

City of Rainier
Planning Commission Meeting
May 12, 2021
6 p.m.
Rainier City Hall

Chair Erin O’Connell called the meeting to order at 6:07 p.m.

Commissioners Present: Erin O’Connell, Paul Langner, Dena Nordstrom, Nina Phillips and Laura Tretheway

Commissioners Absent: None

City Staff Present: City Administrator W. Scott Jorgensen

Visitors Present: Terry Deaton

Visitor Comments: Deaton said that she has a drainage analysis for the area on the west side of town if the commission needs it.

Consider Approval of the Consent Agenda: Consider Approval of the February 10, 2021 and March 10, 2021 Regular Planning Commission Meeting Minutes-Commissioner Paul Langner moved to approve the February 10 minutes. That motion was seconded by Commissioner Dena Nordstrom and adopted unanimously. Langner moved to approve the March 10 minutes. That motion was seconded by Commissioner Nina Phillips and adopted unanimously.

New Business:

- a. Flood Plain Ordinance—Chair Erin O’Connell said Columbia County is adopting language from the state to update its ordinance. City Administrator W. Scott Jorgensen said that Langner provided language from Clatsop County for inclusion in the meeting packet. Langner said Clatsop County’s ordinance does more than what is required but is a model that’s out there. That ordinance is 37 pages long, is not user friendly and is difficult to work with. O’Connell said a flood plain ordinance is important, from a development standpoint. If a property owner wants to put a building in an area that could flood, they could be displaced. The city’s ordinance should be user friendly but have discretionary options included. Columbia County’s ordinance was essentially a template from the state. The public was notified about the county’s ordinance and people were upset because they didn’t understand it. The ordinance was daunting to read. The city can adopt an ordinance saying it’s adopting the county’s ordinance and include a FAQ with it. Langner said he liked the approach of using the county’s ordinance because the city’s permitting is done through the county. O’Connell said the city needs to identify its flood plain development manager as part of this process. Even though the city’s permitting is done through the county, nobody there looks at flood plain issues on the city’s behalf. The city should give itself discretionary decision

making in its flood plain ordinance. Jorgensen asked if the county's ordinance has been officially passed. O'Connell said it was approved by the county planning commission. He asked if not having the flood plain ordinance already in place is hindering potential development of the industrial and commercial zones on the city's west side. O'Connell and Commissioner Laura Trethewey said it is. Langner suggested that the ordinance include the most recent Focal Impulse and Rotor Mapping, a statement that the city reserves the right to discretion and Base Flood Elevation certification. Commissioners agreed by consensus to direct Jorgensen to draft an ordinance with those parameters.

Unfinished Business:

- a. Short Term Rental Ordinance—Phillips said she liked Seaside's ordinance, but not the one from Cannon Beach. O'Connell agreed. Phillips said the Seaside ordinance is simple. Trethewey said she likes the idea of annual renewals on a yearly basis. O'Connell said that was part of the initial discussion. That approach would enable the city to review any complaints that may arise. Phillips said the fees charged by the city should be reasonable. There are AirBnBs in Longview, so there is local demand for it. Nordstrom suggested expanding the area of the neighbors to be notified about a short-term rental application. Commissioners agreed by consensus to direct Jorgensen to draft an ordinance based on the one from Seaside. Jorgensen said he would want to include a clause similar to the one in the city's food cart ordinance that enables staff to revoke a license if too many complaints are received, but allows applicants to appeal that decision to the council. Langner recommended a \$250 application fee and \$250 annual renewal fee. Phillips said she likes the portion of the Cannon Beach ordinance that deals with occupancy and parking.

O'Connell adjourned the meeting at 7:37 p.m.

Erin O'Connell, Chair

Sarah Blodgett, City Recorder

ORDINANCE NO. 1080

AN ORDINANCE OF THE CITY OF RAINIER ESTABLISHING RULES AND REGULATIONS FOR VACATION RENTAL DWELLING (VRD)

1. **Purpose.** The Vacation Rental Dwelling (VRD) Permit is in recognition of the desire of some residents to rent portions of their property on a short-term basis. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.
2. **Standards.** In all zones allowing VRDs, a permit shall be issued as an accessory use and in accordance with the administrative conditional use provisions provided the application can demonstrate by written application that all of the following standards are met:
 - A. **Maximum Allowed Rentals.** No more than half of the bedrooms of a house may be made available for short-term rental.
 - B. **Parking.** One 9' x 18x off-street space will be provided for each bedroom in the unit that is available for short-term rental, but in no event shall fewer than two spaces be provided.
 - C. **Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom available for short-term rental. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Fire Marshal at the time of inspection for valid code reasons.
 - D. **Residential yard areas.** Front, side and rear yards must maintain a residential appearance by limiting off-street parking within yard areas. At least 50 percent of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
 - E. **Local responsible party.** A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 200 feet of the subject property).
3. **Notice and Administrative Decision.** Upon submittal of a complete application, notice of the request shall be mailed to all property owners within 200 feet of the property.
4. **Appeals.** Within 15 days of the administrative decision, the decision may be appealed.
5. **Approval conditions.** All approval must include the following conditions:
 - A. Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor and solid waste collection. Weekly solid waste pick-up is required during all months.
 - B. Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
 - C. It is the property owner's responsibility to ensure that the vacation rental dwelling remains in substantial compliance with the Oregon State requirements for the following: Health, Safety, Building and Fire Codes, and Traveler's Accommodation Statutes and with the

Uniform Housing Code.

- D. Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with this Section.
- E. A City Business License is required, and any transient room tax provisions apply to VRDs. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are 30 days past due, the VRD Permit will be revoked unless a written extension is granted by the City Administrator.
- F. Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a VRD, or by notice that requirements or conditions of approval are not being met, the City will work with the parties involved to settle any conflicts. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. If the problems are not resolved, the City Administrator has the authority to revoke the VRD Permit. The owner may appeal the Administrator's decision to the City Council.

Passed by the City of Rainier council and approved by the mayor on the ____ date of _____, 2021.

BY: _____

Jerry Cole, Mayor

ATTEST:

BY: _____

Scott Jorgensen, City Administrator

Scott Jorgensen

From: ADAIR Celinda * DLCD <celinda.adair@state.or.us>
Sent: Thursday, June 10, 2021 5:43 PM
To: DEBBAUT Anne * DLCD; Scott Jorgensen
Subject: RE: Rainier Flood Plain Ordinance
Attachments: How the NFIP Works 022010.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Hi Scott,

I have done an initial review of your local floodplain regulations Chapter 18.120 using the FEMA approved Oregon Model Flood Hazard ordinance as the review tool (checklist). I've attached my review (a copy of the checklist with my review comments to this email). In looking at the two links you sent me for Chapters 18.120 and 18.80, it looks like your community has two sets of overlapping and at times conflicting floodplain regulations currently shown in your Municipal Code. My theory is that when your community updated its floodplain regulations in 2010 (Chapter 18.120), your code was not updated to rescind the older version from 1986 (Chapter 18.80). Chapter 18.80 has regulation language that is older and more out of date and references the old 1986 maps instead of the 2020 floodplain maps. My recommendation would be to rescind Chapter 18.80 as its regulations are outdated and the mapping it references is no longer in effect. Then we can work through some updates to Chapter 18.120, through this Community Assistance Contact (CAC) process.

I've also attached a brief brochure that provides a high-level summary of how the National Flood Insurance Program (NFIP) works from the local community perspective. The City of Rainier is currently a participating community in the regular program, under the NFIP.

I'll also be following up with a separate email shortly to explain more about the Community Assistance Contact (CAC) process and to schedule a CAC virtual meeting.

Kind regards,
Celinda



Celinda Adair, CFM

Pronouns: She/Her
National Flood Insurance Program (NFIP) Coordinator
Oregon Department of Land Conservation and Development
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Cell: 503-930-9739 | Main: 503-373-0050
celinda.adair@state.or.us | www.oregon.gov/LCD

From: Scott Jorgensen <Sjorgensen@cityofrainier.com>
Sent: Thursday, June 10, 2021 8:42 AM