

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 Rinearson Slough 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

City of Rainier
Planning Commission Meeting
June 16, 2021
6 p.m.
Rainier City Hall

Chair Erin O’Connell called the meeting to order at 6:17 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 and City Administrator W. Scott Jorgensen

Visitors Present: Duane Bernard, Terry Deaton

Visitor Comments: Duane Bernard introduced himself as the vice president of the Rainier Oregon Historical Museum. The museum wants to construct a building on its property, but the city’s code says that certain construction materials are prohibited in the zone where it’s located. Metal is one of them. The museum board is looking at doing a metal building instead of one made primarily of wood. They’re thinking of having a steel structure, siding and roof because the cost of lumber has gotten so high. O’Connell said design review is done by the city’s planner. It’s possible that a variance could be considered. She suggested that it be run by the city’s planner to get clarification. The code also says that high quality material can be used. Standards need to be applied consistently, but perhaps that portion of code can be better defined than it currently is. City Administrator W. Scott Jorgensen said Bernard had asked him about it. He suggested that Bernard approach the commission. Jorgensen will reach out to the city’s planner to see if there are any options.

Consider Approval of the Consent Agenda: Consider Approval of the May 12, 2021 Regular Planning Commission Meeting Minutes—Terry Deaton had some corrections. Those will be made and brought back to the Commission at its next meeting.

Unfinished Business:

- a. Short Term Rental Ordinance—Jorgensen went over the ordinance draft. It’s largely based on the one from Seaside. Mayor Jerry Cole had concerns that allowing homeowners to use their entire houses for short-term rentals could contribute to the current lack of homes on the market available for permanent rental. They came up with the provision prohibiting no more than 50 percent of the rooms of a house being used for short-term vacation rentals. Commissioner Dena Nordstrom said at the previous meeting that she wanted to expand the area of neighbor notification from the 100 feet included in the Seaside ordinance. Jorgensen doubled that to 200 feet. He also included a revocation clause similar to the one he put in place for the food cart ordinance. Under the draft ordinance, short-term vacation rental licenses can be revoked by the city

administrator if complaints are received, but the owner can appeal that decision to council. O'Connell asked about the provision that mentions inspections. Who would be doing the inspections? Jorgensen asked if the county would have adequate records that people could access to prove compliance. O'Connell said there are some permit history records, but that may be difficult for property owners to obtain. She suggested that a sentence be added to state that the inspections can be done by a licensed professional with expertise on fire, life and safety issues. O'Connell also wants to add that detached structures don't count towards the number of rooms that can be rented. Commissioner Nina Phillips moved to recommend the ordinance to council, as amended. That motion was seconded by Nordstrom and adopted unanimously.

- b. Flood Plain Ordinance—O'Connell said that she conferred with some colleagues at the county, who told her that the best option was to reach out to the Department of Land Conservation and Development (DLCDC). Jorgensen said he spoke with the contact at DLCDC that O'Connell provided. That agency is willing to work with the city and its representative can attend a meeting via telephone to discuss the issue. Jorgensen read from his email correspondence with the DLCDC representative, Celida Adair, that was included in the meeting packet. Adair felt that when the city updated its floodplain regulations in 2010, its code was not updated to rescind the previous version from 1986. The 2010 regulations are under Chapter 18.120 and the 1986 regulations are under Chapter 18.80. Chapter 18.80 has regulation language that is out of date and references maps from 1986 instead of the 2020 floodplain maps. Adair recommends that Chapter 18.80 be rescinded and Chapter 18.120 be updated.

Jorgensen told the commissioners that the city has been receiving inquiries from property owners who are outside of city limits who want to access water and sewer services. But the code does not address annexations or put forth any kind of policies, procedures or processes. City residents pay towards the city's debt service for its general obligation bonds that funded its sewer system. Even if the city developed a policy of charging double base rates for residents beyond city limits, those parties still would not be paying towards that. O'Connell said that any annexation ordinance should require that a property be within the urban growth boundary prior to annexation and that it be contiguous to current city limits. She recommended using the annexation ordinance that St. Helens has as a template and starting point. Jorgensen said that a view preservation ordinance had come up in prior Planning Commission meetings. Is that something the group would like to look into? He did some research and found one from Rolling Hills, California. Many of its references are specific to Southern California locations. O'Connell said that she remembered Kalama, Washington looking into something similar. Astoria might also have an ordinance that's worth looking at.

O'Connell adjourned the meeting at 7:15 p.m.

Erin O'Connell, Chair

Sarah Blodgett, City Recorder

DRAFT

From: Owens, Keshia <kowens@cwco.org>
Sent: Monday, July 12, 2021 4:05 PM
To: Scott Jorgensen
Cc: Fashing, Bill
Subject: RE: Zoning Inquiry

Scott,

From what I have seen in the past if something is expressly prohibited, a variance to allow the use won't suffice. Per 18.135.020 Limitations (Variance section of the Code):

No variance shall be granted which will permit a use not permitted in the zone applicable to the property or to alter any procedural requirement of this title.

As written we cannot use a variance to allow for a metal building because that would conflict with variance limitation standards.

I think the best way to move forward would be with a text amendment to allow for metal buildings in the WM Overlay, which would be reviewed by 18.125.030.

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

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

Thus far there are no conflicts with the Comp Plan or statewide planning goals (<https://www.oregon.gov/lcd/OP/Documents/goalssummary.pdf>).

Please let me know your thoughts.

Keshia

-----Original Message-----

From: Scott Jorgensen <Sjorgensen@cityofrainier.com>
Sent: Monday, June 21, 2021 1:35 PM
To: Owens, Keshia <kowens@cwco.org>
Subject: Zoning Inquiry

Keshia,

The vice president of the Rainier Oregon Historical Museum addressed the Planning Commission at its last meeting, as I had advised him to do.

The museum owns a piece of property in the city's Waterfront Mixed Use zone and wants to construct a building there. They're recognizing that the rising cost of lumber may be an obstacle and want to use steel for the structure, siding and roof.

However, our code includes metal in its list of prohibited materials.

They want some direction before they move any further into the design review process. I've attached what he brought to the meeting, to show what they're thinking. Is there any kind of variance that can be granted, or other options available? We'd really like to work with these guys to get the museum building up and open.

W. Scott Jorgensen, Executive MPA

City Administrator
City of Rainier
503-556-7301

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
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
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

City of Rainier

ORDINANCE NO. 1055

An Ordinance Pertaining to Flood Damage Prevention in the City of Rainier.

WHEREAS, the City of Rainier is working under a Federally-Mandated Deadline to Adopt a Flood Damage Prevention Ordinance covering Property within the City of Rainier; and

WHEREAS, It is in the best interests of the Public and the City of Rainier to adopt said Ordinance to make it possible for Property Owners to obtain Flood Insurance through NFIP; and

WHEREAS, the State of Oregon recommends using a Model Ordinance covering all the required elements for an all-inclusive Statutory Compliant Document, the City has used that Model Ordinance and refined it to reflect City Development Regulations; and

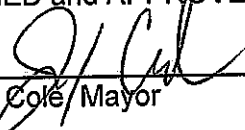
WHEREAS, The Planning Commission held a duly advertised Public Evidentiary Hearing on October 27, 2010 and no public comments were made either orally or in writing; and

WHEREAS, the Planning Commission unanimously approved forwarding the proposed Ordinance to the City Council with a recommendation for approval;

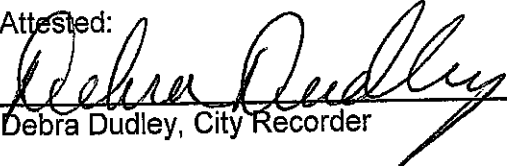
NOW, THEREFORE, THE CITY OF RAINIER DOES ORDAIN AS FOLLOWS:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. In support of the above Ordinance, the City Council hereby adopts the Staff Report dated October 22, 2010.
3. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable Laws.

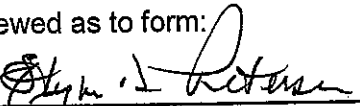
SIGNED and APPROVED this 17th day of November, 2010.



Jerry Cole, Mayor

Attested:


Debra Dudley, City Recorder

Reviewed as to form:


Stephen D. Petersen, City Attorney

ORDINANCE NO. 1081

**AN ORDINANCE OF THE CITY OF RAINIER
REPEALING ORDINANCE 974**

WHEREAS, on August 17, 1998, the City of Rainier adopted Ordinance No. 974 Adopting Amendments to the City of Rainier Comprehensive Plan and Zoning Ordinance, and

WHEREAS, Ordinance No. 974 was codified as Chapter 18.80 of the Rainier Municipal Code, and

WHEREAS, on November 17, 2010, the City of Rainier adopted Ordinance No. 1055 Pertaining to Flood Damage Prevention in the City of Rainier, and

WHEREAS, Ordinance No. 1055 was codified as Chapter 18.120 of the Rainier Municipal Code, and

WHEREAS, city staff has consulted with officials from the Oregon Department of Land Conservation and Development (DLCD) about updating the City's flood plain regulations, and

WHEREAS, DLCD advised that the City has two sets of overlapping and sometimes conflicting flood plain regulations, and

WHEREAS, Ordinance 974 was not rescinded when the City's floodplain regulations were updated in 2010 through the passage of Ordinance 1055, and

WHEREAS, Chapters 18.80 of the Rainier Municipal Code includes regulation language that is outdated and references 1986 floodplain maps instead of more recent 2020 floodplain maps, and

WHEREAS, based on the input from DLCD, city staff has decided that Ordinance 974 should be repealed, as it is outdated and no longer serving its intended purpose;

WHEREAS, it appears to the City of Rainier council that the public interest will best be served by repealing this ordinance.

NOW, THEREFORE, the City of Rainier ordains as follows: Ordinance No. 974, adopted on August 17, 1998, is hereby repealed.

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

Ordinance No. 974

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF RAINIER
COMPREHENSIVE PLAN AND ZONING ORDINANCE

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

Whereas, pursuant to ORS Chapter 197, the City of Rainier reviewed its comprehensive plan and regulating ordinances and found that changes were needed to these documents; and

Whereas on August 21, 1995, the amendments to the City of Rainier Comprehensive Plan, Plan Map, Zoning Ordinance and Zoning Map and Subdivision Ordinance were adopted; and

Whereas additional review found a need for numerous housekeeping revisions and identified weaknesses within the 1995 text; and

Whereas on May 26, 1998 a public hearing was held by the Rainier Planning Commission to discuss and receive testimony regarding the proposed text amendments; and

Whereas at its May 26, 1998 meeting, after taking public testimony, the Planning Commission forwarded a recommendation of approval to the City Council to adopt the text amendments; and

Whereas on June 15, 1998 a public hearing was held by the Rainier City Council regarding the proposed text amendments.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RAINIER DOES ORDAIN:

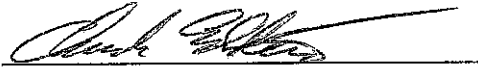
Section 1. That the proposed text amendments to the City of Rainier Comprehensive Plan and Zoning Ordinance, attached hereto as Exhibit "A.1 & A.2" have been prepared under the direction of the Planning Commission, are in the public interest and the appropriate public hearings have been held.

Section 2. That the amendments proposed in Exhibit "A.1 & A.2" are hereby approved.

Section 3. That the Comprehensive Plan for the City of Rainier is hereby amended in accordance with the amendments described and identified in Exhibit "A.1" attached hereto and made a part of this ordinance

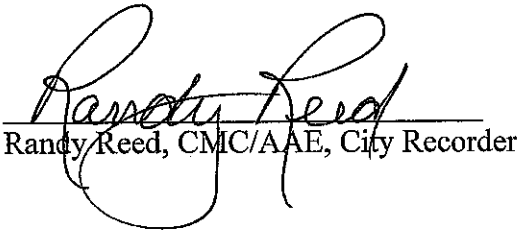
Section 4. That the Zoning Ordinance is hereby amended in accordance with the amendments described and identified in Exhibit "A.2" attached hereto and made a part of this ordinance.

Passed by the Council and approved by the Mayor this 17th Day of August, 1998



Chuck Eddings, Mayor

ATTEST:



Randy Reed, CMC/AAE, City Recorder

Chapter 17.28 ANNEXATION

Sections:

17.28.010 Purpose.

17.28.020 Administration and approval process.

17.28.030 Approval standards.

17.28.040 Application submission requirements.

17.28.010 Purpose.

The purpose of this chapter is to:

- (1) Implement the policies of the comprehensive plan;
- (2) Provide for city review of all annexation requests for a determination of the availability of facilities and services as related to the proposal;
- (3) Provide for dissemination of public information and for sufficient time for public review;
- (4) Provide for city and county coordination of annexation requests; and
- (5) Provide for an expedited process by establishing procedures whereby the annexation and rezoning may be considered concurrently. (Ord. 2875 § 1.075.010, 2003)

17.28.020 Administration and approval process.

- (1) The applicant for an annexation proposal shall be as provided by Chapter 17.24 SHMC and shall concurrently apply for an established area/developing area designation as provided by Chapter 17.112 SHMC and for a zone map change following procedures outlined in Chapter 17.24 SHMC and a comprehensive plan map amendment pursuant to Chapter 17.24 SHMC.
- (2) A preapplication conference with city staff is required. (See Chapter 17.24 SHMC.)
- (3) Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the preapplication conference is valid for no more than six months:

(a) Another preapplication conference is required if any site development application is submitted six months after the preapplication conference; and

(b) Failure of the director to provide any of the information required by this section shall not constitute a waiver of the standards, criteria or requirements of the application.

(4) Within 60 days after the closing of the application submittal period, the planning commission shall hold a public hearing in accordance with the provisions of Chapter 17.24 SHMC and shall make a recommendation to the city council for approval, approval with modifications, or denial of the annexation based on the standards in this chapter. At the same hearing, the planning commission shall recommend assignment of the developing or established area classification as provided by Chapter 17.112 SHMC, and the zoning and comprehensive plan map designations as provided in Chapter 17.24 SHMC.

(5) Any new zoning designation approved by the city through this process shall not become effective until the effective date of the city council's final action on the proposed annexation.

(6) City notices, regarding the annexation, and given pursuant to SHMC 17.24.130, shall contain a declaration of the city's intent to consider placing the property proposed for annexation or any part thereof in a city plan and zoning classification including whether it will be annexed as an established area as provided by SHMC 17.112.020(1) or developing area as provided by SHMC 17.112.020(2).

(7) Annexations will comply with the City Charter, as amended. (Ord. 2875 § 1.075.020, 2003)

17.28.030 Approval standards.

(1) The decision to approve, approve with modification, or deny an application to annex property to the city shall be based on the following criteria:

(a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and

(b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and

(c) Complies with state laws; and

(d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and

(e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

(2) The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

(3) The determination of whether the property is an established area or a developing area will be based on the standards contained in Chapter 17.112 SHMC. (Ord. 2875 § 1.075.030, 2003)

17.28.040 Application submission requirements.

(1) All applications shall be made on forms provided by the director and shall be accompanied by:

(a) Copies of the annexation area, conceptual development plan(s) and necessary data or narrative (number to be determined at the preapplication conference), which explains how the annexation conforms to the standards:

(i) Sheet size for an annexation area, conceptual development plan and required drawings shall preferably not exceed 18 inches by 24 inches; and

(ii) The scale of the required drawings shall be an engineering scale;

(b) The required fee.

(2) The required information may be combined and does not have to be placed on separate maps.

(3) The annexation area plan, data and narrative shall include the following:

(a) A map to a scale shown in subsection (1)(a)(ii) of this section of the area to be annexed which includes the surrounding area;

(b) A map of the area shown on the Columbia County assessor map;

(c) A complete legal description of the annexation area;

(d) A statement of the availability, capacity, and status of existing water, sewer, drainage, and transportation facilities;

(e) A statement of the increased demand for such facilities to be generated by any proposed development within the annexation area; and

(f) A conceptual development plan which includes:

(i) The type of intensities (density) of the proposed land use;

(ii) Transportation corridors;

(iii) Significant natural features; and

(iv) Adjoining land uses. (Ord. 2875 § 1.075.040, 2003)

The St. Helens Municipal Code is current through Ordinance 3266, passed May 19, 2021.

Disclaimer: The city recorder's office has the official version of the St. Helens Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.sthelensoregon.gov/>

City Telephone: (503) 366-8217

Code Publishing Company