

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

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

Commissioners Present: Erin O’Connell, Nick Gratzner, Paul Langner and Dena Nordstrom

Commissioners Absent: Nina Pogue

City Staff Present: City Administrator W. Scott Jorgensen and Public Works Director Sue Lawrence

Visitors Present: Scott Cooper and Earl Scott

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

Consider Approval of the Consent Agenda: Consider Approval of the September 19, 2022 Regular Planning Commission Meeting Minutes—Commissioner Paul Langner moved to approve the consent agenda. That motion was seconded by Commissioner Dena Nordstrom and adopted unanimously.

New Business

a. West Side Annexation Discussion—Chair O’Connell said that Earl Scott owns an older mobile home park. Some of its systems have failed, which means that there are spaces at the park that cannot be occupied. Work has been done to evaluate the site and it has a high water table. That complicates efforts to have septic systems there. It’s possible to connect the park to city sewer. Any on-site fix wouldn’t be long-term and wouldn’t solve the problem. The city is willing to provide services to the location. Engineering was done and easements are in place. The project had gone out to bid years ago but then fell apart. Ownership of the park has since changed, and so has the administration at the city and its council. The situation is a public health hazard. The city and Scott can work together to plan for the future. That would protect low-income housing and is a need for other properties in the area. Public Works Director Sue Lawrence said she has met with engineers. It’s possible to have a gravity line on Dyke Road without going under the railroad tracks. A gravity line could get past Young Road. She suggested meeting with the Department of Environmental Quality about funding options. Commissioner Nick Gratzner said he has some apprehension about forcing anyone to annex into the city if they do not plan to immediately hook up to city services. O’Connell said there is an opportunity for public outreach. A cherry stem annexation is not ideal, but the public health hazard does need to be addressed. Commissioner Paul Langner said that Columbia City had homes with septic systems. But when they ran a sewer line, it doubled the value of properties and the number of houses that could be built. He added that Mill Street and Dyke Road would need to be upgraded to be in the city. Langner asked Scott if the park would need water services. Scott said it’s currently on a well system, but the water quality isn’t very good. Langner suggested extending city water and sewer services down Dyke Road. He’s generally opposed to cherry stem annexations, but would support it in this instance. Economic development dollars could be available to help fund the project. Infrastructure would make many properties in that area developable. Lawrence said that making the area buildable is doable and the city has the capacity to expand. Sewer services drive growth and the city would benefit from it.

She estimates the project costing around \$1.5 million. City Administrator W. Scott Jorgensen asked what the next steps would be. Lawrence said she would need council direction to obtain more information about the project. Some engineering would be necessary. Langner moved to recommend exploring water and sewer services to Dyke Road. That motion was seconded by Nordstrom and adopted unanimously.

b. Code Update Priorities—Jorgensen went over the updates that the commission has been working on. A consulting firm has also come up with recommendations on some changes the city could make to its code that would facilitate more housing development. Some had to do with lowering parking requirements, but members of the Housing Committee didn't think that would be a good fit for the community. Gratzner said he doesn't like the idea of increasing density and that it would compromise the city's rural character. Jorgensen said the Housing Committee will look at those recommendations, and that input will be brought back to the commission.

c. Future Meeting Dates—Jorgensen said the next meeting was scheduled for January 10 because some agenda items required public notice. The city's code states that Planning Commission meetings will be the second Tuesday of the month, but he's inclined to pick dates that work for commissioners because they are volunteers. Commissioners agreed by consensus that Mondays worked best for them. Wednesdays or Thursdays would also be acceptable.

O'Connell adjourned the meeting at 7:28 p.m.

Erin O'Connell, Chair

Sarah Blodgett, City Recorder

January 3, 2023

To: Rainier Planning Commission

From: Skip Urling, City Planner

Re: O'Brien Conditional Use Permit for a Group Home as a Home Occupation

Background

Dennis O'Brien has submitted an application for a conditional use permit (CUP) to operate a group home for five or fewer persons with various disabilities at 30907 Timoney Lane, also identified as Tax Lot 7221-A0-00300. There is an existing dwelling on the subject property; no additional development is proposed. The group home would be operated by Strong Heart Homes Inc. of Cascade Locks. Application was submitted October 31, 2022 and initially deemed incomplete. After submittal of supplemental information, the application was deemed complete December 8, 2022. The city posted and sent notice of the application to adjacent property owners on December 19 and the notice was published on December 30, 2022 in the Clatskanie Chief.

This application is being reviewed under the following Chapters of the Rainier Municipal Code (RMC):

Chapter 18.25 Medium Density Residential (R2)

Chapter 18.90 Home Occupations

Chapter 18.130 Conditional Uses

Findings

1. The R2 zoning district allows home occupations outright provided the activity meets the restrictions or limitations RMC Chapter 18.90. These limitations include:

18.90.010 Limitations.

A home occupation may be conducted as an accessory use in any residential zone subject to the following limitations:

- A. No more than one person shall be employed in the home occupation other than family members residing on the premises.
- B. A home occupation shall not be conducted in an accessory building.
- C. The exterior display or storage of materials is prohibited.
- D. Exterior signs shall be limited to those permitted in the zone in which the home occupation is located. No other exterior indication of the home occupation is permitted.
- E. A city of Rainier business license is required for all home occupations.

In this case, the operator will not have a permanent staff resident in the dwelling and will have six staff members rotating so as to provide supervision of the residents 24 hours every day, with no more than two or three staffers present at any one time. RMC 18.90.020 provides relief from the limitations identified above via a conditional use permit acted on at the discretion of the Planning Commission. Because the proposal does not comply with RMC 18.90.010.A, the CUP is required and reviewed through a Type III process.

2. RMC 18.130 describes the decision process for CUPs. It states:

Conditional use permits are Type III decisions. The planning commission shall review the application at a public hearing and may approve, approve with conditions, or deny the application for a conditional use permit. In permitting a conditional use, the planning commission may impose conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but are not limited to, requiring larger lot size or yard dimensions, increasing street widths, providing for the construction of public improvements, controlling the location and number of vehicular access points to the property, and requiring screening and landscaping.

3. RMC 18.130.040 provides the criteria the Planning Commission should consider to evaluate the CUP application. These criteria are presented below followed by the applicant's response (in italics) and staff's assessment.

- A. The use is listed as a conditional use in the zone district which is currently applied for at the site.

Staff response: RMC 18.25.020.D requires a conditional use permits for home occupations that do not meet the limitations of RMC 18.90.010, as discussed above.

- B. The characteristics of the site are suitable for the proposed conditional use considering the size, shape, location, topography, existence of improvements, and natural features;

Staff response: The site presently is developed with a single family home and necessary utilities and is consistent with the city's zoning and development standards. Please note that the applicant also has a partition application pending to split the lot, with the house sitting on approximately 24,794 square feet and the vacant portion consisting of 18,499 squares feet as presently configured. The subject is relatively flat and capable of supporting residential uses.

- C. The proposed conditional use is adequately served by public facilities.

Applicant response: *Yes all public facilities are adequate to serve the facility. Water and sewer are set up to serve a large family. There is a fire hydrant within 100 yards of the house as well. Road is a private road adequate enough to handle fire trucks & police vehicles.*

Staff response: The existing house is served by city water and sanitary sewer and the fire marshal has confirmed the location of the fire hydrant and said the road was serviceable for emergency vehicles. Public works has confirmed that the potable water and sanitary sewer lines have

plenty of capacity to serve the proposed group home and other dwellings in the neighborhood.

- D. The proposed conditional use will comply with applicable policies of the Rainier comprehensive plan; and

Applicant response: *This property will be a certified & funded 24 hour residential home for individuals with intellectual & developmental disabilities of all adult ages. This home will be licensed for 5 or less individuals, 4 of the residents that we know will move in are already CC residents, the home they live [in] are now retiring. This home will allow for more population increase & bring another small business to our town.*

Staff response: The site is designated for residential development in the comprehensive plan and is zoned for medium density residential development. The site will present a living environment for adults with special needs accompanied by staff certified by the state to supervise them and present care. Knowing that the plan and zoning regulations are intertwined, the proposal is consistent with both.

- E. The proposed conditional use will not create any hazardous or adverse conditions.

Applicant response: *The proposed use won't cause any hazards to the city or any inconveniences of the neighbors due to the proposed use will be use (sic) as a home still.*

Staff response: Staff does not anticipate any hazards resulting from the adult residential group home. The neighbors have issued concerns about the adequacy of the utility systems and condition of Timoney Lane. The conversion of a dwelling from a conventional residence to one providing housing opportunities for adults with special needs should not affect the performance of Timoney Lane or the utility systems any more than a six-member household occupying the structure.

Conclusion and Recommendation

This proposal would offer a needed housing opportunity for adults with special needs. We believe it would generate no more issues or inconveniences than if the existing dwelling were to be inhabited by a conventional household. The primary activity taking place would be residentially focused, similar to those in the neighboring dwellings. The operation would be regulated by the Oregon Department of Human Services, Office of Developmental Disabilities Services. While not yet licensed at the proposed location Strong Heart Homes Inc. is eligible to apply for an operating license upon securing required local approvals. Therefore, staff recommends that the Planning Commission grant approval of the Conditional Use Permit submitted by Dennis O'Brien for a group adult home.

Recommended motion: "Based on the findings and conclusions of the January 3, 2023 staff report, I move to approved the conditional use permit application submitted by Dennis O'Brien to operate an adult group home limited to no more than five special needs residents at 30907 Timoney Lane."

January 3, 2023

To: Rainier Planning Commission

From: Skip Urling, City Planner

Re: Rainier Oregon Historical Museum Applications for Design Review and Variance

Background

Matt Alexander of Lower Columbia Engineering, on behalf of the Rainier Oregon Historical Society, (ROHM) has submitted applications for Design Review of a proposed new museum facility together with a request for a variance to the facility entrance orientation requirements. The subject property is not yet addressed but is identified as Tax Lot 7216-BB-3201 and is located on West A Street adjacent to the city's water and sanitary sewer treatment plants and across West A Street from the senior center. It consists of 0.50 acres and is zoned Waterfront Mixed Use overlay.

Site improvements include new off-street parking facilities, pedestrian circulation paths, landscaping, and right-of-way upgrades. Access is proposed off West A Street with a new 25-foot-wide driveway.

The proposed building consists of two floors and an attached exhibit "garage" for displaying antique vehicles and farm/forestry equipment. The first floor will also include an exhibit hall, lobby, and public restrooms as well as office, research, and administrative spaces for ROHM employees. The second floor will be used exclusively for archiving/storage and will not be open to the public. Building access will be from the proposed parking lot.

The application was submitted December 15, 2023 and verbally deemed complete that day, although written notice of completeness was sent to the applicant on December 28th. The city sent notice of the application to adjacent property owners and posted the site December 19, 2022. The Clatskanie Chief published the notice December 30, 2022.

The variance application is to alter the orientation of the building from development code standards which requires the Planning Commission to review and take action on it through a Type

III decision process. Accordingly, the design review application is elevated to that same decision process so that both applications will receive a consolidated review.

This application is being reviewed under the following Chapters of the Rainier Municipal Code (RMC):

RMC 18.50 Waterfront Mixed Use Overlay Zone
RMC 18.86 Dimensional Requirements
RMC 18.105 Off-Street Parking Requirements
RMC 18.110 Signs
RMC 18.135 Variances
RMC 18.145 Design Review

The applicable sections of the Rainier Municipal Code are presented below followed by the [applicant's response](#) and followed in turn by staff findings.

Findings

Chapter 18.50 – Waterfront Mixed Use Overlay Zone (WM Overlay)

18.50.020 – Permitted uses.

B. Commercial/Office/Public Uses.

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

Applicant Response: The proposed development is a historical museum which will be open to the public. The proposed museum is a permitted use as a tourist-oriented commercial use. Therefore, this standard is met.

Staff finding: We concur.

18.50.040 – Development standards.

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

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

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

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

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

[Applicant Response: Please see Existing Conditions Plan \(Sheet C-1\). The subject property is 0.50 acres and not part of a land division or large site development. Therefore, this standard is not applicable.](#)

Staff finding: We agree.

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

1. Private streets shall be built to city standards.

2. Private streets shall include permanent easements for public access.

3. Private streets shall include provisions and an agreement for maintenance.

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

Applicant Response: Please see Site Development Plan (Sheet C-3). There are no private streets planned as part of this development and the applicant proposes to improve the West A Street right-of-way to City Standards. Therefore, this standard is met.

Staff finding: The proposal meets the standard.

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

Applicant Response: Please see Vicinity Map (Sheet G-1). The subject property is not adjacent to the Columbia River or the Columbia River Greenway and Trail. Therefore, this standard is not applicable.

Staff finding: Staff agrees.

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

Applicant Response: Please see Vicinity Map (Sheet G-1). The subject property is not adjacent to the Columbia River or the Columbia River Greenway and Trail. Therefore, this standard is not applicable.

Staff finding: We agree.

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

Land Use	Min. Lot Area	Min. Lot Width
Commercial/office	No minimum	50 ft.
Public/semipublic	No minimum	50 ft.

Applicant Response: Please see Site Development Plan (Sheet C-3). The proposed development is a commercial public use which has no minimum lot area. The lot width is 120 feet. Therefore, these standards are met.

Staff finding: There is no lot areal standard; the site exceeds the width standard.

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

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

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

Response: Please see Site Development Plan (Sheet C-3). The proposed building does not intersect with the vision clearance triangles. Therefore, this standard is met.

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

Response: Please see Site Development Plan (Sheet C-3). The proposed building is setback a maximum of 5.5 feet from the front property line. Therefore, this standard is met.

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

Response: Please see Site Development Plan (Sheet C-3). The proposed building is setback a maximum of 5.5 feet from the front property line. Therefore, this standard is met.

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

Response: Please see the Existing Conditions Plan (Sheet C-3). The subject property does not abut an existing or approved residential use. Therefore, this standard is not applicable.

Staff finding: The proposal meets the various setback standards.

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

Response: Please see Exterior Elevations (Sheets A-3 and A-4). The proposed building is 28'-6" in height. Therefore, this standard is met.

Staff finding: We agree.

I. Building Orientation. The following standards are intended to orient buildings to streets to promote human-scale development, slow traffic, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes on the street." The building orientation standards are applicable to all housing types and to nonresidential buildings.

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

Response: Please see Site Development Plan (Sheet C-3). The applicant is requesting a variance to the primary entrance orientation standard. Please see narrative responses to RMC Chapter 18.135 for additional information and reasoning.

Staff finding: The applicant's response is noted and the variance is discussed below.

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

Response: Please see Site Development Plan (Sheet C-3). The proposed off-street parking areas are not located between the primary entrance and the street. Therefore, this standard is met.

Staff finding: We concur.

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

Response: The proposed building will receive the public. Therefore, this exception is not applicable.

Staff finding: Staff agrees.

18.50.050 – Design Review

All new development in the waterfront mixed use overlay zone (WM overlay), including single-family housing types, is subject to design review. In addition to the criteria for design review

approval set forth in Chapter [18.145](#) RMC, the following additional criteria are applicable in the waterfront mixed use overlay zone (WM overlay):

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

Applicant Response: As a mixed-use zone, the proposed museum is consistent with the Design Objectives and Framework plan for the Waterfront Mixed Use zone. It will provide a place for the community to meet, will provide right-of-way upgrades on the unimproved side of West A Street, and will give the neighborhood a mixed-use feel it is currently lacking (almost all developed lots are residential). Therefore, this standard is met.

Staff finding: We agree.

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

Applicant Response: Please see narrative responses to RMC Chapter 18.50 for additional information.

Staff finding: The applicant's responses to design guidelines indicate that the project design has given every consideration to meeting those guidelines.

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

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

Response: The applicant is requesting a variance to the front entry location standard. An additional entry point is located on the west side of the building, 6 feet away from the West A

Street right-of-way (street side property line). Please see narrative responses to RMC Chapter 18.135 for more information on the variance request and associated arguments.

Staff finding: We acknowledge the applicant's comment about the additional door on the west side of the building and refer the reader to the section of this report addressing the variance criteria.

2. *Quality of Materials. Buildings should use high-quality materials. At least two different types of materials should be provided on the sides of buildings that face streets. Variation in the patterns of the same materials is an acceptable alternative.*

Applicant Response: Please see the "Project Introduction" on pages 6 and 7 and Exterior Elevations (Sheets A-3 and A-4) for proposed building materials. The proposed building will have a concrete base with a rough-sawn timber formwork pattern, painted board and batten siding, natural stone veneer base at the entry columns, a timber framed porte-cochère, and a standing seam metal roof. All materials will be of a high quality for visual appeal. Therefore, the applicant believe that this standard is met.

Staff finding: The application drawings and narrative describing the building materials to be used satisfy this standard regarding quality materials.

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

Applicant Response: Please see Site Development Plan (Sheet C-3) The proposed building is set back from the sidewalk and does not have awnings or canopies proposed along the street side property line. A 2-foot-deep overhang will protect the building but will not extend into the right-of-way. Therefore, this standard is not applicable.

Staff finding: We concur.

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

Applicant Response: Please see Exterior Elevations (Sheets A-3 and A-4). The proposed building includes a porte-cochère at the main entry, exterior offsets, variations in roof pitch and type, window variation (including clerestory), and a mix of materials. Therefore, the applicant feels that this standard is met.

Staff finding: The criteria included in this standard are satisfied.

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

Applicant Response: Please see Exterior Elevations (Sheet A-3). Windows on the street side elevation of the proposed building make up 50% of the total wall area. These windows take up 63% of the total length and represent 50% of exterior wall area in the first 12-feet of height. Therefore, this standard is met.

Staff finding: We concur.

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

Response: Please see Site Development Plan (Sheet C-3). Two benches are proposed along the public sidewalk and pedestrian circulation paths connect the public sidewalk to the subject property and building. Additional amenities are not feasible given the minimal building setback distance and the width of the subject property. Therefore, this standard is met.

Staff finding: Given that this standard has no quantifiable requirements, the provision of the benches and connectivity of the sidewalks satisfy this requirement.

E. Where the standards of the waterfront mixed use overlay zone (WM overlay) conflict with other standards in the zoning ordinance, the land division ordinance or the transportation system plan, the standards of the waterfront mixed use overlay zone (WM overlay) shall control. (Ord. 1085 § 2, 2022; Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 3.8), 1998)

Applicant Response: The applicant understands this requirement.

Staff finding: Noted.

Chapter 18.85 – Dimensional Requirements

18.85.050 – Access

Every lot shall abut a street other than an alley for at least 20 feet. (Ord. 974 § 4 (Exh. A.2 § 5.5), 1998)

Applicant Response: Please see Site Development Plan (Sheet C-3). The subject property abuts West A Street for 120 feet. Therefore, this standard is met.

Staff finding: We agree.

18.85.060 – Clear-vision Areas

A. Street and Railroad Clear-Vision Areas. A clear-vision area shall be maintained on the corners of all properties adjacent to the intersection of any combination of rights-of-way, including public and private roads, alleys, driveways and railroad crossings. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between a height of three feet and 10 feet above the centerline grades of the intersecting rights-of-way shall be located within the clear-vision area. No driveway or parking area shall be located in the intersection of a clear-vision area.

B. Obstructions. The following obstructions can be within a street or railroad clear-vision area:

- 1. A public utility pole;*
- 2. A tree trimmed to the trunk to a line at least eight feet above the level of the intersection;*
- 3. Another plant species of open growth habit that is not planted in the form of a hedge line, which is so planted and trimmed as to leave an all-season clear and unobstructed crossview;*

4. *An official warning sign or signal;*
5. *A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective; or*
6. *A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.*

Applicant Response: Please see Site Development Plan (Sheet C-3). A 20-foot clear-vision area is shown at the intersection of the proposed driveway and West A Street (on both sides of the driveway). No obstructions – including street trees, landscaping, and signage - impede the visibility within the clear-vision area. Therefore, this standard is met.

Staff finding: Staff agrees.

C. Clear-Vision Triangle. A clear-vision area shall consist of a triangle two sides of which are curb lines for a distance specified in this section (Figure 1). In areas without curbs, lot lines or other lines as determined by the city shall be used in place of curb lines for measurement purposes (Figure 2).

The following measurements shall establish street and railroad clear-vision areas:

1. *A distance of 25 feet at the intersection of a public or private street with another street or a railroad.*
2. *A distance of 20 feet at the intersection of an alley with a street.*

Applicant Response: Please see Site Development Plan (Sheet C-3). A 20-foot clear-vision area is shown at the intersection of the proposed driveway and West A Street (on both sides of the driveway) per Figure 3 (image not shown in narrative).

Staff finding: Noted.

D. Driveway Clear-Vision Areas.

1. *Commercial, Industrial, Three or More Attached Dwellings, and Public/Semipublic Uses (Figures 3 and 4). Service drives to public streets shall have a minimum clear-vision area*

formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between a height of three feet to 10 feet above the centerline grade of the intersecting street shall be located within the clear-vision area. No off-street parking area shall be located in a driveway clear-vision area.

Applicant Response: Please see Site Development Plan (Sheet C-3). A 20-foot clear-vision area is shown at the intersection of the proposed driveway and West A Street (on both sides of the driveway). No obstructions – including street trees, landscaping, and signage - impede the visibility within the clear-vision area. Therefore, this standard is met.

Staff finding: Staff agrees.

18.85.070 – Fences, walls and Hedges.

Fences, walls or hedges may be placed above ground along any property line, subject to the clear-vision area requirements and height standards of this title. Retaining walls, which support the land below ground level, are subject to the clear-vision area requirements of this title; however, the height requirements of this section do not apply to retaining walls.

A. Residential Uses. Fences, walls and hedges are limited to six feet in height when they are located at the sides of or behind a dwelling. Fences, walls and hedges located in the front yard or street side yard of a dwelling shall be limited to a height of three and one-half feet. Fences, walls or hedges over six feet in height are not permitted for residential uses.

B. Commercial Uses. Fences, walls or hedges are limited to eight feet in height.

C. Industrial Uses. Fences, walls or hedges are limited to 10 feet in height.

D. Fence Permit and Fees. A fence permit is required for the construction of any fence or wall over three and one-half feet in height. There is no fee for a fence permit when the fence is to be constructed within the height limitations of this section. A fee shall be charged when the permit includes a request for fence height exception review.

E. Fence Height Exception Review. When state or federal regulations governing the type of use require fence or wall heights to exceed the limitations of this section, the property owner may apply to the city for an exception. The applicant must submit evidence of the required exception and the fee established by city council to initiate height exception review. The evidence will be reviewed and a maximum height shall be established by the director of public works based on the requirements set forth by the governing agency.

F. Decision Process. Fence permit applications and fence height exceptions shall be reviewed and determined by planning and public works as a Type I decision. (Ord. 974 § 4 (Exh. A.2 § 5.7))

Applicant Response: Please see Site Development Plan (Sheet C-3). There are no fences, walls, or hedges proposed along the street side property line or in the clear-vision area. A 6-foot-tall Ultrablock retaining wall is proposed along the rear yard property line. Therefore, these standards are met.

Staff finding: Staff agrees that the applicable sections of this code section are met.

Chapter 18.105 – Off-street Parking and Loading

18.105.010 – General Provisions

This chapter contains parking standards which are applicable to uses in all zones. At the time of construction of a new building, or an addition to an existing building or land which results in intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this chapter. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Applicant Response: The applicant understands these requirements.

Staff finding: Noted.

18.105.020 – Continuing Obligation

The provision for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Applicant Response: The applicant understands this requirement.

Staff finding: Noted.

18.105.030 – Use of Space

A. Required parking spaces shall be available for the parking of vehicles of customers, occupants and employees.

Applicant Response: Please see Parking & Landscape Plan (Sheet C-6). Proposed parking is intended for employees and visitors/customers. The applicant understands and shall comply with this standard.

Staff finding: Noted.

B. Required loading spaces shall be available for the loading and unloading of vehicles associated with the transportation of goods or services. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Applicant Response: Please see Parking & Landscape Plan (Sheet C-6). A loading space is not proposed and does not seem necessary for this use. The proposed use as a historical museum has more in common with a library and similar public uses than it does with commercial uses. The public and semipublic uses do not have a loading requirement. However, the proposed museum will have two garage doors into the outer exhibit space and these can be used for loading or unloading if necessary.

Staff finding: Staff finds the overhead doors on the east side of the building provide an alternative to a dedicated load/unloading area a reasonable approach to this requirement.

18.105.040 – Joint use of Facilities

Owners of two or more uses, structures or parcels of land may agree to jointly utilize the same parking and loading spaces when hours of operation do not overlap. Satisfactory legal evidence must be presented to the planning commission in the form of deeds, leases, or contracts to document shared use and full access to such parking and loading areas. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Response: The subject property has one owner and joint usage of facilities is not being proposed. Therefore, this standard is not applicable.

Staff finding: We concur.

18.105.050 – Location

Spaces required by this chapter shall be provided on the site of the primary use, unless existing conditions such as building location, topography or existing improvements preclude the addition of off-street parking, particularly in developed portions of the downtown area. However, the planning commission may permit parking to be located within 300 feet from the site or may permit the use of on-street parking to meet a portion of the parking needs when a hardship can be shown. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Response: Please see Parking & Landscape Plan (Sheet C-6). All proposed parking will be located on-site. Existing parallel parking stalls along West A Street can be used for overflow if necessary but no new off-site parking is proposed. Therefore, this standard is met.

Staff finding: We agree.

18.105.060 – Change of Use

In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Response: The applicant understands these requirements.

18.105.070 – Design Standards

The design standards shall apply to all parking, loading and maneuvering areas, except those for single- and two-family residential dwellings on individual lots. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Response: The applicant understands these requirements.

18.105.080 – Loading Spaces

A. Commercial. Each required space shall be at least 12 feet in width and 35 feet in length.

B. Industrial. Each required space shall be at least 12 feet in width and 60 feet in length.

C. Clearance. The height of each required loading space shall provide a minimum vertical clearance of 13 feet. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Response: Please see Parking & Landscape Plan (Sheet C-6). A loading space is not proposed and does not seem necessary for this use. The proposed use as a historical museum has more in common with a library and similar public uses than it does with commercial uses. The public and semipublic uses do not have a loading requirement. However, the proposed museum will have two garage doors into the outer exhibit space and these can be used for loading or unloading if necessary.

Staff finding: We concur.

18.105.090 – Parking Space Dimensions

A. The standard size of a parking space shall be nine feet in width by 18 feet in length.

Response: Please see Parking & Landscape Plan (Sheet C-6). All proposed parking spaces are nine feet in width by 18 feet in length. Therefore, this standard is met.

B. Up to 20 percent of required parking spaces may be designed for compact car dimensions of seven and one-half feet in width by 15 feet in length.

Response: Please see Parking & Landscape Plan (Sheet C-6). No compact parking spaces are proposed. Therefore, this standard is not applicable.

C. Handicapped parking spaces shall be 12 feet in width by 18 feet in length.

Response: Please see Parking & Landscape Plan (Sheet C-6). Two 9-foot-wide by 18-foot-long accessible parking space are proposed with an 8-foot-wide by 18-foot-long access aisle between. Therefore, this standard is met.

D. For parallel parking the length of the parking space shall be increased to 22 feet. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Response: Please see Parking & Landscape Plan C-6). No parallel parking spaces are proposed. Therefore, this standard is not applicable.

Staff finding: We agree with the applicant that the parking standards are satisfied.

18.105.100 – Aisles

Aisles shall not be less than:

A. Twenty-five feet in width for 90-degree parking.

[...]

Response: Please see Parking & Landscape Plan (Sheet C-6). The proposed drive aisles are 25-foot-wide and all proposed stalls are in the 90-degree configuration. Therefore, this standard is met.

18.105.110 – Access

There shall be no more than one 45-foot-wide curb-cut driveway per 150 feet of frontage, or fraction thereof, permitted per site. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Applicant Response: Please see Site Development Plan (Sheet C-3). One 25-foot-wide curb-cut driveway is proposed along the 120-foot-wide street side property line. Therefore, this standard is met.

Staff finding: The 25-foot wide driveway meets the standard, but the drawing set seems to have overlooked the flared curb cut. This can be dealt with when construction plans are submitted.

18.105.120 – Surfacing and Marking

The surface of each parking area shall be concrete or asphalt and meet minimum city standards to handle the weight of the vehicles which will use the parking areas. All areas used for parking shall be marked and continuously maintained. Handicapped parking spaces shall be marked with a wheelchair symbol. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998).

Applicant Response: Please see Parking & Landscape Plan (Sheet C-6). All proposed parking and drive aisle surfaces shall be asphaltic concrete and shall be marked. Accessible stalls will be marked with a wheelchair symbol and the associated access aisle shall be striped per ODOT standards. The applicant shall maintain all markings and parking surfaces. Therefore, these standards are met.

Staff finding: Staff agrees.

18.105.130 – Drainage and Lighting

Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface areas of the parking lot. The drainage system shall function so it will not adversely affect adjoining property. Lighting shall be provided in such a manner as to ensure the safety of the parking area without interfering with adjoining properties or creating traffic hazards on adjoining streets. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Applicant Response: Please see Grading & Stormwater Plan and Illumination Plan (Sheets C-5 and C-7). A series of curb-cuts, a landscaped drainage channel, and a bioretention swale are proposed to capture and infiltrate stormwater runoff. Adjoining properties will not be adversely affected

and minimal overflow will be routed into the public system. The proposed lighting will adequately illuminate the subject property and all walking surfaces without interfering with adjoining properties or creating traffic hazards in West A Street. Therefore, these standards are met.

Staff finding: Staff concurs.

18.105.140 – Design of Parking Areas

A. Handicapped Parking. All parking areas of less than 20 spaces shall have one handicapped parking space. Parking areas with more than 20 spaces shall provide one handicapped parking space for every 50 standard parking spaces.

Response: Please see Parking & Landscape Plan (Sheet C-6). A total of 27 standard-sized parking spaces are proposed including two handicapped parking spaces. Therefore, this standard is met.

B. Parking Bays. All parking areas shall be divided into bays of not more than 20 parking spaces. Between and at the end of each parking bay there shall be planters with minimum dimensions of five feet by 17 feet. Each planter shall contain one major tree and ground cover. Truck loading areas are not subject to the requirements for parking bays.

Applicant Response: Please see Parking & Landscape Plan (Sheet C-6). All proposed parking areas are divided into bays smaller than 20 spaces with 14 contiguous parking stalls representing the largest bay. All parking bays are bracketed by landscaped planters a minimum dimension of 5 feet by 17 feet. Therefore, these standards are met.

Staff finding: We agree these standards are satisfied.

C. Landscape Strip. Parking areas shall be separated from the exterior wall of a structure, exclusive of paved pedestrian ways, by a five-foot-wide landscaping strip.

Applicant : Please see Parking & Landscape Plan (Sheet C-6). The proposed parking area is separated from the building by a minimum five-foot-wide landscape strip. Therefore, this standard is met.

Staff finding: Staff concurs.

D. Setback and Screening from Residential Districts. Parking areas which abut a residential district shall meet the building setback of the most restrictive adjoining district. A parking area abutting a residential district shall be screened by a sight-obscuring planting.

Response: Please see Parking & Landscape Plan (Sheet C-6). The subject property abuts two empty lots and the railroad right-of-way. All abutting private property is in the Waterfront Mixed Use Overlay which has a minimum 5-foot setback for residential dwellings. The proposed parking areas are setback a minimum of 5 feet from these side yard property lines and the space between is landscaped with sight-obscuring plantings. Therefore, these standards are either met or not applicable.

Staff finding: We agree with the applicant's conclusion.

E. Setback from Street. Parking areas shall be set back from a lot line adjoining a street. The setback area shall be landscaped.

Applicant Response: Please see Parking & Landscape Plan (Sheet C-6). The closest proposed parking stall to the street side property line is setback 14 feet and landscaping is proposed between. Therefore, this standard is met.

Staff finding: We agree.

F. Landscaping. A minimum of 10 percent of all parking areas shall be landscaped and the maintenance of the landscaping shall be the owner's responsibility. (Ord. 974 § 4 (Exh. A.2 § 5.12), 1998)

Applicant Response: Please see Parking & Landscape Plan (Sheet C-6). The proposed landscaping area around the parking lot represents 37% of the total parking area. Therefore, this standard is met.

Staff finding: Staff appreciates the applicant going beyond the standard landscape areal requirements.

18.105.150 – Minimum Parking Requirements

The number of parking spaces provided for each use shall meet the minimums set forth on the following chart:

Use	Spaces Required
Public and Semipublic Buildings and Uses	
Library	1 space per 400 square feet of floor area, plus 1 per 2 employees

Applicant Response: Given that “museum” is not listed as a commercial or public use, the library use was utilized to calculate required parking numbers. The existing ROHM is located across the hall from the public library in Rainier City Hall and both entities receive a comparable number of visitors and employ a similarly sized staff.

The proposed building has a total area of 4,761 sq. ft. requiring 12 parking spaces ($4,761/400 = 11.90$). The museum is expected to have 3 employees working during peak hours or for events which requires two additional parking stalls. The total parking required is 14 stalls and 27 parking stalls are proposed. Therefore, this standard is met.

Staff finding: The proposal meets this requirement.

Chapter 18.110 – Signs

18.110.010 – Purpose

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the city, to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions. The ordinance codified in this chapter is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998).

Response: The applicant understands this requirement. The applicant plans to propose signage at a future date as a ROHM sign has not yet been designed. However, the location of a future monument sign has been shown on the Site Development Plan (Sheet C-3) as a placeholder and narrative responses have been included for the portions of RMC Chapter 18.110 standards associated with sign location.

Staff finding: Noted.

18.110.20 – Scope

This chapter regulates signs within the Rainier city limits which can be viewed from any public right-of-way by prescribing standards and restrictions for such signs. It provides for administration, requires permits and prescribes fees therefor, and provides for enforcement and remedies.

The signage covered within these regulations includes, but is not limited to, all industrial and commercial signs and wall graphics, all professional and business signs, all home business and home occupation signs, portable signs and other temporary signage, and any other signage that is intended to advertise or otherwise convey a commercial message. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

Response: The applicant understands this requirement.

Staff finding: Noted.

18.110.050 – Exempt Signs

The following types of signs are exempt from regulation under this chapter when calculating total square footage and total number of signs per premises. The terms under which exempt signs may be placed are set forth under RMC [18.110.040](#), Definitions:

- A. Signs that are clearly directional, flag, identification, incidental, lawn, marker, or sale/lease/rent signs;*
- B. Signs temporarily placed inside the window or door of a commercial or industrial building to display pricing or products;*
- C. Any sign inside a building, not attached to a window or door, not legible from a distance of three feet beyond the public right-of-way nearest the premises on which it is located;*
- D. Repealed by Ord. 1056;*
- E. Temporary holiday lights and other types of decorations bearing no commercial message;*
- F. Any sign, public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance, including that portion of a sign which conveys gas station pricing and lottery signs;*
- G. Traffic control signs on private property, the faces of which meet ODOT standards and which contain no commercial message of any sort. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)*

Applicant Response: No exempt signs are proposed. Therefore, this standard is not applicable.

Staff finding: Staff concurs.

18.110.060– Prohibited Signs

All signs not expressly permitted or listed as exempt under this chapter are prohibited within city limits. The following types of signs are prohibited at all times, with words and terms interpreted as set forth under RMC [18.110.040](#), Definitions:

- A. Beacons, strobe lights or reflectors;*
- B. External strings of lights not intended for temporary decoration;*
- C. Repealed by Ord. 1056;*
- D. Repealed by Ord. 1056;*
- E. Flashing or moving signs, except for electronic message centers;*
- F. Signs that emit any audible sound, odor or visible matter;*
- G. Snipe signs;*
- H. Signs that obstruct free and clear vision of pedestrian or auto travel;*
- I. Signs that block other signs or premises;*
- J. Signs containing statements, words, pictures or symbols of an obscene or offensive nature, or which depict or advertise illegal activities;*
- K. Signs which do not conform with all of the provisions of this chapter. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)*

Applicant Response: No signage is proposed at this time and not prohibited signage is anticipated. The applicant will apply for a sign permit for a permissible monument sign at a future date.

Staff finding: Noted.

18.110.70– Permissible Signs

A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter. Permissible signs are detailed on the following tables:

A. Permissible Signs by Type and District (Table 1). Table 1 presents an overview of permanent and temporary signs allowed within city limits. Information is provided according to sign type and to the district in which the premises is located.

B. Number, Size and Location of Permanent Signs by Type and District (Tables 2A and 2B). Tables 2A and 2B outline the requirements for the number of permanent signs allowed per site, sign size and height restrictions, and sign placement restrictions. Information is provided according to sign type and to the district in which the premises is located.

1. Table 2A sets forth sign standards for residential (R-3) and all institutional properties.

2. Table 2B sets forth sign standards for all commercial and industrial properties.

C. Signs on or Visible to State Highway 30 (Table 3). Signs which are located on or visible to travelers on State Highway 30 are subject to the regulations and permit requirements of the Oregon Department of Transportation (ODOT). Where the regulations of the state and city differ, the more restrictive regulations shall apply. State Highway 30 standards and restrictions are set forth in the 1993 Motorist Information Act, ORS 377.700 through 377.992, and are summarized in Table 3. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

Applicant Response: Please see Site Plan (Sheet C-3) for the location of a future ROHM monument sign. The applicant understands these requirements and will apply for a sign permit once signage is designed.

Staff finding: Noted. The monument location is in the landscaped area east of the driveway and south of West A Street.

18.110.090– Sign Placement

No private sign may be placed on public property, nor may any sign be placed on private property without the express authorization of the property owner.

No sign is allowed within the public right-of-way, except for: public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes or facilities; and awnings, projecting signs or suspended signs which extend into the air space of the public right-of-way, but which leave a minimum of eight feet of vertical clearance over that right-of-way.

No sign may be placed in a manner which:

- 1. Prevents the driver of a vehicle from having a clear and unobstructed view of traffic or directional signs, merging traffic, or pedestrians;*
- 2. Obstructs the vision of any pedestrian; or*
- 3. Interferes with clear vision onto another premises or its property, including legal signage placed on the other premises.*

No sign may interfere with the safe and efficient use of off-street parking and loading areas, including aisles and access driveways. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

Applicant Response: Please see Site Plan (Sheet C-3) for the proposed location of a future ROHM monument sign. The proposed location will not be placed within the clear-vision area or obstruct the vision of pedestrians or drivers. The applicant will apply for a sign permit for a permissible monument sign at a future date.

Staff finding: Noted.

Chapter 18.135 – Variances

18.135.010 – Purpose

The planning commission may authorize a variance from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the requirements of this title would cause an undue hardship. (Ord. 974 § 4 (Exh. A.2 § 6.5), 1998)

Applicant Response: The applicant understands this standard and responses to applicable criteria are below. A variance is requested to the front entry requirements of RMC 18.50.040(I) as the width of the site will not allow the building's entry to be oriented towards the street.

Staff finding: Noted.

18.135.020 – Limitations

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. No variance shall be granted to further reduce in size a substandard lot. (Ord. 974 § 4 (Exh. A.2 § 6.5), 1998)

Applicant Response: The proposed use is permitted and no reduction is requested. Therefore, this standard is not applicable.

Staff finding: Staff agrees.

18.135.030 – Application

An application for a variance shall be made by the owner of the affected property, or authorized agent, on a form prescribed by the city. The application shall be accompanied by the appropriate fee and information required by the application form. (Ord. 974 § 4 (Exh. A.2 § 6.5), 1998)

Applicant Response: The appropriate applications shall be included with this narrative.

Staff finding: The application is included in the package.

18.135.040 – Design Process

Variance permits are Type III decisions. The planning commission shall conduct a public hearing on the application and may approve, approve with conditions, or deny the application for a variance. In approving a variance, the planning commission may impose conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. (Ord. 974 § 4 (Exh. A.2 § 6.5), 1998)

Applicant Response: The applicant understands these requirements and that conditions may be imposed.

Staff finding: Noted.

18.135.50 – Criteria

In order to grant a variance, the planning commission shall make findings of fact to support the following conclusions:

- A. That special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings, or structures in the same district;*

Applicant Response: Please see Site Development Plan (Sheet C-3). The subject property is not wide enough to fit the proposed museum building and a drive aisle – the applicant feels the lot width is a special condition for a public/commercial use in Waterfront Mixed Use zone. The property was donated by an adjacent land owner and the existing WM-zoned properties on either side have street side property lines greater than 250 feet in length. In fact, the only properties within this zone that have a comparable width are residential and contain single family residences or duplexes. Furthermore, many of the future patrons and employees are expected to be retired/elderly and a covered entrance that allows curb-side drop-off and pick-up is desirable. This would not be possible with the entrance oriented towards the street unless vehicles parked in the bicycle and vehicular travel lanes.

Additionally, the applicant believes that the proposed building design and orientation meet the spirit of the standards found in RMC 18.50.040(l). That section reads *“the following standards are intended to orient buildings to streets to promote human-scale development, slow traffic, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes on the street.”*” Multiple antique vehicles – including a 1920s era fire engine - have been donated to the Rainier Oregon Historical Museum. The proposed exhibit hall - which faces West A Street - will display these vehicles, draw visual interest from the street, help to slow traffic, and encourage pedestrians to walk by. The vehicle exhibit space has windows on three sides and will be lit up at night, creating an eye-catching lantern affect. The street side elevation of the space includes 386 square feet of glazing that is 22 feet in height (see Sheet A-3). The east elevation includes 10-foot by 10-foot glass overhead doors. The combination of a lighted interior with 270-degrees of glazing will also encourage security and safety on West A Street. Finally, the applicant feels that the exhibit garage will draw potential visitors into the site. The porte-cochere at the front entry will be very visible and obvious from the street and accessible sidewalks will carry interested pedestrians past the exhibit garage to the entry. Therefore, the applicant believes that the spirit of the front entry standard has been met despite the special condition (property width).

Staff finding: Staff agrees. The design of the building will enhance the public interest with a visible display of historic vehicles and implements. The intent of historic museums is to collect, preserve and display items of historic importance and make them available for the public review and appreciation. The fact that the size and configuration of the subject property hinders the applicant’s ability to fully comply with the orientation requirement and achieve the goal of present historic artifacts to the public is a special condition. The application satisfies this criterion.

f

- B. *That strict interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;*

Applicant Response: Please see Site Development Plan (Sheet C-3). The subject property is not wide enough to fit the proposed museum building and a driveway; the applicant feels that a driveway is a right commonly enjoyed by other properties in this district. The Columbia Park Apartments across West A Street from the subject property are also zoned WM and the front entries face inwards towards the center of the property rather than towards the street side. In fact, the fenced back patios of the buildings along West A Street are oriented towards the street.

Staff finding: We agree with the applicant's argument. A driveway is a required component of the museum, but we believe that the primary goal of the organization and structure must be taken into account. The size and configuration of the subject property provides great difficulty in meeting the orientation criterion and achieving the primary objective of the museum and agree that other developments in the vicinity enjoy orientations similar to the applicant's request.

C. That the special conditions or circumstances do not result from the actions of the applicant and do not merely constitute inconvenience;

Applicant Response: Please see Site Development Plan (Sheet C-3). The subject property was donated by an adjacent land owner and its width is not a self-imposed hardship. ROHM would love to have additional space but this lot is what was offered. Therefore, this standard is met.

Staff finding. Staff accepts the applicant's discussion of its acquisition of the property on its face. ROHM did not have any role in creating the subject property configuration. This criterion is satisfied.

D. That granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

Applicant Response: Please see narrative responses to item A above. The applicant believes that the "lantern" effect of the exhibit garage will be an improvement to the neighborhood and will not be detrimental to the public welfare. Currently, the sewage treatment plant is the only developed lot on the south side of West A Street and the remaining lots are covered in brush. Having a well-lit museum on the south side of the street will discourage loitering and trespassing

at night and the building should increase the value of the adjacent lots. Therefore, the applicant feels that this standard is met.

Staff finding: For all the reasons discussed above, the museum as proposed will be an asset to the neighborhood and the city at large and we anticipate that it will stimulate additional modern development in the vicinity. We agree that the proposed variance will not cause injury or otherwise be detrimental to the neighborhood.

E. That any variance granted shall be the minimum that will make possible a reasonable use of land, buildings and structures. (Ord. 974 § 4 (Exh. A.2 § 6.5), 1998)

Applicant Response: The entry requirement of RMC 18.50.040(l) is binary as the entry is either oriented towards the street or it is not. Therefore, this standard is not one of degree. However, the applicant believes that the entry standard deviation is mitigated since the porte-cochere and main entrance will be very visible and obvious from the street and because a secondary entry to the exhibit garage is located a few feet from the West A Street right-of-way. The entry will be a two-story space with clerestory windows and – like the exhibit garage – it will be lit at night and produce a “lantern” effect which will be visible from the street. Therefore, the applicant feels that this standard is met.

Staff finding: We agree. Without granting the variance to the building orientation variance it is highly unlikely that ROHM could succeed in its mission. This criterion is satisfied.

18.135.60 – Termination of Approval

A variance shall become void two years after the date of final approval unless prior to that time a building permit has been issued for the project and substantial construction has taken place. (Ord. 974 § 4 (Exh. A.2 § 6.5), 1998)

Applicant Response: The applicant understands the expiration standards.

Staff finding: Noted.

18.135.70 – Special Conditions

The permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. (Ord. 974 § 4 (Exh. A.2 § 6.5), 1998)

Applicant Response: The applicant understands this standard.

Staff finding: Noted.

18.135.80 – Administrative Variances

The planning director shall have the authority to grant administrative relief of up to 20 percent on one site development requirement without the need for a variance. Administrative variances shall be reviewed and determined as Type I decisions, and may be approved only after finding that approval shall result in:

- A. More effective use of the site;*
- B. The preservation of natural features, where appropriate;*
- C. The adequate provision of light, air and privacy to adjacent properties; and/or*
- D. Adequate access. (Ord. 974 § 4 (Exh. A.2 § 6.5), 1998)*

Response: The entry orientation requirement is binary and cannot be reduced by percentage. Therefore, administrative relief is not applicable.

Staff finding: The applicant is correct.

Chapter 18.145 – Design Review

18.145.010 – Scope

All new multifamily, commercial, institutional and industrial development, including new construction, a significant modification or expansion, or a change in use to a multifamily,

commercial, institutional or industrial use, is subject to design review. A change in use from an existing to a new multifamily, commercial, institutional or industrial development is subject to design review if the change is to a more intensive use in any external impact as determined by planning and public works. External impact includes, but is not limited to, impacts such as traffic, parking, noise, odors, discharges or the use of hazardous materials.

Single-family dwellings and duplexes are not subject to design review. (Ord. 974 § 4 (Exh. A.2 § 6.7), 1998)

Applicant Response: The proposed museum is a new commercial development and is therefore subject to design review.

Staff Finding: The requirement for design review is not at issue.

18.145.020 – Purpose

The purposes and objectives of the design review process are to:

- A. Ensure that all development is brought into conformance with current standards;*
- B. Encourage originality, flexibility and innovation in site planning and development;*
- C. Encourage orderly development of a site in a manner compatible with surrounding property;*
- D. Provide for the orderly development of property in concert with timely construction of necessary public facilities and services;*
- E. Prevent undue traffic congestion and pedestrian hazards; and*
- F. Stabilize and improve property values. (Ord. 974 § 4 (Exh. A.2 § 6.7), 1998)*

Applicant Response: The applicant understands the purposes outline above.

Staff finding: Noted.

18.145.030 – Application

The applicant shall submit a completed application form and required fee, together with the following information, to initiate the design review process:

A. A site plan, drawn to scale, indicating the location of all existing and proposed structures, public and private streets, driveways, natural features, landscaping, parking and loading spaces, fencing/screening, and proposed plans for lighting and signs; and

B. Architectural drawings or sketches, drawn to scale, showing all elevations and exterior materials of the proposed structures. (Ord. 974 § 4 (Exh. A.2 § 6.7), 1998)

Response: The applications and drawings listed above will be submitted with this narrative.

Staff finding: The applications and drawings are included in the package.

18.145.040 – Decision Process

Design review applications shall be reviewed and determined by planning and public works as a Type II decision. Staff may approve, approve with conditions, or deny the application for design review. In approving a design review application, staff may impose conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. (Ord. 974 § 4 (Exh. A.2 § 6.7), 1998)

Applicant Response: The applicant understands that this application will be reviewed by planning and public works and that conditions of approval may be imposed.

Staff finding: The application elevates to a Type III decision by the Planning Commission because of the variance.

18.145.050 – Type III Decision Requirement

Where, in the opinion of planning or public works, the conceptual plan raises substantial questions as to its ability to be accomplished within the standards of this title, or, because of its size, location or complexity is likely to raise concern from a substantial portion of nearby property owners or

citizens or from governing public agencies. Staff shall determine that the application is a Type III decision and shall request review at a public hearing by the planning commission. (Ord. 974 § 4 (Exh. A.2 § 6.7), 1998)

Staff finding: See above.

18.145.060 – Criteria

In order to grant design review approval, staff or the planning commission shall make findings of fact to support the following conclusions:

- A. That the public and private facilities and services provided by the development are adequate to serve the residents or establishments and meet city standards;*

Applicant Response: Please see Utility Plan and Grading & Stormwater Plan (Sheets C-4 and C-5). Existing public water, sanitary sewer, and storm sewer mains of adequate size are located within the West A Street right-of-way and an additional public sanitary sewer main is located within the railroad right-of-way. Existing franchise utilities are also available along West A Street. Specific pipe sizes can be found in the drawings. All private utilities have been sized appropriately for the building size, number of plumbing fixtures, and proposed impervious area on site.

The existing West A Street right-of-way includes a 20-foot-wide two-way road with adjacent bike lanes on each side and on-street parallel parking stalls along the north side. This road serves the Rainier Senior Center, Rainier City Park, and a small neighborhood of single-family residences and duplexes. Therefore, West A Street will be an adequate thoroughfare to provide site access. Vehicular access to the site will be on a 25-foot-wide driveway with a concrete apron and pedestrian access is provided with private sidewalks that connect to the public right-of-way. The proposed parking lot exceeds the parking requirement by 13 stalls and meets all landscaping standards found in the RMC. Accessible parking requirements are met with two spaces provided. Therefore, these standards are met.

Staff finding: Public Works has determined that necessary public facilities have the capacity to serve the property.

- B. That adequate right-of-way and improvements to streets and pedestrian ways are provided by the development in order to promote safety and reduce congestion;*

Applicant Response: Please see Site Development Plan (Sheet C-3). Right-of-way improvements are proposed on the south side of West A Street and include new 6-foot-wide sidewalks, a 5-foot-wide continuous planter strip, street trees every 20 feet, a driveway apron, and pedestrian amenities (benches). Currently, there are no right-of-way improvements on the south side of West A Street and temporary asphalt transition ramps have been provided until the adjacent frontages are improved. The applicant feels that these improvements will stand out and encourage development on adjacent properties. Therefore, these standards are met.

Staff finding: The right-of-way improvements described above and shown on the drawing are appropriate and proportional to the proposal. This standard is satisfied.

- C. That there is a safe and efficient circulation pattern within the boundaries of the site and adequate off-street parking and loading facilities provided in a safe, well designed and efficient manner;*

Applicant Response: Please see Parking & Landscape Plan (Sheet C-6). The proposed parking lot exceeds the required parking by 13 stalls and meets the accessible parking standard (two stalls). The parking lot was designed to provide separate visitor and staff parking areas. Staff stalls are near the back entrance to allow for easy entry/exit to the employee portion of the proposed building during work hours. A two-way 25-foot-wide drive aisle is proposed throughout the parking lot.

Pedestrian circulation sidewalks have been provided on three sides of the building and connect to the proposed public sidewalk along West A Street. In total, 1200 sq. ft. of private sidewalk area is proposed as well as 450 sq. ft. of "plaza" area in front of the entry and exhibit garage. The applicant feels that the vehicular and pedestrian facilities have been well designed and are efficiently organized. A loading space was not considered necessary for this development and any loading or unloading can occur inside the building as there are two garage doors proposed. Therefore, these standards are met.

Staff finding: We concur.

D. That adequate means are provided to ensure continued maintenance of private common areas;

Applicant Response: Please see Site Development Plan (Sheet C-3). Private common areas will continue to be maintained after construction. The ROHM board has applied for several grants that can be used for regular maintenance of the site including landscaping and parking lots. The ROHM board is a collection of private citizens that have managed to raise the money necessary to construct a new museum. This is a group that has a lot of pride in their community and its history. Maintaining the property will not be a problem. Therefore, these standards are met.

Staff finding: The new structure will be a great asset to the city and staff has every belief that the governing board and staff will maintain the facility in pristine condition.

E. That there is a desirable, efficient and workable interrelationship among buildings, parking, loading areas, circulation, open spaces, landscaping and related activities and uses on the site;

Applicant Response: Please see Parking & Landscape Plan (Sheet C-6). Design is subjective but the applicant feels that – given the small size of the subject property – the building, parking lot, landscaping and pedestrian circulation have been arranged in an efficient and logical manner. The L-shaped parking area organized the lot into staff and visitor parking with the visitor parking oriented towards the main entry and staff stalls oriented towards the employee-only rear entry. The covered front entry and adjacent drive aisle were designed to create a convenient drop-off and pick-up area protected from wind and rain. The building was also set back from the parking area so that a porte-cochere and concrete entry plaza would fit between. This additional space at the entrance will prevent congestion on the private sidewalks and provide a place for visitors to wait for transportation.

Most of the building is separated from the parking lot and sidewalk by planted landscape areas which will cover over 25% of the total site area. Similarly, the parking lot is setback a minimum of 6 feet from the property lines with landscaped areas between. Both landscape breaks will prevent the site from feeling like an asphalt/concrete jungle. Although the bioretention swale

and drainage channel will provide practical functions, they will also become design features. Both will be planted with native northwest stormwater plants and will break up the monotony of the landscaped areas. Therefore, these standards are met.

Staff finding: The proposed design is well thought out and the various components of the proposed development are integrated to assure efficient and effective flow. We agree that this criterion is satisfied.

F. That grading and contouring of the site will minimize the possible adverse effect of grading and contouring on the natural vegetation and physical appearance of the site; and

Applicant Response: Please see Existing Conditions Plan and Grading & Stormwater Plan (Sheets C-1 and C-5). The proposed development was designed with the goal of reducing the amount of grading required by working with the existing topography and natural drainage patterns. The existing grade slope west-to-east from an elevation of 27 feet down to 25 feet. The proposed site maintains that elevation change and direction which should limit cut and fill. However, the existing site slopes sharply towards the railroad right-of-way to the south and a retaining wall has been proposed to maximize the buildable area on site. By and large, the site's physical appearance will not change. The site is currently covered with sand and low-lying grass and has no trees or large shrubs. Native plants and trees have been proposed and should fit in with the surrounding landscape. Therefore, these standards are met.

Staff finding: No natural vegetation of import or consequence exists on the subject property. The grading plan is designed to maximum the developable area without impacting adjacent properties. Pursuing the improvements as designed and described in the application will significantly enhance the site.

G. That the proposed location and design of walls, fences, berms, signs, and lighting does not adversely impact surrounding properties. (Ord. 974 § 4 (Exh. A.2 § 6.7), 1998)

Applicant Response: Response: Please see Existing Conditions Plan and Grading & Stormwater Plan (Sheets C-1 and C-5). One retaining wall is proposed along the south edge of the property to maximize the buildable area on site. The railroad right-of-way has large drainage ditches on either

side with a raised gravel berm between. The slope of the adjacent drainage ditch begin on the subject property and that is where the retaining wall is proposed. Adding a wall at this location should not adversely impact any of the surrounding properties. Therefore, this standard is met.

Staff finding: Staff concurs.

18.145.070 – Termination of Approval

Design review approval shall become void two years after the date of final approval unless prior to that time a building permit has been issued for the project and substantial construction has taken place. The applicant may request an extension of a prior approval that has expired and an extension may be granted for up to two years. (Ord. 1020 (Exh A), 2005; Ord. 974 § 4 (Exh. A.2 § 6.7), 1998)

Applicant Response: The applicant understands this expiration period.

Staff finding: Noted.

18.145.080 – Concurrent Hearings

An application for design review may be made at the same time as another land use application. In such a case the planning commission may hold one public hearing and consider the applications concurrently. (Ord. 974 § 4 (Exh. A.2 § 6.7), 1998)

Staff finding: This case is being reviewed as a concurrent hearing because the variance is a required Type III review by the Planning Commission; the design review action elevates to the highest level.

Conclusions and Recommendation

The proposed historical museum is well thought out and designed to maximize the ROHM primary mission of preserving and exhibiting records and machinery from the past that are indicative of the efforts of the city's previous citizens to create a town and a culture. While there are, figuratively speaking, a lot of moving parts to this development, they are well coordinated

and fit the site. Granting a variance to the building orientation will result in a trophy asset visible from motorists, bicyclists and pedestrians on West A Street, and instill a sense of pride in the community.

The design is attractive and satisfies the multitude of design and development criteria and standards which will result in a quality building and display.

Recommended motion: Based on the findings and conclusions of the January 3, 2023 staff report and other pertinent testimony, I move to approve the applications for Design Review and a variance to the building orientation standard submitted by the Rainier Oregon Historical Museum.

Cc: Applicant
Scott Jorgensen
Sarah Blodgett