, of representatives from the League of Oregon Cities, the Association of Oregon Counties, metropolitan service districts, the Special Districts Association of Oregon, land use planning public interest groups and developer interest groups. The advisory committee shall advise the commission and the department on the allocation of grants and technical assistance funding from General Fund sources and other issues assigned by the commission.

(6) The population forecasting program operated by the Portland State University Population Research Center pursuant to ORS 195.033 is the highest priority for the allocation of grant funding under subsection (5) of this section. [1991 c.612 §5; 2003 c.793 §5; 2005 c.829 §6; 2013 c.574 §5]

197.640 [1981 c.748 §9; 1983 c.827 §11; 1987 c.69 §1; 1987 c.729 §7; 1987 c.856 §8; repealed by 1991 c.612 §23]

197.641 [1983 c.827 §11b; 1987 c.729 §8a; repealed by 1991 c.612 §23]

197.643 [1983 c.827 §11c; 1987 c.729 §9; repealed by 1991 c.612 §23]

197.644 Modification of work program; exclusive jurisdiction of Land Conservation and Development Commission. (1) The Director of the Department of Land Conservation and Development may authorize or direct a local government to modify an approved work program when:

(a) Issues of regional or statewide significance arising out of another local government's periodic review require an enhanced level of coordination;

(b) Issues of goal compliance are raised as a result of completion of a work task resulting in a need to undertake further review or revisions;

(c) Issues relating to the organization of the work program, coordination with affected agencies or persons, or orderly implementation of work tasks, result in a need for further review or revision; or

(d) Issues relating to needed housing, employment, transportation or public facilities and services were omitted from the work program but must be addressed in order to ensure compliance with the statewide planning goals.

(2) The Land Conservation and Development Commission shall have exclusive jurisdiction for review of the completed work tasks as set forth in ORS 197.628 to 197.651.

(3) Commission action pursuant to subsection (2) of this section is a final order subject to judicial review in the manner provided in ORS 197.650 and 197.651. [1991 c.612 §6; 1997 c.634 §1; 1999 c.622 §5; 2011 c.469 §3]

197.645 [1983 c.827 §11d; 1987 c.729 §10; repealed by 1991 c.612 §23]

197.646 Implementation of new requirement in goal, rule or statute; rules. (1) A local government shall amend its acknowledged comprehensive plan or acknowledged regional framework plan and land use regulations implementing either plan by a self-initiated post-acknowledgment process under ORS 197.610 to 197.625 to comply with a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals.

(2)(a) The Department of Land Conservation and Development shall notify local governments when a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals requires changes to an acknowledged comprehensive plan, an acknowledged regional framework plan or land use regulations implementing either plan.

(b) The Land Conservation and Development Commission shall establish, by rule, the time period within which an acknowledged comprehensive plan, an acknowledged regional framework plan and land use regulations implementing either plan must be in compliance with:

(A) A new requirement in a land use statute, if the legislation does not specify a time period for compliance; and

(B) A new requirement in a land use planning goal or rule adopted by the commission.

(3) When a local government does not adopt amendments to an acknowledged comprehensive plan, an acknowledged regional framework plan or land use regulations implementing either plan, as required by subsection (1) of this section, the new requirements apply directly to the local government's land use decisions. The failure to adopt amendments to

an acknowledged comprehensive plan, an acknowledged regional framework plan or land use regulations implementing either plan required by subsection (1) of this section is a basis for initiation of enforcement action pursuant to ORS 197.319 to 197.335. [1991 c.612 §7; 2005 c.829 §7; 2007 c.71 §67; 2011 c.469 §4]

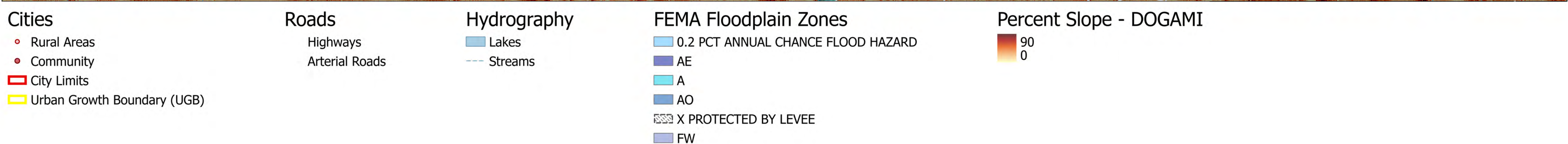
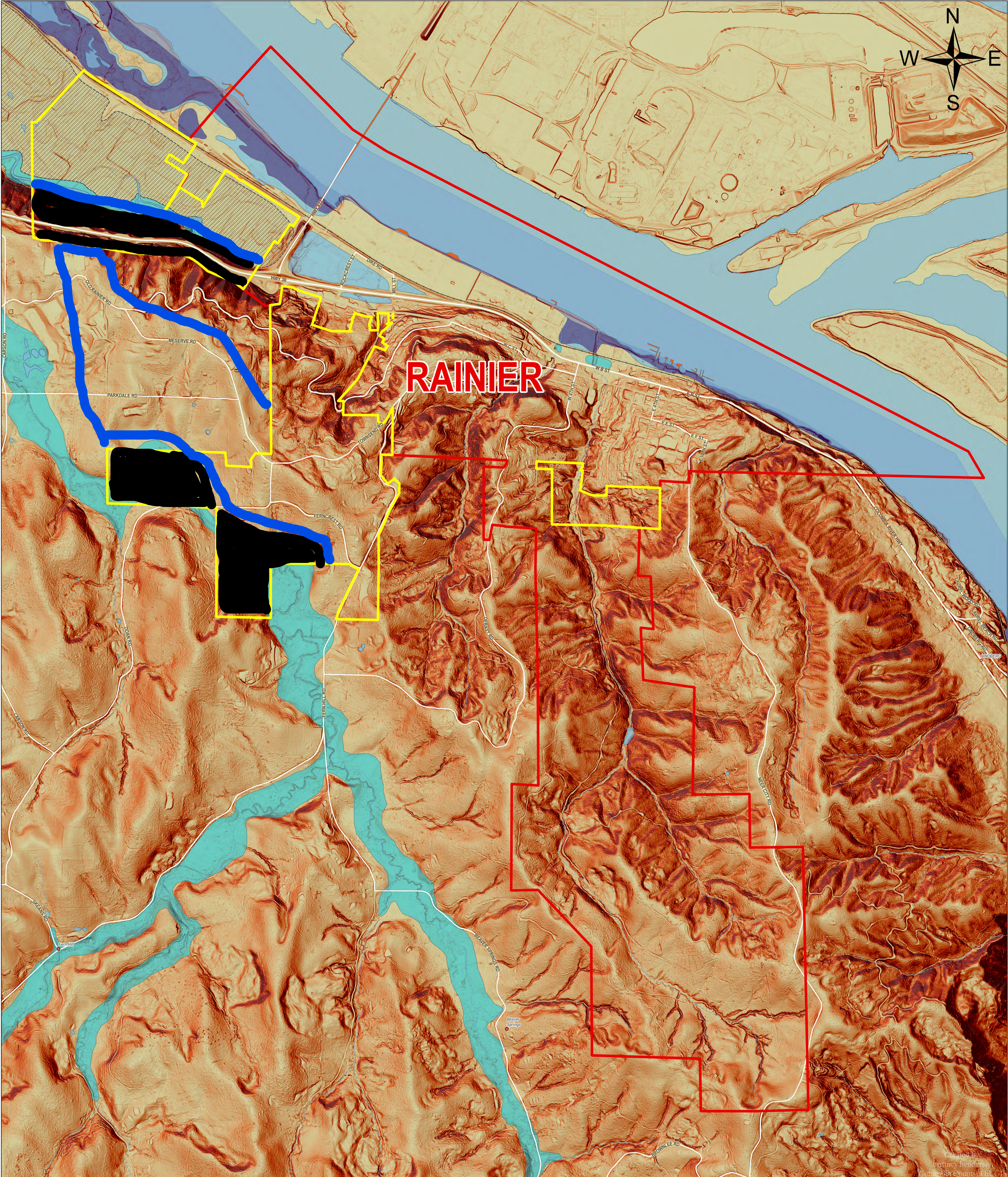
Note: 197.646, 197.649 and 197.650 were added to and made a part of ORS chapter 197 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

197.647 [1983 c.827 §11e; 1987 c.69 §2; 1987 c.729 §11; repealed by 1991 c.612 §23]

197.649 Fees for notice; rules. The Land Conservation and Development Commission may establish by rule fees to cover the cost of notice given to persons by the Director of the Department of Land Conservation and Development under ORS 197.610 (4) and 197.615 (3). [1983 c.827 §11f; 1985 c.565 §28; 1991 c.612 §15; 2013 c.1 §20]

Note: See note under 197.646.

Slope & Flood Zones of Rainier, OR





19-??

Date: May 20, 2019

Contact: John Brickey
Phone: 442-5080

For Immediate Release

Improper Recreational Vehicle Occupancy

The City of Longview would like to remind residents that the occupancy of a recreational vehicle is a regulated activity within the city limits. The occupancy of a recreational vehicle (trailers, motorhomes, campers, vans, etc.) is limited to designated areas that include permitted trailer parks and at a facility licensed by the state of Washington providing medical services for end of life care (see conditions below).

In many cases, recreational vehicles are being placed upon property in residential neighborhoods effectively creating another dwelling unit that would likely result in a violation of the zoning code. These zoning code were created in order to prevent single family residential neighborhood from becoming multi-family zones. Additionally, the Department of Housing and Urban Development has determined that recreational vehicles *"are designed for recreational, camping, travel or seasonal use."* The Longview Municipal Code 7.28.020 addresses RV occupancy:

Location limited to designated areas – Exceptions.

It is hereafter unlawful for any person or persons to occupy a trailer house or independent mobile home or other temporary movable place of abode in the city except in trailer parks within areas permitted by LMC Title 19, except for the following:

- (1) Where such occupancy constitutes a nonconforming use under Chapter 19.75 LMC;
- or (2) When permitted in conjunction with a special event as provided in Chapter 7.40 LMC; or (3) When approved by the director of community development for temporary siting (seven days or less) of a licensed recreational vehicle at a facility licensed by the state of Washington providing medical services for end of life care, subject to the following conditions: (a) Temporary siting and occupancy shall be for the purpose of allowing family member support for patients receiving end of life care.
- (b) Placement shall not occur within a required front yard zoning setback area.
- (c) Placement shall be on an approved hard surface with approved hard surface street access. *Longview Municipal Code 7.28.020*

Questions regarding recreational vehicles located upon private property may be directed to the Community Development Department at 442-5093 Monday through Thursday between 7 a.m. and 6 p.m.

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7.28.020 Location limited to designated areas - Exceptions.

SHARC

It is hereby unlawful for any person or persons to occupy a trailer house or independent mobile home or other temporary movable place of abode in the city except in trailer parks within areas permitted by LMC Title 19, except for the following:

- (1) Where such occupancy constitutes a nonconforming use under Chapter 19.75 LMC, or
- (2) When permitted in conjunction with a special event as provided in Chapter 7.40 LMC, or
- (3) When approved by the director of community development for temporary siting (seven days or less) of a licensed recreational vehicle at a facility licensed by the state of Washington providing medical services for end of life care, subject to the following conditions:
 - (a) Temporary siting and occupancy shall be for the purpose of allowing family member support for patients receiving end of life care.
 - (b) Placement shall not occur within a required front yard zoning setback area.
 - (c) Placement shall be on an approved hard surface with approved hard surface street access. (Ord. 3271 § 1, 2014; Ord. 3094 § 2, 2009; Ord. 1317 § 1, 1966; Ord. 1090 § 1, 1961).

Division I. Introductory Provisions

Chapter 18.05 INTRODUCTION

Sections:

18.05.010 Title.

18.05.020 Purpose.

18.05.030 Definitions.

18.05.010 Title.

This title shall be known as the "Zoning Ordinance of the City of Rainier." (Ord. 974 § 4 (Exh. A.2 § 1.1), 1998)

18.05.020 Purpose.

The purpose of this title is to promote the orderly development of the city in accordance with the comprehensive plan, to conserve and stabilize the value of property, and to protect the public health, safety and welfare. (Ord. 974 § 4 (Exh. A.2 § 1.2), 1998)

18.05.030 Definitions.

As used in this title:

"Access" means the place, means or way by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use.

"Accessory use" means a use incidental to the primary use of a property and located on the same lot as the primary use.

"Alley" means a street which affords secondary access to a property.

"Alteration" means a change in construction or a change of occupancy.

"Building" means a structure intended for the support, shelter, or enclosure of persons, animals, or property of any kind.

"City" means the city of Rainier, Oregon.

"Commission" means the planning commission of the city of Rainier.

"Comprehensive plan" means the comprehensive plan adopted by the city of Rainier and acknowledged by the Land Conservation and Development Commission.

"Condominium" means a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

Exhibit 1. Condominium

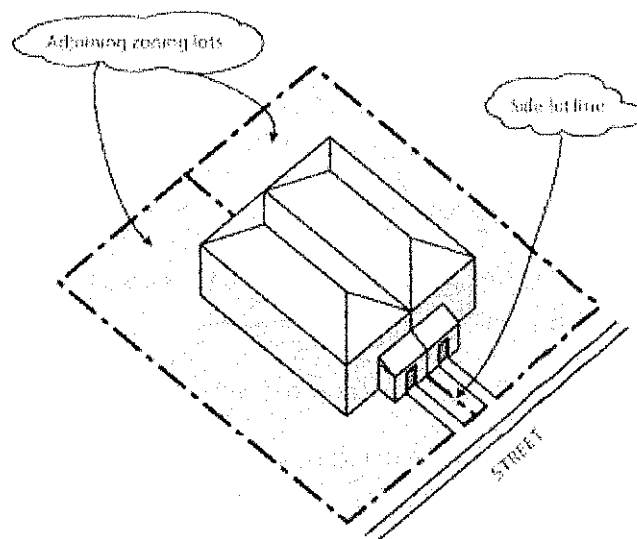


"Density" means a measurement of dwelling units in relationship to a specified amount of land. As used in this code, density does include land devoted to street right-of-way.

"Dwelling, attached" means two single-family structures, on individual lots, attached by a common wall and a common property line with another structure.

Exhibit 2. Dwelling (Single-Family) Attached





"Dwelling, multifamily" means a building containing three or more dwelling units.

"Dwelling, single-family" means a building containing one dwelling unit and a **garage**.

"Dwelling, two-family" means a building containing two dwelling units, each with a **garage**.

"Dwelling unit" means one or more rooms designed for occupancy by one family.

"Family" means an individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons; or a group of not more than five persons who need not be related by blood, marriage, legal adoption or guardianship living together in a dwelling unit.

"Floodplain" means land subject to flooding as designated on the "Flood Boundary and Floodway Map" on file at Rainier City Hall.

"Floodway" means an area designated as floodway on the "Flood Boundary and Floodway Map" on file at Rainier City Hall.

"Floor area" means the area within the exterior walls of a building multiplied by the number of stories.

"**Garage**" means a fully enclosed attached or detached structure of sufficient size to store a minimum of one full-sized automobile, built on a concrete foundation using materials similar to and compatible with the dwelling unit or other building it is intended to serve. A minimum one-car **garage** shall be 120 square feet.

"Grade" means the average of the finished ground level at the center of all walls of a building. If a wall is parallel to and within five feet of a sidewalk, the grade shall be measured at the sidewalk.

"Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the highest gable of a pitch or hip roof.

"Historical building" means any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites.

"Home occupation" means an occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.

"Lot" means a parcel of land which is a separate legal entity for the purpose of transfer of title.

"Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements of access to other property.

"Lot coverage" means the area of a lot covered by buildings.

"Lot line, front" means the line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

"Lot width" means the average horizontal distance between side lot lines.

"Manufactured dwelling" means a single-family dwelling built to federal standards for manufactured housing in effect at the time of construction, including kitchen and bathroom facilities and a garage.

"Nonconforming structure" means a lawful structure existing at the time the ordinance codified in this title was adopted or amended and which does not conform to the requirements of the zone in which it is located.

"Nonconforming use" means a lawful use existing at the time the ordinance codified in this title was adopted or amended and which does not conform to the requirements of the zone in which it is located.

"Owner" means the owner of record or the owner's authorized agent.

"Parking space" means a space not less than 18 feet long and nine feet wide, accessible from a street or alley, and intended for the temporary parking of one vehicle.

"Public use" means a use intended or used for a public purpose by the city, school district, county, state, or other public agency, or by a public utility.

"Semipublic use" means a use intended or used for a semipublic purpose by a church, lodge, club, or other nonprofit entity.

Sign definitions are found in RMC 18.110.040.

"Structural alteration" means a change to the supporting members of a building.

"Structure" means something constructed and having a fixed connection to the ground or another structure.

"Townhouse" means one of a series of attached single-family dwelling units (three or more), each having its own lot and principal access from the ground floor and each separated from adjacent units by a common continuous wall from basement to roof.

Exhibit 3a. Townhouse