

City of Rainier
Planning Commission Meeting
March 20, 2023
6 p.m.
Rainier City Hall

Chair Erin O’Connell called the meeting to order at 6:13 p.m.

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

Commissioners Absent: Paul Langner and Nick Gratzer

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

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

Consider Approval of the Consent Agenda: Consider Approval of the January 10, 2023 Regular Planning Commission Meeting Minutes—Vice Chair Dena Nordstrom moved to approve. That motion was seconded by Commissioner Nina Pogue and adopted unanimously.

New Business

a. Housing Committee Recommendations—City Administrator W. Scott Jorgensen gave an overview of the committee’s recommendations. An audit of the city’s code was done as part of the Columbia County Housing Implementation Plan and presented to the committee with suggested changes. But Housing Committee members felt that increasing density in R-1 and R-2 zones would alter the character of those neighborhoods. They also felt that reducing parking requirements would not work in Rainier because many people drive trucks and other larger vehicles and many have boats. Committee members agreed with the recommendation that cottage cluster housing be permitted in R-1, R-2 and R-3 zones and duplexes and/or two-unit townhouses be permitted in R-1 zones. Committee members agreed on reducing the minimum lot sizes for duplexes, triplexes and/or two and three-unit townhouses in R-3 zoning because they already have high density. They wanted to wait to see what changes the legislature will make regarding accessory dwelling units (ADUs) before acting on the recommendation that those be permitted in suburban residential, R-1 and R-2 zones. Nordstrom pointed out that any additional housing wouldn’t be limited to senior citizens. Families are in need of it too. Chair Erin O’Connell agreed. The housing shortage is countywide and it also affects businesses. She agrees on the housing committee’s recommendations, but maybe the commission should work on ADU policy. There are already requirements in R-1 and R-2 zones. The size of ADUs can be limited and setback standards can be put in place. City Recorder Sarah Blodgett said she thought ADUs were currently only allowed in the city’s R-2 zones. They should also be allowed in R-2. O’Connell said there are many large R-1 properties in town. City Planner Skip Urling said the City of Longview just set standards for ADUs. Jorgensen said he’s received inquiries about RVs. As far as he knows, there isn’t anything in the city’s code for that. The only RV park in Rainier was the one that was owned and operated by the City, but he had it closed. O’Connell said she would want them to be connected to services. There was a discussion about requiring landscaping. This matter will be brought back to the commission for a full discussion. O’Connell said that she could see RV parks working if services are available and properties are decently sized. They wouldn’t be suitable for high density areas. Urling said they would probably be best in commercial zones. Jorgensen said he brought the Housing Committee recommendation on the Urban Growth Boundary (UGB) swap to the

Columbia County Board of Commissioners. O’Connell suggested that the land to be brought into the UGB follow the path of the city sewer line to the school district property. Jorgensen will confer with county planning staff about its recommendations. O’Connell said she had some ideas from a county public health standpoint and said Jorgensen should meet with her after he’s met with county planning staff. He agreed.

b. Planning Priorities for 2023—Commissioners agreed by consensus on the direction for garage standards and sandwich board signs. There will have to be continued discussions on shipping containers. Urling said the City of Warrenton allowed them but with aesthetic standards. Jorgensen asked about tiny homes. O’Connell said there should be requirements. He could check with the county and see what it has so the city can align code with that. The direction for feather banners and air dancers will be to define them and allow them only as a temporary use. There was a discussion about the meeting dates currently set in code. Commissioners agreed by consensus that portion of code should be repealed. Urling went over the list he put together for proposed subdivision and code amendments. He said most of those would be easy to do and would streamline the city’s processes. Commissioners agreed by consensus to move forward with those changes, but there was reluctance to amend the sign code.

O’Connell adjourned the meeting at 7:40 p.m.

Erin O’Connell, Chair

Sarah Blodgett, City Recorder

Chapter 2.15

PLANNING COMMISSION

2.15.110 Meetings.

A. Location. All meetings shall be held in the Rainier city council chambers, Rainier City Hall, unless otherwise directed by the chairperson and appropriate notification to the media and public is provided. All meetings shall be open to the public.

B. Date and Time. Regular meetings shall be held on the ***third Monday*** ~~second Tuesday~~ of each month at 6:00 p.m. for the primary purpose of conducting formal public hearings on applications and petitions properly presented to the city, ***and for considering and developing land use and development standards and criteria.***

Chapter 17.10

PROCEDURE FOR SUBDIVIDING

Sections:

[17.10.010 Approval required.](#)

[17.10.020 Applications and filing fee.](#)

[17.10.030 Phasing.](#)

[17.10.040 Review process.](#)

[17.10.050 Notice of public hearing before planning commission to consider the subdivision plan.](#)

[17.10.060 Planning commission recommendation for subdivision plan approval.](#)

[17.10.070 Approval of subdivision plan by city council.](#)

[17.10.080 Modifications to subdivision plan approval.](#)

[17.10.090 Subdivision plat.](#)

[17.10.100 Information on subdivision plat.](#)

[17.10.110 Agreement for public improvements.](#)

[17.10.120 Approval of the subdivision plat by the city.](#)

[17.10.130 Recording of subdivision plat.](#)

17.10.010 Approval required. 

A. No land may be subdivided or replatted except in accordance with this title.

B. The procedure for review and action on subdivision applications is intended to provide orderly and expeditious processing of such applications and to require conditions of development approval to protect the health and safety of the citizens. (Ord. 974 § 4 (Exh. A.2 § 210), 1998)

17.10.020 Applications and filing fee. 

A. The applicant shall discuss the preliminary plans with *city staff and affected agencies* ~~public works superintendent~~ in a pre-application conference prior to submitting an application.

Following the preapplication conference, the applicant shall prepare and submit a city of Rainier development application, available from the *city recorder* ~~public works superintendent~~.

B. The application shall contain:

1. The proposed plat name, approved by the county surveyor;
2. The name(s), address(es) and telephone number(s) of the property owner(s) and applicant(s), and, when applicable, the name and address of the design engineer or surveyor;
3. The signature(s) of the property owner(s) and applicant(s); and
4. The site location by address and current county tax assessor's map and tax lot number(s).

C. The subdivision application shall be submitted to the *city recorder* ~~public works superintendent~~, along with:

1. The subdivision plan;
2. Preliminary utility plans for streets, water, sanitary sewer and storm drainage; and
3. Other supplementary material as may be required, such as deed restrictions or, for all nonbuildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

D. The following general information shall be shown on the subdivision plan:

1. Appropriate identification clearly stating the map is a subdivision plan;
2. Proposed plat name, approved by the county surveyor;
3. The name(s), address(es) and telephone number(s) of the property owner(s) and applicant(s), and when applicable, the name and address of the design engineer or surveyor;
4. The date the plan was prepared;
5. North arrow;
6. Scale of drawing;
7. Location of the subdivision by one-quarter section, township and range;
8. Existing streets (public and private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;

9. Proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within 300 feet of the site;

10. An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;

11. Easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;

12. Public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of on-site and off-site storm drainage lines, and the approximate location and size of water lines;

13. Flood areas, including the location of any floodplain, drainage hazard areas and other areas subject to flooding or ponding;

14. Natural resources, including the location of natural features, such as rock outcroppings, wetlands, watercourses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;

15. Approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;

16. Approximate area of each lot;

17. Proposed lot numbers;

18. Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all city-designated historic landmarks;

19. All lots and tracts of land intended to be dedicated or reserved for public use;

20. A vicinity map showing a minimum one-mile radius;

21. Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

22. Other information required by the public works superintendent, including, but not limited to, a traffic impact study and/or a geotechnical study.

E. The subdivision application shall be accompanied by a nonrefundable fee as established by city council resolution. The subdivision application shall not be deemed complete until the fee

has been paid to the city. The public works superintendent shall not schedule a public hearing for planning commission or city council consideration of the subdivision application or any part thereof until the fee required by this section has been paid. This fee is not intended to apply towards any building permit fees that may later be required.

F. The applicant shall submit, along with the subdivision application:

1. A mailing list in accordance with the notice requirements of the Rainier zoning code for quasi-judicial hearings.

2. A verified statement showing that one or more signs, as directed by the public works superintendent, have been posted on the property in a conspicuous location which indicates that a subdivision proposal has been submitted to the city and the name of a person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location, and maintenance shall be determined by the public works superintendent with the objective of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.

G. Unless otherwise specified in the subdivision application, or approval, or in express direction from the public works superintendent, any material submitted by the applicant with a subdivision application which exceeds the requirements of this title shall be considered a part of the subdivision plan approval.

H. The applicant has the burden of demonstrating compliance with the applicable development regulations.

I. The applicable time period for action on the subdivision application shall not commence until the public works superintendent has determined that the application is complete.

1. In the event such determination of completeness is not made within 30 days of the date of its submission, or resubmission, the subdivision application shall be deemed complete upon the expiration of the 30-day period for purposes of commencing the applicable time period, unless:

- a. The application lacks information required to be submitted;

- b. The required fees have not been submitted; or

- c. The public works superintendent has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the subdivision application.

2. The planning commission or city council may subsequently require correction of any information found to be in error or submission of additional information not specified in this title, as the planning commission or city council deems necessary to make an informed decision, though such additional or corrected information will result in extending the applicable time period for action by the city.

J. The public works superintendent shall prepare the standard form of development application for subdivision plans, including provisions which will best accomplish the intent of this section. (Ord. 974 § 4 (Exh. A.2 § 220), 1998)

17.10.030 Phasing.

A. Subject to the approval by the city pursuant to this section, an applicant may create a subdivision plat or construct the public improvements for a subdivision plat in phases. If the applicant intends to utilize this phasing option the applicant shall submit a phasing plan to the **city planner** ~~public works superintendent~~ for approval along with the subdivision application and plan. The timing of the completion of the public improvements and the conditions of development shall be determined by the city council.

B. All public improvements in each phase shall be constructed by the applicant.

1. Prior to issuance of building permits in a particular phase, the public improvements necessary to provide adequate public facilities for the particular phase shall be substantially complete.

2. When the public works superintendent has determined the public improvements in the particular phase are substantially complete and prior to acceptance of the improvements by the city, 50 percent of the building permits may be issued prior to acceptance of the improvements by the city as set forth in RMC [17.10.110](#).

3. The public improvements shall first be accepted by resolution of the city council before building permits exceeding 50 percent may be issued in a particular phase.

4. Public improvements may be submitted for city acceptance by phase.

C. The subdivision plan approval for the first phase shall expire 12 months from the date of subdivision plan approval by resolution of the planning commission. Future phases shall expire 12 months after the date of recording of the subdivision plat of the immediately preceding phase. (Ord. 974 § 4 (Exh. A.2 § 230), 1998)

17.10.040 Review process.

A. Before approval may be granted on a subdivision application, it shall first be established that the subdivision proposal conforms to the Rainier comprehensive plan, RMC Title [18](#), the public improvements requirements contained in Chapter [17.30](#) RMC, the public works design standards and other applicable city ordinances and regulations. Failure to conform is sufficient reason to deny the application.

B. Prior to the **city planner** ~~public works superintendent~~ issuing a recommended decision on the subdivision application the applicant shall obtain any required use approvals, including but not limited to comprehensive plan text or map amendment, zoning ordinance text or map amendment, variance and conditional use permit.

C. After the subdivision application is deemed complete, the *city planner* ~~public works superintendent~~ shall provide one copy of the subdivision plan and supplemental material to, and invite comments from:

1. Governmental agencies, including the Rainier School District, the Rainier rural fire protection district, the Oregon Department of Transportation and Columbia County;
2. Utility companies;
3. City departments; and
4. Any other parties expressing any interest in the application.

D. Failure of the city to send the information set forth in subsection C of this section to a person or agency, or failure of a person or agency to receive such information, shall not invalidate any proceeding in connection with the development application.

E. Prior to the public hearing the *city planner* ~~public works superintendent~~ may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.

F. The approval of a subdivision application shall not automatically grant any other approvals which may be required by city ordinances or regulations. (Ord. 974 § 4 (Exh. A.2 § 240), 1998)

17.10.050 Notice of public hearing before planning commission to consider the subdivision plan.



A. Before recommending an action upon a subdivision application the subdivision plan, or material amendment thereto, shall be considered by the planning commission at a quasi-judicial evidentiary hearing under the provisions of RMC Title [18](#).

B. Notice of and the procedures for the conduct of the hearing shall be given in accordance with provisions of RMC Title [18](#) for quasi-judicial evidentiary hearings. (Ord. 974 § 4 (Exh. A.2 § 250), 1998)

17.10.060 Planning commission recommendation for subdivision plan approval.



A. A subdivision application shall not be approved unless the planning commission first finds that adequate public improvements are, or will be, made available to serve the proposed subdivision.

B. The planning commission may recommend to the city council approval, approval with conditions, or denial of the application based upon demonstrated compliance with applicable city regulations. The planning commission decision shall be supported by written findings and

reasons for the decision. Findings and reasons may consist of references to the applicable zoning title provisions, other ordinance provisions or special studies.

C. One copy of the subdivision plan and resolution setting forth the recommendation of the planning commission shall be forwarded to the city council for final action. (Ord. 974 § 4 (Exh. A.2 § 260), 1998)

17.10.070 Approval of subdivision plan by city council.

A. The city council shall take action on the planning commission recommendation by means of adoption of a resolution approving, approving with conditions or modifications, or denying the subdivision application.

B. Upon request by the applicant, the city council shall hold a public hearing on the application. At such hearing, the applicant's requests for modifications to the planning commission recommendation may be considered.

C. Irrespective of any request by the applicant, the city council may, at its discretion, hold a public hearing on approval of the application.

D. The city council decision to approve the subdivision application shall expire 12 months from the date the resolution is adopted. The applicant may request an extension of a prior approval that has expired and an extension may be granted for up to two years.

E. A subdivision plan approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

1. Protect the public from the potentially deleterious effects of the proposal;
2. Fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the impacts of the proposal;
3. Further the implementation of the requirements of the Rainier comprehensive plan and RMC Title [18](#). (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 261), 1998)

17.10.080 Modifications to subdivision plan approval.

A. After the city council has by resolution approved, or conditionally approved, the subdivision plan, but before the subdivision plat has been approved, any proposed modifications to the subdivision plan shall be submitted to the **city planner** ~~public works superintendent~~ for approval. The **city planner** ~~public works superintendent~~ shall determine if the proposed modifications are material or immaterial in nature. Any proposed modification that is determined to be material in nature, or which results in a subdivision plan that no longer meets the conditions of the subdivision plan approval or the requirements of this title and other applicable regulations, shall require a new application in accordance with RMC [17.10.020](#). The application shall be presented to the planning commission at a public hearing in accordance with RMC [17.10.050](#).

B. The nonrefundable fee for modification of the subdivision plan approval as established by resolution of the city council shall be submitted with the request for modification. (Ord. 974 § 4 (Exh. A.2 § 262), 1998)

17.10.090 Subdivision plat.

A. Within 12 months after approval of the subdivision plan, the applicant shall cause the subdivision, or any approved phase thereof, to be surveyed and a subdivision plat prepared in conformance with the approved subdivision plan.

B. Within 12 months after approval of the subdivision plan, the applicant shall submit the subdivision plat, financial assurances, where applicable, and all supplemental information to the *city planner* ~~public works superintendent~~ and receive the approval of the city.

C. If the applicant has not submitted the subdivision plat, financial assurances, where applicable, and all supplemental information to the *city planner* ~~public works superintendent~~ not less than 30 days before such 12-month period expires, the subdivision plan approval shall expire at the end of said 12 months. (Ord. 974 § 4 (Exh. A.2 § 270), 1998)

17.10.100 Information on subdivision plat.

A. In addition to information otherwise specified by ORS Chapter [92](#), the following information shall be submitted on the subdivision plat:

1. Plat name, date, north arrow, scale of drawing, and legend;
2. The location, width and centerline of all streets, recorded easements and accessways intercepting the boundary of the site;
3. All existing and proposed easements shall be shown and shall be clearly identified as to intended purpose; easement width, length and bearing shall be shown; and sufficient ties to locate the easement with respect to the plat shall be shown;
4. The width of the portion of any street being created; the width of any existing right-of-way; new and existing streets shall be identified by the approved street names;
5. Identification of land to be dedicated or reserved for any purpose, public or private, to distinguish it from lots intended for conveyance and building purposes;
6. A declaration as required by ORS [92.075](#); and
7. Plat restrictions required in the subdivision plan approval.

B. Supplemental information with the subdivision plat shall include:

1. Any deed restrictions;

2. Dedication deeds requiring separate documents;
3. Copies of instruments conveying or dedicating property or interests to the county, the state of Oregon or other public agency, if not conveyed by the plat;
4. When required, written certification by the applicant's engineer that private streets have been constructed in accordance with the subdivision plan approval and city standards; and
5. Provisions for access to and maintenance of drainage ditches not located within public streets, if any. (Ord. 974 § 4 (Exh. A.2 § 272), 1998)

17.10.110 Agreement for public improvements.



A. Where the applicant wishes to submit the subdivision plat for city acceptance prior to installing all required public improvements pursuant to the subdivision plan approval and subdivision regulations, the applicant shall submit a compliance agreement and written assurances, as set forth in this section, to the public works superintendent.

B. The applicant shall submit for city approval, a compliance agreement between the owner and the city whereby the owner promises to complete the required public improvements relating to the subdivision in accordance with city regulations within a specified time period in exchange for which the city approves the subdivision plat in advance of completion of all required public improvements.

C. In addition to the compliance agreement, the applicant shall submit one of the following types of assurance:

1. A corporate surety bond issued by a surety company authorized to transact business in the state of Oregon;
2. A cash deposit; or
3. Cash in escrow.

D. Such assurance of full and faithful performance of said compliance agreement shall be for a sum approved by the public works superintendent as sufficient to cover ~~125400~~ percent of the cost of completing the required public improvements by the city in the event the applicant fails to construct such improvements in accordance with the compliance agreement and city regulations. The costs of city completion of public improvements include, but are not limited to:

1. Related engineering;
2. Right-of-way acquisition;
3. Easement acquisition and public contracting costs;

4. Labor and materials; and

5. Incidental expenses.

E. In the event the applicant fails to perform all provisions of the compliance agreement, the city is authorized, but not required, to complete unfinished or improperly constructed portions of the required public improvements and to use the assurance for reimbursement to cover the city's costs, including bringing any necessary action to collect such funds.

1. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the city to satisfy the provisions of the compliance agreement upon the applicant's failure to do so, the city shall release the balance.

2. If the amount of the bond, cash deposit, or cash in escrow is less than the costs so incurred by the city, the applicant shall be liable to the city for such additional costs. The city shall have a lien on the subdivision still owned by the owner in an amount which represents the difference between the city costs and the amount received by the city pursuant to the applicant's assurance.

F. If the applicant fails to perform under the provisions of the compliance agreement the city may, as an additional but not exclusive remedy, refuse to issue additional building permits for properties within the subdivision.

G. The public works superintendent shall prepare standard forms of compliance agreement and escrow agreement, including provisions which will best accomplish the intent of this section. Use of such forms by the applicant in accordance with this section are presumed to be satisfactory to the city. (Ord. 974 § 4 (Exh. A.2 § 274), 1998)

17.10.120 Approval of the subdivision plat by the city.

A. Upon receipt by the *city planner* ~~public works superintendent~~, the subdivision plat and related materials shall be reviewed for compliance with the subdivision plan approval and applicable regulations.

B. The public works superintendent shall determine whether the applicant has complied with one of the following alternatives:

1. All public improvements have been installed in accordance with city regulations and accepted by the city council; or

2. A compliance agreement has been entered into by the applicant and acceptable assurance has been submitted and accepted by the city as set forth in RMC [17.10.110](#).

C. If the public works superintendent determines that the subdivision plat conforms with the subdivision plan approval and other requirements, disregarding immaterial changes, the mayor and city recorder shall be so advised. The mayor may then approve the subdivision plat by signing it without further action by the planning commission.

D. If the subdivision plat is not in full conformance with the approved subdivision plan and applicable regulations, it shall be returned to the applicant for revision and resubmittal.

E. A Type II decision procedure is required prior to approval of the final subdivision plat. (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 276), 1998)

17.10.130 Recording of subdivision plat.

A. After approval by the mayor, the *city recorder* ~~public works superintendent~~ shall return the subdivision plat and other related materials to the applicant, who shall transmit them to the county surveyor.

B. After the county surveyor determines the final subdivision plat and related materials fully conform with state and county requirements, and receives payment of the required fees for such service, the county surveyor will approve the plat and deliver it to the county recorder's office.

C. No building permits shall be issued until the applicant obtains and delivers to the *city recorder* ~~public works superintendent~~ a mylar copy of the subdivision plat showing that it has been officially approved by the county surveyor and recorded. (Ord. 974 § 4 (Exh. A.2 § 278), 1998)

17.10.060 Planning commission ~~decision recommendation~~ for subdivision plan approval.

A. A subdivision application shall not be approved unless the planning commission first finds that adequate public improvements are, or will be, made available to serve the proposed subdivision.

B. The planning commission may ~~recommend to the city council approval, approval~~ **approve**, **approve** with conditions, or ~~denial~~ deny of the application based upon demonstrated compliance with applicable city regulations. The planning commission decision shall be supported by written findings and reasons for the decision. Findings and reasons may consist of references to the applicable zoning title provisions, other ordinance provisions or special studies.

C. One copy of the subdivision plan and the **notice of decision** ~~resolution~~ setting forth the **decision recommendation** of the planning commission shall be forwarded to the city recorder **who shall in turn forward the notice to the applicant and parties of record.** ~~council for final action.~~ (Ord. 974 § 4 (Exh. A.2 § 260), 1998)

D. The decision of the planning commission may be appealed by parties of record to the city council for review pursuant to RMC 18.160.040.

17.10.070 ~~Approval of subdivision plan by city council.~~

~~A. The city council shall take action on the planning commission recommendation by means of adoption of a resolution approving, approving with conditions or modifications, or denying the subdivision application.~~

~~B. Upon request by the applicant, the city council shall hold a public hearing on the application. At such hearing, the applicant's requests for modifications to the planning commission recommendation may be considered.~~

~~C. Irrespective of any request by the applicant, the city council may, at its discretion, hold a public hearing on approval of the application.~~

~~D. The city council decision to approve the subdivision application shall expire 12 months from the date the resolution is adopted. The applicant may request an extension of a prior approval that has expired and an extension may be granted for up to two years.~~

~~E. A subdivision plan approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:~~

~~1. Protect the public from the potentially deleterious effects of the proposal;~~

~~2. Fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the impacts of the proposal;~~

3. Further the implementation of the requirements of the Rainier comprehensive plan and RMC Title [18](#). (Ord. 1020 (Exh. A), 2005; Ord. 974 § 4 (Exh. A.2 § 261), 1998)

Chapter 17.15

PROCEDURE FOR PARTITIONING

Sections:

[17.15.010 Approval required.](#)

[17.15.020 Applications and filing fee.](#)

[17.15.030 Review process.](#)

[17.15.040 Recommended decision and final decision.](#)

[17.15.050 Modifications to final decision.](#)

[17.15.060 Requests for review.](#)

[17.15.070 Partition plat.](#)

[17.15.080 Information on partition plat.](#)

[17.15.090 Approval of partition plat by city.](#)

[17.15.100 Recording of partition plat.](#)

17.15.010 Approval required.

A. No land may be partitioned except in accordance with this title.

B. The procedure for review and action on partition applications is intended to provide orderly and expeditious processing of such applications and to require conditions of development approval to protect the health and safety of the citizens. (Ord. 974 § 4 (Exh. A.2 § 310), 1998)

17.15.020 Applications and filing fee.

A. The applicant shall prepare and submit a city of Rainier development application, available from the public works superintendent.

B. The application shall contain:

1. The name(s), address(es) and telephone number(s) of the property owner(s) and applicant(s), and when applicable, the name and address of the design engineer or surveyor;

2. The signature(s) of the property owner(s) and applicant(s); and

3. The site location by address and current county tax assessor's map and tax lot number(s).

C. The partition application shall be submitted to the *city planner* ~~public works superintendent~~, along with:

1. The partition plan;

2. Preliminary utility plans for streets, water, sanitary sewer and storm drainage; and

3. Other supplementary material as may be required, such as deed restrictions or, for all nonbuildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

D. The following general information shall be shown on the partition plan:

1. Appropriate identification clearly stating the map is a plan;

2. The name(s), address(es) and telephone number(s) of the property owner(s) and applicant(s), and when applicable, the name and address of the design engineer or surveyor;

3. The date the plan was prepared;

4. North arrow;

5. Scale of drawing;

6. Location of the partition by one-quarter section, township and range;

7. Existing streets (public or private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;

8. Proposed streets (public or private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within 300 feet of the site;

9. An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the partition plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;

10. Easements, including the location, width and purpose of recorded and proposed easements in or abutting the proposed site;

11. Public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of all existing and proposed on-site and off-site storm drainage lines, and the approximate location and size of water lines;

12. Flood areas, including the location of any floodplain, drainage hazard areas and other areas subject to flooding or ponding;

13. Natural resources, including the location of natural features, such as rock outcroppings, wetlands, watercourses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on-site;

14. Approximate parcel dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed parcels;

15. Approximate area of each parcel;

16. ~~Proposed parcel numbers;~~

17. Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all city-designated historic landmarks;

18. All parcels or tracts of land intended to be dedicated or reserved for public use;

19. A vicinity map showing a minimum one-mile radius;

20. Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

21. Other information required by the *city planner* ~~public works superintendent~~.

E. The partition application shall be accompanied by a nonrefundable fee as established by city council resolution. The partition application shall not be deemed complete until the fee has been paid to the city. The city planner ~~public works superintendent~~ shall not issue a ~~recommended~~ decision on the partition application or any part thereof until the fee required by this section has been paid. This fee is not intended to apply towards any building permit fees that may be required.

F. The city planner ~~public works superintendent~~ may require information in addition to that stated in this section.

G. Unless otherwise specified in the partition application, approval, or in express direction from the *city planner* ~~public works superintendent~~, any material submitted by the applicant with the partition application which exceeds the requirements of this title or other regulations shall be considered a part of the recommended decision.

H. The applicant has the burden in all cases of demonstrating compliance with applicable development regulations.

I. The applicable time period for action on the partition application shall not commence until the *city planner* ~~public works superintendent~~ has determined that the application is complete.

1. In the event such determination of completeness is not made within 30 days of the date of its submission, or resubmission, the development application shall be deemed complete upon the expiration of the 30-day period for purposes of commencing the applicable time period, unless:

a. The application lacks information required to be submitted; or

b. The required fees have not been submitted; and

c. The *city planner* ~~public works superintendent~~ has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the partition application.

2. The *city planner* ~~public works superintendent~~ may subsequently require correction of any information found to be in error or submission of additional information not specified in this title, as deemed necessary to make an informed decision, though such additional or corrected information will result in extending the applicable time period for action by the city.

J. The *city planner* ~~public works superintendent~~ shall prepare the standard form of development application for partition plans, including provisions which will best accomplish the intent of this section. (Ord. 974 § 4 (Exh. A.2 § 320), 1998)

17.15.030 Review process.

A. Before a decision to approve ~~recommending approval is made on~~ a partition application, it shall first be established that the partition proposal conforms to the Rainier comprehensive plan, RMC Title [18](#), the public improvement requirements contained in Chapter [17.30](#) RMC and other applicable city ordinances and regulations. Failure to conform is sufficient reason to deny the application.

B. Prior to the *city planner* ~~public works superintendent~~ issuing a ~~recommended~~ decision on the partition application the applicant shall obtain any required *land* use approvals, including but not limited to plan amendment, variance and conditional use permit.

C. After the partition application is deemed complete, the *city planner* ~~public works superintendent~~ shall provide one copy of the partition plan and supplemental material to, and invite comments from:

1. Governmental agencies, including the Rainier School District, the Rainier rural fire protection district, the Oregon Department of Transportation, and Columbia County;

2. Utility companies;

3. City departments; and

4. Any other parties expressing any interest in the project.

D. Failure of the city to send the information set forth in subsection C of this section to a person or agency, or failure of a person or agency to receive such information, shall not invalidate any proceeding in connection with the partition application.

E. Prior to issuing a ~~recommended~~ decision the *city planner* ~~public works superintendent~~ may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.

F. Where, in the opinion of the *city planner* ~~public works superintendent~~, the partition plan raises substantial questions over the requirements of this title, the Rainier comprehensive plan or RMC Title [18](#), or because of its size, location or complexity is likely to raise concern from a substantial portion of nearby property owners or citizens, the *city planner* ~~public works superintendent~~, without reaching a ~~recommended~~ decision on the application, may, after determining the application is complete, request a review by the planning commission. Such planning commission review shall then be conducted in accordance with the requirements for quasi-judicial decisions under RMC Title [18](#). The *city planner* ~~public works superintendent~~ shall prepare a report for presentation to the planning commission, which may include recommendations on the partition application. (Ord. 974 § 4 (Exh. A.2 § 330), 1998)

17.15.040 ~~Recommended decision and final~~ Decision.

A. Unless the *city planner* ~~public works superintendent~~ refers the partition application to the planning commission as set forth in RMC [17.15.030](#)(F), the *city planner* ~~public works superintendent~~ shall render a ~~recommended~~ decision.

B. No partition application shall be ~~recommended for approval by the~~ *public works superintendent* unless *the public works superintendant determines that* adequate public facilities are available to serve the proposed partition.

C. The *city planner's* ~~public works superintendent's recommended~~ decision may be to approve, approve with conditions or deny the partition application based upon demonstrated compliance with applicable city regulations. The *city planner's* ~~public works superintendent's recommended~~ decision shall be supported by written findings and reasons for the decision. Findings and reasons may consist of references to the applicable development standard or ordinance provisions.

D. The ~~recommended~~ decision shall be written, and at a minimum shall identify the applicant, the date of the decision, the decision, and any time frame and conditions to which the decision is subject.

E. The ~~recommended~~ decision of the *city planner* ~~public works superintendent~~ shall not be considered a final decision until notice is given in writing to the applicant, *parties of record*, and filed with the city recorder.

F. The ~~recommended~~ decision of the *city planner* ~~public works superintendent~~ shall become final 10 city business days after the date the notice of the decision is given unless the applicant *or a party of record* files a written request *with the city recorder* for review of the decision by the planning commission *as an appeal* ~~city recorder~~ within 10 city business days of the ~~final~~ *city planner's* decision. If an ~~request~~ *appeal* for planning commission review is timely and properly filed, the decision on the partition application shall not be final until a ~~final~~ determination is made by the planning commission.

G. The final decision of the *city planner* ~~public works superintendent~~, or ~~approval~~ by the planning commission, shall expire 12 months from the date the final decision is issued, or the **resolution is adopted**.

H. A partition ~~plan~~ application approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

1. Protect the public from the potentially deleterious effects of the proposal;
2. Fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the impacts of the proposal;
3. Further the implementation of the requirements of the Rainier comprehensive plan and RMC Title [18](#). (Ord. 974 § 4 (Exh. A.2 § 340), 1998)

17.15.050 Modifications to final decision.

A. After the partition application has received final approval, whether or not subject to conditions, but before the partition plat has been approved, any proposed modifications to the partition plan shall be submitted to the *city planner* ~~public works superintendent~~ for approval. The *city planner* ~~public works superintendent~~ shall determine if the proposed modifications are material or immaterial in nature. If the proposed modifications are found to be immaterial and the partition plan as modified meets the conditions of the final decision, the requirements of the Rainier comprehensive plan and RMC Title [18](#) and other applicable regulations, the *city planner* ~~public works superintendent~~ shall approve in writing the proposed modifications with or without conditions. The decision shall be filed with the city recorder, and mailed to the applicant *and parties of record*.

B. Any proposed modification that is determined to be material in nature or which results in a partition plan that no longer meets the conditions of the final decision and the requirements of the Rainier comprehensive plan and RMC Title [18](#) and other applicable regulations, shall be submitted to the *city planner* ~~public works superintendent~~ in accordance with RMC [17.15.020](#).

C. The nonrefundable fee for modification of the final decision, as established by resolution of the city council, shall be submitted along with the request for modification. ~~or the partition plan approval~~. (Ord. 974 § 4 (Exh. A.2 § 342), 1998)

17.15.060 Requests for review.

A. When a request for review by the planning commission is received by *city recorder*~~the public works superintendent~~, the review hearing shall be scheduled for an appropriate planning commission meeting date.

B. The planning commission shall conduct a hearing in accordance with quasi-judicial evidentiary hearing procedures set forth in RMC Title [18](#).

C. After conducting a hearing the planning commission shall decide to approve, approve with conditions or deny the application under review. The decision shall include findings of fact and conclusions for the decision, which shall be based upon applicable criteria.

D. The decision shall be written and at a minimum shall identify the partition application, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, and any conditions of approval. (Ord. 974 § 4 (Exh. A.2 § 350), 1998)

E. The decision of the planning commission may be appealed to city council as set forth in RMC 18.160.040.

17.15.070 Partition plat.

A. Within 12 months after the issuance of the final decision, the applicant shall cause the site to be surveyed and a partition plat prepared and supplemental information submitted to the *city planner* ~~public works superintendent~~ in conformance with the final decision and this title.

B. If the applicant has not submitted the partition plat and all supplemental information to *the city planner* ~~the public works superintendent~~ not less than 30 days before such 12-month period expires, the final decision shall expire at the end of said 12 months, unless the applicant requests an extension of the final decision. (Ord. 974 § 4 (Exh. A.2 § 370), 1998)

17.15.080 Information on partition plat.

A. In addition to information otherwise specified by ORS Chapter [92](#), the following information shall be submitted on the partition plat:

1. Date, north arrow, scale of drawing, and legend;
2. The location, width and centerline of all streets, accessways and recorded easements intercepting the boundary of the site;
3. All existing and proposed easements shall be shown and shall be clearly identified as to intended purpose; the easement width, length and bearing shall be shown; and sufficient ties to locate the easement with respect to the plat shall be shown;
4. The width of the portion of any street being created; the width of any existing right-of-way; new and existing streets shall be identified by the approved street names;

5. Identification of land to be dedicated or reserved for any purpose, public or private, to distinguish it from parcels intended for conveyance and building purposes;

6. A declaration as required by ORS [92.075](#); and

7. Plat restrictions required in the final decision or partition plan approval.

B. Supplemental information with the partition plat shall include:

1. Any deed restrictions;

2. Dedication deeds requiring separate documents;

3. Copies of instruments conveying or dedicating property or interests to the *city*, county, the state of Oregon or other public agency, if not conveyed by the plat;

4. When required, written certification by the applicant's engineer that private streets have been constructed in accordance with the partition plan approval and city standards; and

5. Provisions for access to, and maintenance of, drainage facilities not located within public streets, if any. (Ord. 974 § 4 (Exh. A.2 § 372), 1998)

17.15.090 Approval of partition plat by city.

A. Upon receipt by the *city planner*, ~~public works superintendent~~, the partition plat and related materials shall be reviewed for compliance with the final decision and applicable regulations.

B. If the *city planner* ~~public works superintendent~~ determines that the partition plat conforms with the final decision and other requirements, disregarding immaterial changes, the mayor and city recorder shall be so advised. The mayor may then approve the partition plat by signing it without further action by the planning commission.

C. If the partition plat is not in full conformance with the final decision and applicable regulations, it shall be returned to the applicant for revision and resubmittal. (Ord. 974 § 4 (Exh. A.2 § 374), 1998)

17.15.100 Recording of partition plat.

A. After approval by the mayor, the *city planner* ~~public works superintendent~~ shall return the partition plat and other related materials to the applicant, who shall transmit them to the county surveyor.

B. After the county surveyor determines the partition plat and related materials fully conform with state and county requirements, and receives payment of the required fees for such service, the county surveyor will approve the plat and deliver it to the county recorder's office.

C. No building permits shall be issued until the applicant obtains and delivers to the *city recorder* ~~public works superintendent~~ a mylar copy of the partition plat showing that it has been officially approved by the county surveyor and recorded. (Ord. 974 § 4 (Exh. A.2 § 376), 1998)

Chapter 17.20

PROCEDURE FOR PROPERTY LINE ADJUSTMENT

Sections:

[17.20.010 Approval required.](#)

[17.20.020 Applications and filing fee.](#)

[17.20.030 Review process.](#)

[17.20.040 Recommended decision.](#)

[17.20.050 Requests for review.](#)

[17.20.060 Survey map.](#)

[17.20.070 Final approval.](#)

[17.20.080 Recording of survey map by county surveyor.](#)

17.20.010 Approval required.

- A. No property line may be adjusted except in accordance with this title.
- B. The procedure for review and approval of property line adjustment applications is intended to provide orderly and expeditious processing of such applications and to require conditions of development approval to protect the health and safety of the citizens.
- C. No additional lots shall be created by a property line adjustment.
- D. All lots shall conform to the minimum lot size requirements of RMC Title [18](#). (Ord. 974 § 4 (Exh. A.2 § 410), 1998)

17.20.020 Applications and filing fee.

- A. The applicant shall prepare and submit a city of Rainier development application, available from the *city recorded*. ~~public works superintendent.~~
- B. The application shall contain:
 - 1. The name(s), address(es) and telephone number(s) of the property owner(s), applicant(s), agent(s) and surveyor(s);
 - 2. The signature(s) of the property owner(s) and applicant(s); and

3. The site location by address and current county assessor's map and tax lot numbers.

C. The application shall be submitted to the city recorder. ~~public works superintendent~~, along with a sketch map and other supplementary material as may be required.

D. The following general information shall be shown on the sketch map:

1. The date the sketch was prepared;
2. North arrow;
3. Scale of drawing;
4. Existing and proposed lot sizes;
5. Existing and proposed lot lines;
6. Existing and proposed structures;
7. Existing and proposed easements; and
8. Other information required by the public works superintendent.

E. The property line adjustment application shall be accompanied by a nonrefundable fee as established by city council resolution. The application shall not be deemed complete until the fee has been paid to the city. This fee is not intended to apply towards any building permit fees that may later be required.

F. The applicant has the burden in all cases of demonstrating compliance with applicable development regulations.

G. The *city planner* ~~public works superintendent~~ may require information in addition to that stated in this section.

H. The *city planner* ~~public works superintendent~~ shall prepare the standard form of development application for property line adjustments, including provisions which will best accomplish the intent of this section. (Ord. 974 § 4 (Exh. A.2 § 420), 1998)

17.20.030 Review process.

A. For any property line adjustment application to be approved, it shall first be established that the resulting lots conform to RMC Title [18](#) and applicable city ordinances and regulations. Failure to conform is sufficient reason to deny the application.

B. Prior to the *city planner* ~~public works superintendent~~ issuing a decision on the property line adjustment application the applicant shall obtain any required use approvals, including but not

limited to plan amendments, variances and conditional use permits. (Ord. 974 § 4 (Exh. A.2 § 430), 1998)

17.20.040 Decision Process ~~Recommended decision.~~

A. Within 30 days from the date the property line adjustment application is deemed complete, the *city planner* ~~public works superintendent~~ shall render a ~~recommended~~ decision to approve or deny *pursuant to procedures described in 18.160.020*.

B. The ~~recommended~~ decision shall be written, and at a minimum shall identify the applicant, the date of the decision, the decision, and any time frame to which the decision is subject.

C. The ~~recommended~~ decision of the *city planner* ~~public works superintendent~~ shall not be considered final until a written notice of the decision is given to the owners of the properties listed on the application.

D. *Type I decisions are final and are not appealable by any party through the normal land use process. Type I decisions may only be appealed through a writ of review proceeding to circuit court as described in RMC 18.160.020.E.* The ~~recommended~~ decision of the ~~public works superintendent~~ shall be appealable for 10 city business days after the date the notice of the decision is given. A written request for review of the decision by the planning commission shall be in accordance with RMC [17.15.060](#). (Ord. 974 § 4 (Exh. A.2 § 440), 1998)

17.20.050 Requests for review.

A. When a request for review by the city council is received by the public works superintendent, the ~~review hearing shall be scheduled for an appropriate planning commission meeting date.~~

B. The planning commission shall conduct a hearing in accordance with quasi-judicial evidentiary hearing procedures as provided in RMC Title [18](#).

C. Upon review, the ~~decision shall be to approve, approve with conditions or deny the application under review. The decision shall include findings of fact and conclusions for the decision, which shall be based upon applicable criteria.~~

D. The ~~decision shall be written and at a minimum shall identify the property line adjustment application, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, and any conditions to which the decision is subject.~~ (Ord. 974 § 4 (Exh. A.2 § 450), 1998)

17.20.060 Survey map.

A. A common property line that is relocated through a property line adjustment process shall be surveyed and monumented except as set forth in ORS Chapter [92](#).

B. When required, surveys shall be filed with, and approved by, the county surveyor prior to filing and recording the necessary deeds with the county.

C. The survey map shall contain all the information required by the county surveyor and the requirements of state law, ORS Chapter [209](#). (Ord. 974 § 4 (Exh. A.2 § 460), 1998)

17.20.070 Final approval.

A. Within 12 months after the issuance of the ~~recommended~~ decision or approval, the applicant shall cause the property line to be surveyed and a survey map prepared in conformance with the property line adjustment as approved.

B. Within said 12-month period, prior to recording, the applicant shall submit the survey map to the *city planner* ~~public works superintendent~~ for review. The *city planner* ~~public works superintendent~~ shall determine that all conditions of the ~~recommended decision, or approval,~~ **decision to approval** have been satisfied.

C. The city shall determine that any city liens, assessments and in lieu of payments assigned to the properties, if any, are reapportioned to correspond with the new land unit configuration.

D. If the survey map fully complies with city requirements, the *city planner* ~~public works superintendent~~ shall issue a final approval to the applicant within 30 days of receiving the survey map.

E. If the survey map is not in full compliance, it shall be returned to the applicant for revision and resubmittal. (Ord. 974 § 4 (Exh. A.2 § 470), 1998)

17.20.080 Recording of survey map by county surveyor.

A. After the final approval on a property line adjustment survey is issued by the *city planner* ~~public works superintendent~~, the survey map and other data shall be returned to the applicant, who shall transmit them to the county surveyor for examination for compliance with applicable provisions of state law and county regulations.

B. When the county surveyor finds the documents in full conformance with county requirements, and receives payment of the required fees for such service, the county surveyor shall approve the survey map by recording.

C. No building permits shall be issued until the applicant obtains and delivers to the city recorder ~~public works superintendent~~ a copy of the survey map as officially approved by the county surveyor and recorded. (Ord. 974 § 4 (Exh. A.2 § 480), 1998)

CITY OF WARRENTON

Chapter 16.224 PLANNED UNIT DEVELOPMENTS

(All Content Displayed)

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16.224.010 Planned Unit Developments (PUD).

This is intended to provide for developments incorporating a single type or variety of housing types and related uses, or institutional master plans (IMPs) which are planned and developed as a unit. Such developments may consist of individual lots or of common buildings sites.

Commonly-owned land which is an essential and major element of the plan should be related to and preserve the longterm value of the homes and other developments. This chapter also is intended to foster the establishment and growth of schools, colleges, hospitals and other major public or semipublic institutions through long-term institutional master planning where such uses are allowed in the applicable base zone. (Ord. 1231 § 1, 2019)

16.224.015 Definitions.

Institutional Master Plan (IMP). A conceptual development plan that applies to all land under the control of an institution. An IMP identifies proposed uses, the general location and height of proposed structures, and the general location of areas devoted to open space, landscaping, parking and circulation, and public infrastructure. An IMP focuses on impacts that would likely result from institutional development during the life of the plan (up to 10 years) and must identify effective mitigation measures. (Ord. 1231 § 1, 2019)

16.224.020 Purpose.

The purpose of this chapter is to provide a more desirable environment through the application of flexible and diversified land development standards following an overall comprehensive site development plan. (Ord. 1231 § 1, 2019)

16.224.030 Permitted Building and Uses.

The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the zoning district as provided by Section 16.224.040.

- A. Single-family detached and attached dwellings.
- B. Duplexes, triplexes, courtyard cottages and multifamily dwellings.
- C. Accessory buildings and uses.
- D. Commercial uses only when supported mainly by the planned development and only when economic feasibility can be shown.
- E. Buildings or uses listed as permitted outright or conditionally in the zone on which the planned development is located. Drive thrus are prohibited.
- F. Recreational vehicle (RV) parks when the applicant provides findings of fact that demonstrate consistency with applicable provisions of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission. Where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply.
- G. Campgrounds when the applicant provides findings of fact that demonstrate consistency with applicable provision of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission. (Ord. 1231 § 1, 2019)

16.224.040 Development Standards.

- A. Minimum Site Size. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and are no smaller than the minimum lot size established in the zoning district. The minimum lot size for RV parks and campgrounds shall be five acres. The minimum lot size for IMPs shall be 10 acres.
- B. Open Space. In all PUDs at least 40% of the total area shall be devoted to open space. Up to 25% of this open space may be utilized privately by individual owners or users of the planned development; however, at least 75% of this area shall be common or shared open space.
 - 1. For institutional development, open space may include natural areas, outdoor athletic fields, planted areas and hardscapes such as plazas and playgrounds.
- C. Density. The density of the planned development shall not exceed the density of the zone in which it is located. Minimum space size for individual spaces within RV parks is 700 square feet (see Chapter 16.176 for additional standards; where PUD standards differ from standards

found elsewhere in this Code, the more stringent requirement shall apply). The Planning Commission shall review density allowances for campgrounds on a case-by-case basis using the criteria of Section 16.220.030 as a minimum standard for approval.

D. Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a planned unit development may be less than the minimums set forth elsewhere in this Code, provided that the overall density is in conformance with Section 16.224.040 and the lots conform to the approved preliminary development plan.

E. Off-Street Parking. Parking areas shall conform to all provisions of Chapter 16.128.

1. Pursuant to subsection M, the Planning Commission may adjust minimum parking requirements for institutional development based on a parking impact study provided by the applicant.

F. Signs. All signs of any type within a planned unit development are subject to review and approval of the Planning Commission. The Commission shall consider each sign on its merits based on its aesthetic impact on the area, potential traffic hazards, potential violation of property and privacy rights of adjoining property owners and need for said sign.

G. Setbacks and Yard Requirements. No structure shall be located closer than 20 feet from any public street within a planned unit development unless otherwise approved by the Planning Commission. Other setbacks are to be determined by the Planning Commission where they are considered essential to the public health, safety or welfare. These setbacks required by the Planning Commission shall be recorded as part of the protective covenants as required by Section 16.224.060.

H. Height Limits. Height limits in a planned unit development are the same as in the zoning district, except that the Planning Commission may further limit heights when necessary for the maintenance of the public health, safety or welfare.

1. The Planning Commission may approve institutional buildings of up to 50 feet in height, provided that any portion of the structure that exceeds the base height of the zone must be set back a proportional distance (one foot increase in set back for each additional foot above the maximum height allowed in the base zone).

I. Streets, Sidewalks and Roads. Necessary streets, sidewalks, and roads within the planned unit development shall be constructed to City standards and dedicated to the public. See Division 3 for applicable standards. A private roadway, or a private road network, may be permitted if adequate provisions for access and circulation have been provided in accordance with Chapter 16.120 and facilities have been approved and installed in accordance with Chapter 16.136.

1. Pursuant to subsection M, the Planning Commission may adjust Chapters 16.120 and 16.136 standards through the PUD process.

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

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

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

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

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

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

M. Adjustments. When consistent with subsection K and when the Planning Commission determines that identified impacts from IMP development have been adequately mitigated pursuant to Section 16.224.050.B.3, the Planning Commission may approve adjustments to Code standards through the PUD review process set forth in Section 16.224.050.B.1. In such cases, the applicant need not address variance procedures that apply to non-PUD development proposals.

N. Architectural Design Standards. Commercial development shall adhere to the design standards found in Section 16.116.030. For an Institutional Master Plan, the applicant shall develop a thematic plan for the design of structures to be adhered to in all future final development plans. (Ord. 1231 § 1, 2019)

16.224.050 Procedure-Preliminary Development Plan or Institutional Master Plan.

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

1. Proposed land uses and densities.
2. Location, dimensions and heights of structures.
3. Plan of open or common spaces.
4. Map showing existing features of site and topography.
5. Proposed method of utilities service and drainage.
6. Road and circulation plan, including off-street parking areas.
7. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
8. Lot layout.
9. A schedule, if it is proposed that the final development plan will be executed in stages, including the schedule for providing public infrastructure improvements for all proposed phases.
10. Information deemed necessary by the Community Development Director.
11. Required application fee.
12. An IMP application shall identify potential impacts of future institutional development within 500 feet of the institutional site and recommend effective mitigation measures. The IMP application shall address impacts related to transportation, natural hazards, significant streams and wetlands, coastal resources, public facilities (sanitary sewer, domestic water and stormwater drainage) and lighting.

B. Applications for planned unit development preliminary approval shall be reviewed by the Planning Commission using a Type III procedure as specified in Section 16.208.050. An applicant may apply concurrently for an institutional master plan and one or more final development plans. The Planning Commission shall determine whether the proposal conforms to Section 16.224.040. In addition, in considering the plan, the Planning Commission shall seek to determine that:

1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure (if any) from the standard Code requirements.
 2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
 3. The proposed development will be in substantial harmony with, the surrounding area. Proposed institutional development shall demonstrate that impacts related to transportation, natural hazards, significant streams and wetlands, coastal resources, public facilities (sanitary sewer, domestic water and stormwater drainage) and lighting have been adequately identified and mitigated. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.
 4. The plan can be completed within a reasonable period of time. An IMP may be approved for a period of up to 10 years and may include one or more phases. The Community Development Director may allow an extension of up to five additional years for good cause.
 5. Any proposed commercial development can be justified economically.
 6. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area based on a traffic impact study consistent with Chapter 16.256. A traffic study will be valid for four years from the notice of decision, otherwise, a new traffic study shall be required to address unanticipated traffic impacts. However, the Transportation Planning Rule (OAR 660-012-060) does not apply to PUD applications that involve uses permitted outright or conditionally in the base zone. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.
 7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- C. The Planning Commission shall notify the applicant whether the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision(s). (Ord. 1231 § 1, 2019)

16.224.060 Procedure-Final Development Plan.

- A. Within one year after preliminary approval or modified approval of a preliminary development plan or an IMP, the applicant shall, at the next regularly scheduled meeting, file with the Planning Commission a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan or an IMP. The final plan shall include all information included in the preliminary plan, plus the following:
1. Contour map of the site showing at least two-foot contour intervals.

2. Grading plan for the site showing future contours if existing grade is to be changed more than two feet.
3. Existing and proposed utility lines (storm and sanitary sewer, gas, etc.).
4. Preliminary subdivision plat meeting the requirements of Section 16.216.040 if property is to be subdivided.
5. Location and dimensions of pedestrian ways, roads, malls, common open spaces, recreation areas and parks.
6. Location, dimensions and arrangement of automobile off-street parking spaces including width of aisles, spaces and other design criteria.
7. Preliminary architectural plans and elevations of typical structures.
8. Preliminary planting and landscaping plan for the site.
9. The applicant shall also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned unit development shall be followed.

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

C. After final development plan approval by the Planning Commission, the planned development application will be sent to the City Commission for consideration and final approval. A Type III review procedure shall be used. If the PUD is a residential subdivision or institutional use allowed in the base zone, with no commercial, RV, or campground amenities, review by the City Commission is not required; however, final subdivision plat approval in accordance with Section 16.216.070 is required. (Ord. 1231 § 1, 2019)

16.224.070 Adherence to Approved Plan and Modification Thereof.

A. Grading permits and building permits in a planned unit development shall be issued only on the basis of the approved final development plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing in accordance with Chapter 16.228. However, the Community Development Director may approve a grading and utility plan for the entire institutional site consistent with an approved institutional master plan.

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

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

New Definitions

Residential Care Facility. A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with training or treatment or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with training or treatment or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Chapter 18.15 SUBURBAN RESIDENTIAL ZONE (SR)

Sections:

[18.15.010 Purpose.](#)

[18.15.020 Permitted uses.](#)

[18.15.030 Conditional uses.](#)

[18.15.040 Minimum lot size and dimensions.](#)

[18.15.050 Height limits.](#)

[18.15.060 Restrictions.](#)

[18.15.070 Commercial timber harvest plan.](#)

18.15.010 Purpose.

This zone is intended to allow the continuation of forestry uses within the urban growth boundary and city limits of Rainier. The zone is applied to largely wooded, steep slopes and is intended to limit residential densities to protect the character of the hillsides. (Ord. 974 § 4 (Exh. A.2 § 3.1), 1998)

18.15.020 Permitted uses.

The following uses are permitted outright in the SR zone:

- A. Single-family dwelling.
- B. Manufactured home on an individual lot, subject to the standards of Chapter [18.100](#) RMC.
- C. Accessory buildings incidental to the primary residential use.
- D. Agricultural or forestry uses.
- E. Home occupation which meets the restrictions of Chapter [18.90](#) RMC. (Ord. 974 § 4 (Exh. A.2 § 3.1), 1998)

F. Residential Care Facility

G. Residential Home

Chapter 18.20

LOW DENSITY RESIDENTIAL ZONE (R-1)

Sections:

[18.20.010 Permitted uses.](#)

[18.20.020 Conditional uses.](#)

[18.20.030 Lot size and dimensions.](#)

[18.20.040 Setbacks.](#)

[18.20.050 Building height.](#)

[18.20.060 Lot coverage.](#)

[18.20.070 Standards for accessory buildings.](#)

[18.20.080 Lot of record.](#)

[18.20.090 Redivision plan for large lots.](#)

18.20.010 Permitted uses. 

The following uses are permitted outright in the R-1 zone:

- A. Single-family dwelling.

B. Manufactured home on an individual lot, subject to standards of Chapter [18.100](#) RMC.

C. Accessory buildings incidental to the primary residential use.

D. Agricultural or horticultural uses. No poultry or livestock, other than household pets, shall be permitted within 100 feet of any residence on an adjacent lot.

E. Home occupation which meets the restrictions of Chapter [18.90](#) RMC. (Ord. 974 § 4 (Exh. A.2 § 3.2), 1998)

F. Residential Care Facility

G. Residential Home

Chapter 18.25

MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

Sections:

[18.25.010 Permitted uses.](#)

[18.25.020 Conditional uses.](#)

[18.25.030 Lot size and dimensions.](#)

[18.25.040 Setbacks.](#)

[18.25.050 Building height.](#)

[18.25.060 Lot coverage.](#)

[18.25.070 Standards for accessory buildings.](#)

[18.25.080 Lot of record.](#)

[18.25.090 Redivision plan for large lots.](#)

[18.25.100 Accessory dwelling units.](#)

18.25.010 Permitted uses. 

The following uses are permitted outright in the R-2 zone:

A. All uses in the R-2 zone are subject to determination of possible compliance with Chapters [18.75](#) (Geologic Hazard Overlay) and [18.145](#) RMC (Design Review).

B. Single-family dwelling (detached).

C. Single-family, attached.

D. Townhouses. Maximum of three units together on one parcel. Structures made up of more than three attached houses are prohibited unless approved by the city planning commission.

E. Manufactured home on an individual lot, subject to standards of Chapter [18.100](#) RMC.

F. Two-family dwelling (duplex).

G. Accessory buildings incidental to primary residential use.

H. Home occupation which meets the restrictions of Chapter [18.90](#) RMC. (Ord. 1072 § 2 (Exh. A), 2017; Ord. 974 § 4 (Exh. A.2 § 3.3), 1998

I. Residential Care Facility

J. Residential Home

Chapter 18.30

HIGH DENSITY RESIDENTIAL ZONE (R-3)

Sections:

[18.30.005](#) Uses – Compliance with other chapters.

[18.30.010](#) Permitted uses.

[18.30.020](#) Conditional uses.

[18.30.030](#) Lot size and dimensions.

[18.30.040](#) Standards for multifamily dwellings.

[18.30.050](#) Setbacks.

[18.30.060](#) Building height.

[18.30.070](#) Lot coverage.

[18.30.080 Standards for accessory buildings.](#)

[18.30.090 Lot of record.](#)

[18.30.100 Redivision plan for large lots.](#)

[18.30.110 Design review.](#)

18.30.005 Uses – Compliance with other chapters.

All uses in the R-3 zone are subject to determination of possible compliance with Chapters [18.75](#) (Geologic Hazard Overlay) and [18.145](#) RMC (Design Review). (Ord. 1072 § 2 (Exh. A), 2017)

18.30.010 Permitted uses.

The following uses are permitted outright in the R-3 Zone:

- A. Single-family dwelling (detached).
- B. Single-family – attached (see Exhibit 2 in RMC [18.05.030](#), Definitions).
- C. Townhouses. Maximum of six units together (see Exhibit 3 in RMC [18.05.030](#), Definitions).
- D. Manufactured home on an individual lot, subject to standards of Chapter [18.100](#) RMC.
- E. Two-family dwelling (duplex).
- F. Multifamily dwelling (apartments and condominiums).
- G. Accessory buildings incidental to primary residential use.
- H. Home occupation which meets the restrictions of Chapter [18.90](#) RMC. (Ord. 1072 § 2 (Exh. A), 2017; Ord. 974 § 4 (Exh. A.2 § 3.4), 1998)

I. Residential Care Facilities

J. Residential Home

Chapter 18.150

SIMILAR USES

Sections:

[18.150.010 Allowed uses.](#)

[18.150.020 Decision process.](#)

[18.150.030 Criteria.](#)

[18.150.040 Record of determination.](#)

18.150.010 Allowed uses.

The planning commission may authorize a use which is not specifically listed as a permitted use, but is of the same general type and is similar in nature and impact to the uses permitted in the zone. The planning commission may not authorize a similar use if it is specifically listed as a permitted use in another zone. (Ord. 974 § 4 (Exh. A.2 § 6.8), 1998)

18.150.020 Decision process.

Similar use permits are ~~Type III~~ **Type II decisions and applications shall be reviewed pursuant to RMC 18.160.030.** ~~The application shall be reviewed and determined at a public hearing by the planning commission.~~ **Type II decisions shall be determined by designated members of staff.** The applicant must provide information necessary to make a proper determination, including information as to clientele, number and working hours of employees, expected traffic generation and characteristics of the use's activities. **Staff may approve, approve with conditions, or deny the application.** ~~The planning commission may approve, approve with conditions or deny the request for a similar use.~~ **Appeals shall be reviewed by the planning commission following the procedures spelled out in RMC 18.160.030.J.** (Ord. 974 § 4 (Exh. A.2 § 6.8), 1998)

18.150.030 Criteria.

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

- A. That the use is not specifically listed as a permitted use in another zone;
- B. That the use is consistent with the purpose of the zone;
- C. That the use conforms with the applicable standards and limitations of the underlying zoning district; and

D. That the type of use is similar in function, nature, character and impact to a permitted use in the zone. (Ord. 974 § 4 (Exh. A.2 § 6.8), 1998)

18.150.040 Record of determination. 

A similar use authorized by the planning commission shall not be personal to the applicant and shall run with the land. Unlisted uses which the planning commission has determined to be similar to the permitted uses in the underlying zoning district shall no longer require a similar use permit and shall be considered as permitted uses in the applicable zoning district. A similar use determination does not carry to another zone. (Ord. 974 § 4 (Exh. A.2 § 6.8), 1998)