

**City of Rainier  
Planning Commission Meeting  
June 19, 2023  
6 p.m.  
Rainier City Hall**

Chair Erin O'Connell called the meeting to order at 6:01 p.m.

**Commissioners Present:** Erin O'Connell, Nick Gratzner and Jan Rich

**Commissioners Absent:** Dena Nordstrom and Nina Pogue

**City Staff Present:** City Recorder Sarah Blodgett, City Administrator W. Scott Jorgensen and City Planner Skip Urling

**Visitor Comments:** There were no visitor comments at this time.

**Consider Approval of the Consent Agenda:** Consider Approval of the May 22, 2023 Regular Planning Commission Meeting Minutes—Commissioner Nic Gratzner moved to approve the consent agenda. That motion was seconded by Commissioner Jan Rich and adopted unanimously.

**New Business**

- a. Ordinance 1093—Adding a New Chapter to Title 17 of the Rainier Municipal Code Establishing Rules and Regulations for Planned Unit Developments as an Alternative Method of Subdividing or Developing Property for Residential Use—City Planner Skip Urling summarized the proposed ordinance. He said it gives developers flexibility but still requires them to provide amenities. Commissioners agreed by consensus to recommend that the council adopt the ordinance.
- b. Housing Committee Recommendations—City Administrator W. Scott Jorgensen said that the commission recommended permitting duplexes and/or two-unit townhouses in R-1 zones outright. It's currently a conditional use. Commissioners agreed by consensus to leave it as a conditional use. The other recommendations involved reducing minimum lot sizes for duplexes, triplexes, two and three-unit townhouses in R-3. Chair Erin O'Connell asked if staff could provide more information for the August meeting.

**Old Business**

- a. Cottage Housing Examples—Jorgensen said that commissioners asked him to find other cities that allow cottage clusters. The examples he included in the meeting materials were from Eugene, Bend and Manzanita. Rich said cottage clusters could be a good housing option for seniors. O'Connell said she likes it. Jorgensen suggested that it be a conditional use in R-2 and R-3 zones. Commissioners agreed by consensus.
- b. UGB Update—Jorgensen reported that he applied for a grant through the Department of Land Conservation and Development for a consultant to do the work required for the proposed UGB land swap.

O'Connell adjourned the meeting at 7:11 p.m.

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Erin O'Connell, Chair

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Sarah Blodgett, City Recorder

DRAFT

## **ORDINANCE NO. 1093**

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

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

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

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

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

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

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

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

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

#### **Section 2. Permitted Building and Uses.**

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

A. Single-family detached and attached dwellings.

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

### **Section 3. Development Standards.**

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

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

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

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

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

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

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

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

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

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

#### **Section 4. Procedure-Preliminary Development Plan**

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

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

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

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

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

#### **Section 5. Procedure-Final Development Plan.**

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

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

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

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

#### **Section 6. Adherence to Approved Plan and Modification Thereof.**

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

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

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

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

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



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

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

Attested:

BY: \_\_\_\_\_  
Jerry Cole, Mayor

BY: \_\_\_\_\_  
Scott Jorgensen, City Administrator

DRAFT



August 14, 2023

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

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

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

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

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

### **RAINIER COMPREHENSIVE PLAN POLICIES**

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

#### **GOAL 1: CITIZEN PARTICIPATION**

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



### ***FINDINGS:***

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

### ***POLICIES:***

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

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

This goal and policy set is satisfied.

### ***GOAL 2: LAND USE PLANNING***



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

***FINDINGS:***

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

***POLICIES:***

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



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

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

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

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

#### **GOAL 8: RECREATIONAL NEEDS**

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

#### **FINDINGS:**

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



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

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

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

#### ***POLICIES:***

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

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

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

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

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

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

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



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

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

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

This goal is satisfied.

### **GOAL 10: HOUSING**

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

#### **FINDINGS:**

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

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

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

#### **POLICIES:**





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

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

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

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

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

Staff finding:

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

Such action satisfies this goal.

**OREGON STATEWIDE PLANNING GOALS**





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

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

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

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

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



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

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

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

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

### Conclusion and Recommendation

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

106 West "B" Street  
P.O. Box 100  
Rainier, Oregon 97048

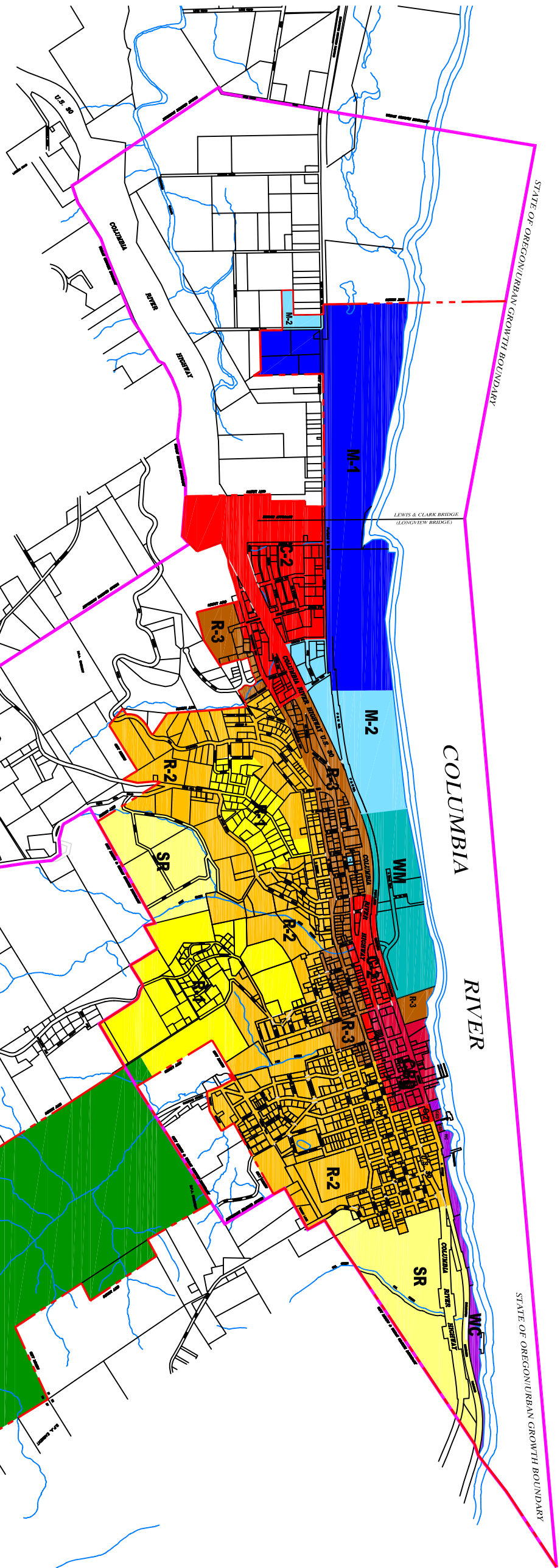


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**Recommended motion:** "Based on the findings and other information in the August 14, 2023 and June 12, 2023 staff reports, I move to endorse draft Ordinance 1093 and forward it to the city council for adoption."

Cc: Scott Jorgensen  
Sarah Blodgett

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



# ZONING DISTRICTS

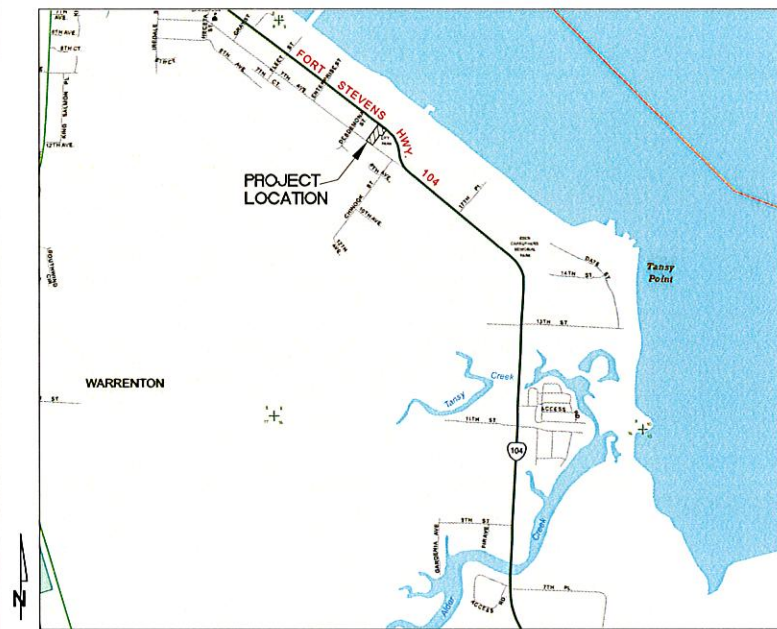
- SUBURBAN RESIDENTIAL ZONE (SR)
  - LOW DENSITY RESIDENTIAL ZONE (R-1)
  - MEDIUM DENSITY RESIDENTIAL ZONE (R-2)
  - HIGH DENSITY RESIDENTIAL ZONE (R-3)
  - CENTRAL BUSINESS DISTRICT ZONE (CBD)
  - GENERAL COMMERCIAL ZONE (C-2)
  - WATERFRONT COMMERCIAL ZONE (WC)
  - WATERFRONT MIXED USE ZONE (WM)
  - LIGHT INDUSTRIAL ZONE (M-2)
  - HEAVY INDUSTRIAL ZONE (M-1)
  - WATERSHED ZONE (WS)
- City Limits
- Urban Growth Boundary

# City of Rainier Zoning Map

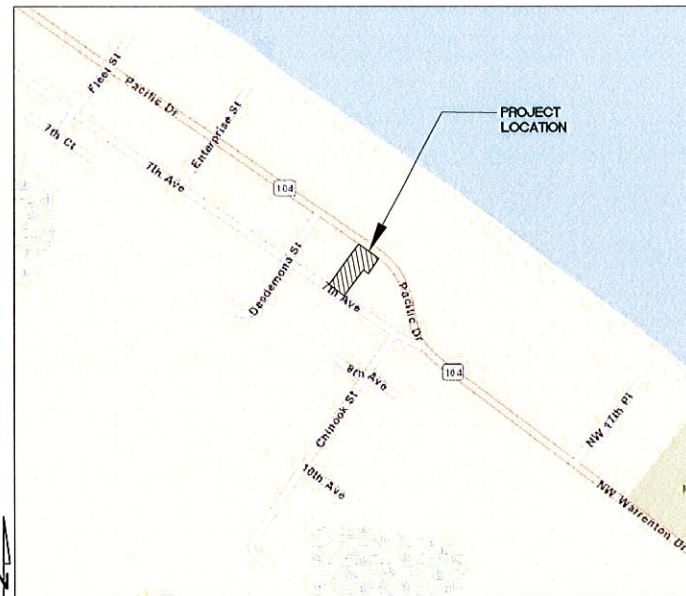
October 18, 2007



BUOY 10 LANDING SUBDIVISION  
FOR TAXLOT 81009BC01100  
PRELIMINARY SUBDIVISION PLANS  
354 PACIFIC DRIVE, WARRENTON OR, 97121



VICINITY MAP  
SCALE: 1" = 1000'



SITE MAP  
SCALE: 1" = 400'

SHEET INDEX

- 1 - COVER SHEET
- 2 - EXISTING CONDITIONS AND DEMO PLAN
- 3 - PRELIMINARY PLAT (REPLAT)
- 4 - COMPOSITE SITE & UTILITY PLAN
- 5 - GRADING AND ESC PLAN

OWNER:  
NATHAN JOHNSON  
SUNRISE HOMES LLC  
89125 STELLAR LANE  
WARRENTON, OREGON 97146  
(503) 440-5516

ENGINEER:  
ERIK HOOVESTOL, PE  
FIRWOOD DESIGN GROUP, LLC  
359 E. HISTORIC COLUMBIA RIVER DRIVE  
TROUTDALE, OREGON 97060  
(503) 668-3737

SURVEYOR:  
KRAIG MATTHEW BLIM, PLS  
S&F LAND SERVICES  
901 NW CARLON AVE, SUITE 3  
BEND, OREGON 97703  
(541) 797-0954



EXPIRES: 06/30/23  
SIGNATURE DATE:

DRAWN:		DESIGNED:	CHECKED:
SCALE: AS SHOWN		DATE: AUG 25, 2022	
PROJECT NO. E21-060			
DATE:	NO.	REVISION	



359 EAST HISTORIC COLUMBIA RIVER HIGHWAY  
TROUTDALE, OREGON 97060  
BUS: (503) 668-3737 • FAX: (503) 668-3788

SUNRISE HOMES LLC  
P.O. BOX 727  
WARRENTON, OR 97146

COVER SHEET  
BUOY 10 LANDING SUBDIVISION  
354 PACIFIC DRIVE, WARRENTON, OR 97146

1  
5

# TOPOGRAPHIC SURVEY

FOR SUNRISE HOMES  
PARCELS 8,9,10,11,26,27,28 IN BLOCK 29 OF  
"NEW ASTORIA"- 1892  
NORTHWEST 1/4 OF SECTION 9  
TOWNSHIP 8 NORTH, RANGE 10 WEST, W.M.  
CLATSOP COUNTY, OREGON

## LEGEND:

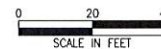
---	LOT/PARCEL LINE
---	BOUNDARY LINE
---	MAJOR CONTOUR
---	MINOR CONTOUR
---	CENTERLINE OF HIGHWAY
---	EDGE OF PAVEMENT
---	TREE LINE
---	6" WOODEN FENCE
---	EDGE OF GRAVEL
---	4" CHAINLINK FENCE
---	SANITARY SEWER-PRESSURE
---	SANITARY SEWER
---	OVERHEAD POWER
---	UNDERGROUND WATERLINE
---	RIGHT OF WAY
---	WATER VALVE
---	WATER METER
---	GAS METER
---	CATV RISER
---	TELEPHONE RISER
---	SANITARY SEWER MANHOLE
---	FOUND MONUMENT
---	CALCULATED POSITION, NO MONUMENTS FOUND
---	POWER POLE
---	TREE - CONIFER
---	TREE - DECIDUOUS

## NOTES:

- FIELD WORK WAS COMPLETED ON NOVEMBER 23, 2021
- THE PURPOSE OF THIS SURVEY IS TO GRAPHICALLY DEPICT THE EXISTING CONDITIONS, CONTOURS AND IMPROVEMENTS OF THE SUBJECT PROPERTY. DUE TO NATURE OF VEGETATION AND OVERGROWTH, GROUND CONTOURS MAY BE INACCURATE. IN SOME LOCATIONS, SOME FEATURES MAY NOT HAVE BEEN LOCATED DUE TO VISIBILITY RESTRICTIONS.

## VERTICAL DATUM:

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAD83) BASED ON THE OREGON REAL TIME NETWORK. BENCHMARK SET AS A PK NAIL WITH WASHER ELEVATION = 11.40'. AS SHOWN.



**S&F Land Services**

PORTLAND, VANCOUVER, BEND, SEASIDE

901 NW CARLON AVE, SUITE 3

BEAVERTON, OR 97003

(503) 297-0954

WWW.SFLANDS.COM  
DATE: DEC. 1, 2021  
JOB NO.: 2021-0457-01  
FIELD: JPW  
DRAWN: KMB  
CHECKED:

SURVEY FOR:

SUNRISE HOMES, LLC

PARCELS 8,9,10,11,26,27,28 IN BLOCK 29  
"NEW ASTORIA"-1892, BOOK 1, PAGE 70  
NW 1/4 SECTION 9,  
T8N, R10W, W.M.  
CLATSOP COUNTY

REGISTERED PROFESSIONAL  
LAND SURVEYOR

SEPTEMBER 11, 2018  
KRAIG MATTHEW BLUM  
97284

EXPIRES: 12/31/2021

REGISTERED PROFESSIONAL  
LAND SURVEYOR  
PRELIMINARY  
JULY 13, 2006  
ERIK L. HOYLES, D.

EXPIRES: 06/30/23  
SIGNATURE DATE:

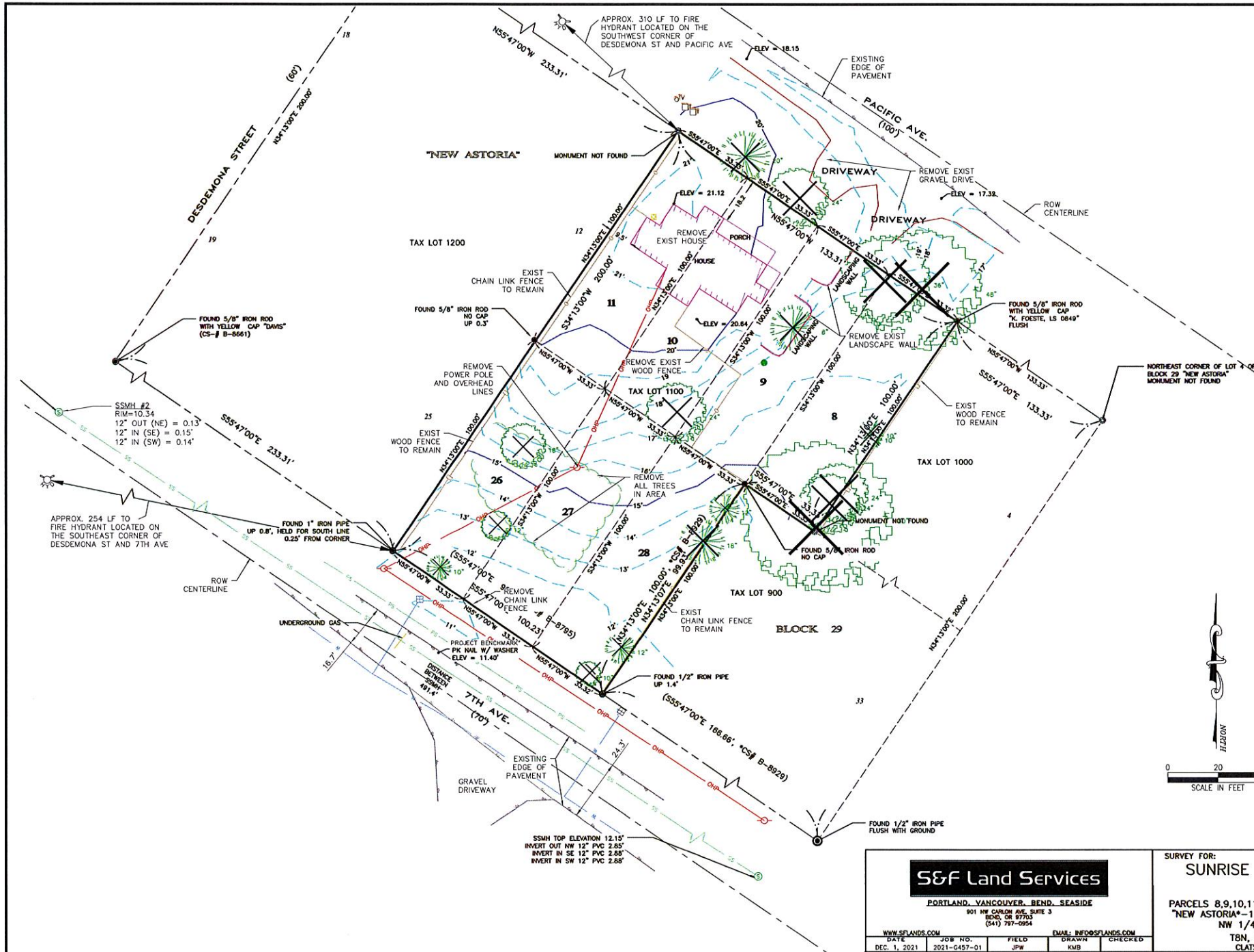


359 EAST HISTORIC COLUMBIA RIVER HIGHWAY  
TROUTDALE, OREGON 97060  
BUS: (503) 668-3737 FAX: (503) 668-3788

SUNRISE HOMES LLC  
P.O. BOX 727  
WARRENTON, OR 97146

EXISTING CONDITIONS AND DEMO PLAN  
BUOY 10 LANDING SUBDIVISION  
354 PACIFIC DRIVE, WARRENTON, OR 97146

2  
5



DRAWN:	DESIGNED:	CHECKED:
SCALE: AS SHOWN	DATE: AUG 25, 2022	
PROJECT NO. E21-060		
DATE:	NO.	REVISION

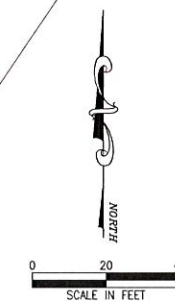


# PRELIMINARY PLAT FOR BUOY 10 LANDING SUBDIVISION A REPLAT OF

PARCELS 8,9,10,11,26,27,28 IN BLOCK 29 OF  
"NEW ASTORIA"- 1892  
NORTHWEST 1/4 OF SECTION 9  
TOWNSHIP 8 NORTH, RANGE 10 WEST, W.M.  
CLATSOP COUNTY, OREGON

EXISTING ZONING:

R-M (MEDIUM DENSITY RESIDENTIAL)

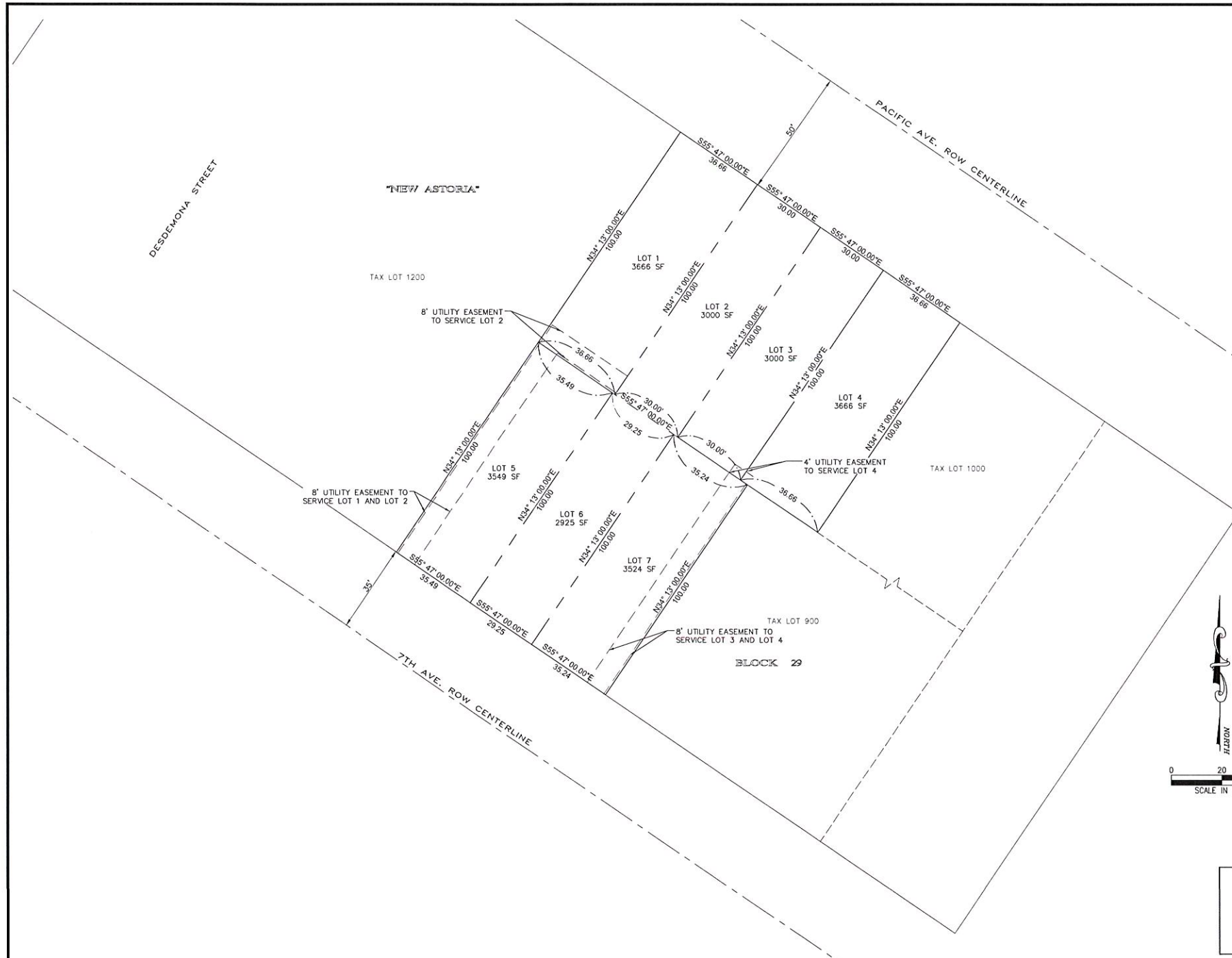


**S&F Land Services**

PORTLAND, VANCOUVER, BEND, SEASIDE  
901 NW CARLON AVE, SUITE 3  
BEND, OR 97703  
(541) 797-0654

WWW.SFLANDS.COM

EMAIL: INFO@SFLANDS.COM



				DRAWN:	DESIGNED:	CHECKED:																							
DATE:	NO.	REVISION		PROJECT NO. E21-060																									

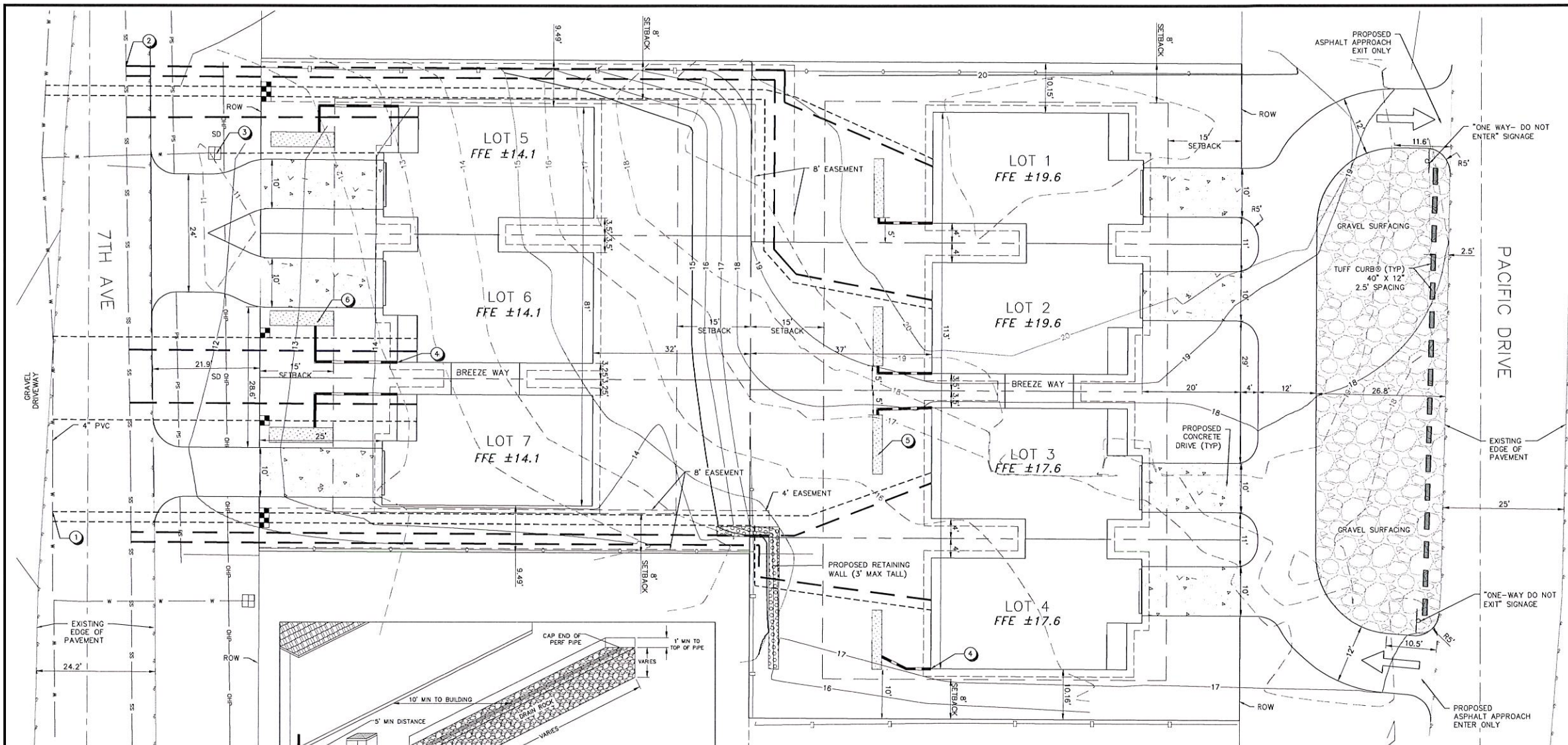


359 EAST HISTORIC COLUMBIA RIVER HIGHWAY  
TROUTDALE, OREGON 97060  
BUS (503) 668-3737 • FAX (503) 668-3788

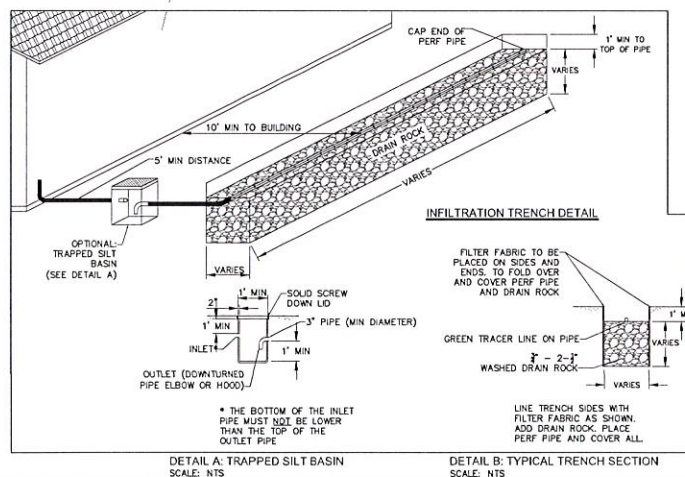
SUNRISE HOMES LLC  
P.O. BOX 727  
WARRENTON, OR 97146

PRELIMINARY PLAT (REPLAT)  
BUOY 10 LANDING SUBDIVISION  
354 PACIFIC DRIVE, WARRENTON, OR 97146

3  
5

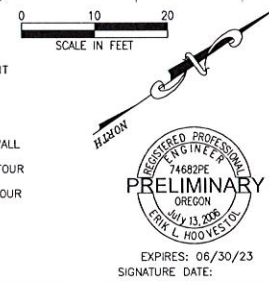


LOT #	LOT AREA (SF)	BUILDING FOOTPRINT (SF)	PERCENT COVERAGE
1	3666	1006	27%
2	3000	1055	35%
3	3000	1055	35%
4	3666	1006	27%
5	3549	997	28%
6	2925	1042	29%
7	3524	984	28%

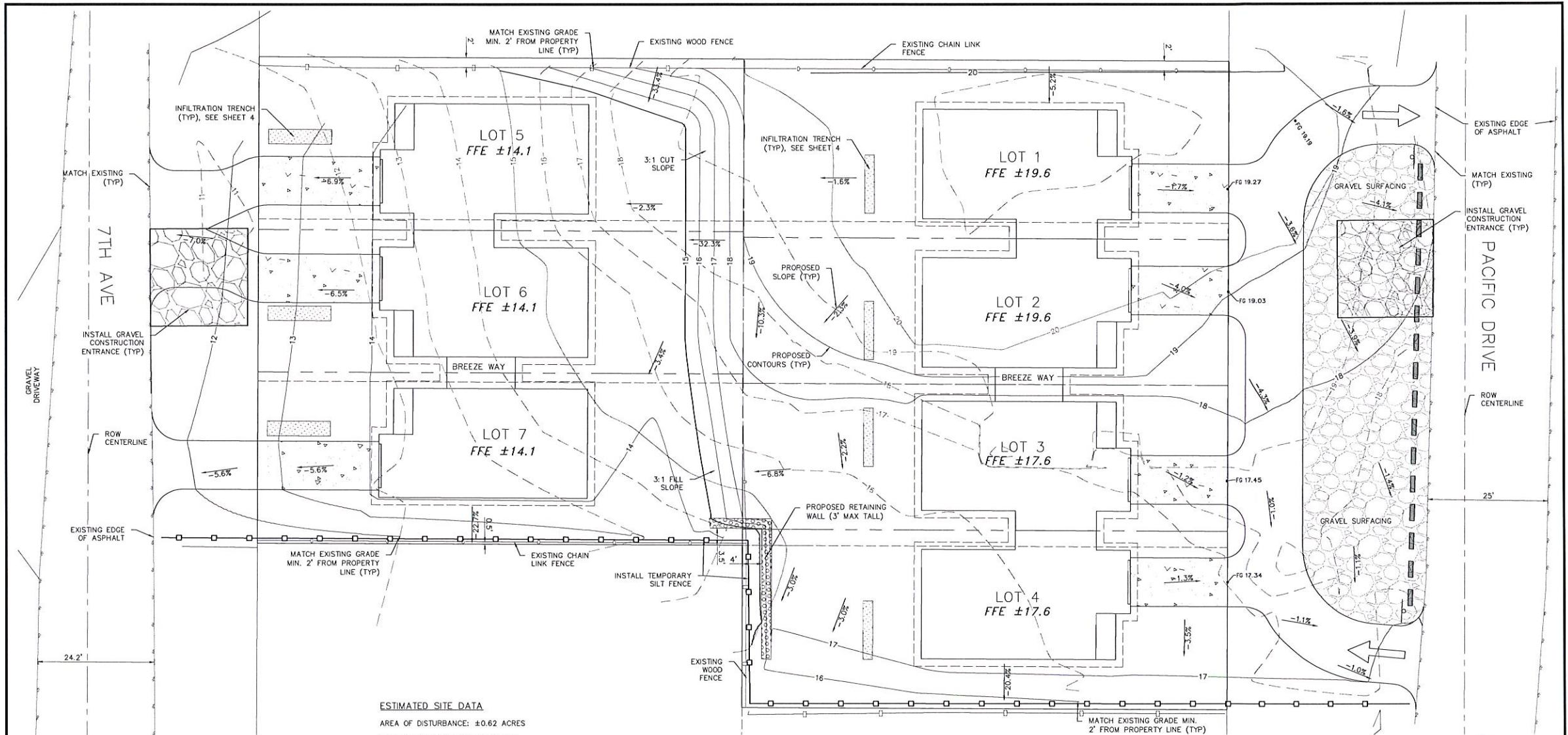


- KEY NOTES**
- CONNECT TO EXISTING 4" PVC WATER MAIN (TYPICAL)
  - CONNECT TO EXISTING SEWER (TYPICAL)
  - CONNECT TO EXISTING SERVICE AND WATER METER
  - CONNECT 4" STORM DRAIN PIPE TO BUILDING DOWNSPOUTS (TYPICAL)
  - PROPOSED 12' LONG X 2' WIDE X 1.5' DEEP ROCK FILLED UNDERGROUND INFILTRATION TRENCHES FOR LOTS 1-4 (TYPICAL) SEE DETAIL THIS SHEET
  - PROPOSED 13' LONG X 3' WIDE X 3' DEEP ROCK FILLED UNDERGROUND INFILTRATION TRENCHES FOR LOTS 5-7 (TYPICAL) THIS SHEET

- LEGEND**
- |       |                              |   |                         |
|-------|------------------------------|---|-------------------------|
| —     | PROPOSED BUILDING            | — | PROPOSED AC PAVEMENT    |
| - - - | PROPOSED ROOFLINE            | — | PROPOSED CONCRETE       |
| - - - | PROPOSED WATERLINE           | — | PROPOSED GRAVEL         |
| —     | PROPOSED WATER METER         | — | PROPOSED RETAINING WALL |
| —     | PROPOSED STORM DRAIN PIPE    | — | PROPOSED MAJOR CONTOUR  |
| —     | PROPOSED INFILTRATION TRENCH | — | PROPOSED MINOR CONTOUR  |
| —     | PROPOSED SANITARY LATERAL    |   |                         |
| —     | PROPOSED UTILITY EASEMENT    |   |                         |







#### ESTIMATED SITE DATA

AREA OF DISTURBANCE: ±0.62 ACRES

NEW ASPHALT DRIVEWAY: 2,860 SF

NEW CONCRETE DRIVEWAY: 1,650 SF

NEW ROOF AREA: 8,415 SF

PROPOSED FINISH GRADE TO EXISTING GRADE:

CUT: 610 CY

FILL: 535 CY

ENGINEER'S ESTIMATE IS APPROXIMATE AND PROVIDED FOR REFERENCE ONLY. CONTRACTOR RESPONSIBLE FOR TAKEOFFS USED IN BIDDING AND ACTUAL QUANTITIES OF IMPORTED/EXPORTED MATERIAL AS NEEDED FOR CONSTRUCTION.

#### GRADING NOTES:


- NO GRADING ACTIVITY OR RELATED DISTURBANCE SHALL OCCUR WITHIN 2' OF PROPERTY LINES TO MEET CITY OF WARRENTON DEVELOPMENT CODE SETBACK REQUIREMENTS.
- CUT SLOPES TO BE MAX 2:1 IN ALL AREAS. THE TOP OF THE CUT SLOPE SHALL BE SETBACK FROM THE NEAREST PROPERTY LINE AT A MINIMUM DISTANCE OF ONE HALF THE HEIGHT OF THE SLOPE OR 2', WHICHEVER IS GREATER.
- FILL SLOPES TO BE MAX 2:1 IN ALL AREAS. THE TOE OF ALL FILL SLOPES SHALL BE SETBACK FROM THE NEAREST PROPERTY LINE AT A MINIMUM DISTANCE OF ONE HALF THE HEIGHT OF THE SLOPE OR 2', WHICHEVER IS GREATER.

#### LEGEND









































- 10 PROPOSED MAJOR CONTOUR
- 11 PROPOSED MINOR CONTOUR
- 10 EXISTING MAJOR CONTOUR
- 11 EXISTING MINOR CONTOUR



EXPIRES: 06/30/23  
SIGNATURE DATE:

DATE: NO. REVISION	DRAWN: DESIGNED: CHECKED: SCALE: AS SHOWN DATE: AUG 25, 2022 PROJECT NO. E21-060	 359 EAST HISTORIC COLUMBIA RIVER HIGHWAY TROUTDALE, OREGON 97060 BUS: (503) 668-3737 FAX: (503) 668-3788	SUNRISE HOMES LLC P.O. BOX 727 WARRENTON, OR 97146	GRADING AND ESC PLAN BUOY 10 LANDING SUBDIVISION 354 PACIFIC DRIVE, WARRENTON, OR 97146	5 5
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# Housing Types - Rainier

	SR Suburban Residential Zone	R-1 Low Density Residential Zone	R-2 Medium Density Residential Zone	R-3 High Density Residential Zone	
Single-family detached					 Currently permitted
Accessory dwelling unit					 Recommended to be permitted
Cottage cluster					 Currently not permitted
Duplex / 2-Unit Townhouses					 Required to be permitted per state law
Triplex / 3-Unit Townhouses					
Townhouses (4+ Units)					
Multifamily (4+ Units)					
Manufactured Dwelling					
Manufactured Dwelling Park					

*\*Tiny Homes and RVs are not included in this table and will be addressed in the final H/P recommendations (Task 5).*

# Homeowners' Right to Views

Contrary to popular belief, most homeowners do not have a right to their view.

By [Ilona Bray](#), J.D.

Generally, homeowners have no right to a view (or light or air), unless it has been granted in writing by a local ordinance or subdivision rule. The exception to this general rule is that someone may not deliberately and maliciously block another's view with a structure that has no reasonable use to the owner.

## View Ordinances

A few cities that overlook the ocean or other desirable vistas have adopted view ordinances. These laws protect a property owner from having his view obstructed by growing trees. They don't cover buildings or other structures that block views.

Generally the ordinances allow someone who has lost a view to sue the tree owner for a court order requiring him to restore the view. A neighbor who wants to sue must first approach the tree owner and request that the tree be cut back. The complaining person usually bears the cost of trimming or topping, unless the tree was planted after the law became effective or the owner refuses to cooperate.

Some view ordinances contain extensive limitations that take most of the teeth out of them. Some examples:

- Certain species of trees may be exempt, especially if they grew naturally.
- A neighbor may be allowed to complain only if the tree is within a certain distance from his or her property.

- Trees on city property may be exempt.

See Nolo's information on [How to Find Local Ordinances and State Laws](#) to locate your city's laws and policies.

## Other Ordinances

If, like most cities, your city doesn't have a view ordinance, you might find help from other local laws. Here are some laws that may help restore your view:

**Fence height limits.** If a fence is blocking your view, it may be in violation of a local law. Commonly, local laws limit man-made fences in back yards to six feet high and in front yards to three or four feet. Height restrictions may also apply to natural fences, such as hedges. For more information, see Nolo's [Fences and Neighbors FAQ](#).

**Tree laws.** Certain species of trees may be prohibited from being grown -- for example, trees that cause allergies or tend to harm other plants. Laws may also forbid trees that are too close to a street (especially an intersection), to power lines, or even to an airport. For more information, see Nolo's [Trees and Neighbors FAQ](#).

**Zoning laws.** Local zoning or planning regulations control the size, location, and uses of buildings. In a single-family area, buildings are usually limited to 30 or 35 feet high. Zoning laws also usually require a certain "setback," or distance between a structure and the boundary lines. They also limit how much of a lot can be occupied by a structure. For instance, many suburban cities limit a dwelling to 40% to 60% of the property.

## Subdivision Rules

Often, residents of subdivisions and planned unit developments are subject to a detailed set of rules called covenants, conditions, and restrictions (CC&Rs). They regulate most matters that could concern a neighbor, including trees and views. For example, a rule may state that trees can't obstruct the view from another lot, or simply limit tree height to 15 feet. If



someone violates the restrictions, the homeowners' association may apply pressure (for example, removing the privilege of using a swimming pool) or even sue. A lawsuit is costly and time-consuming, however, and the association may not want to sue except for serious violations of the rules.

## **How to Approach a View Problem**

Before you approach the owner of a tree that has grown to block your view, answer these questions:

- What is the least destructive action that could be taken to restore your view? Maybe the owner will agree to limited and careful pruning.
- How much will it cost to trim the tree(s)? Be ready to pay for it.
- Which part of the tree is causing view problems for you -- one limb, the top, one side of it?
- Does the tree affect the view of other neighbors? If it does, get them to approach the tree owner with you. Trimming costs may be divided among you.

## **Before You Pay for Property With a View**

First, ask the property owner or the city planning and zoning office if the property is protected by a view ordinance. (See Nolo's information on [How to Find Local Ordinances and State Laws](#) if you want to do your own research.) Then check with the real estate agent to see if neighbors are subject to restrictions that would protect your view. Also, if the property is in a planned unit development, find out whether a homeowners' association actively enforces the restrictions.

Check local zoning laws for any property that might affect you. Could the neighbor down the hill add a second-story addition?

Finally, look very closely from the property to see which trees might later obstruct your view. Then go introduce yourself to their owners and explain

your concerns. A neighbor who also has a view will probably understand your concern. If someone is unfriendly and uncooperative, you stand warned.