



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development  
635 Capitol Street, Suite 150  
Salem, OR 97301-2540  
(503) 373-0050  
Fax (503) 378-5518  
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/23/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Rainier Plan Amendment  
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, January 10, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Don Mathison, City of Rainier  
Gordon Howard, DLCD Urban Planning Specialist  
Patrick Wingard, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 001-13 (19969)  
[17722]  
Received: 12/20/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAD 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Rainier

Local file no.: **REZ7216DA02400&02300**

Date of adoption: 12-16-13    Date sent: 12/20/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 08/14/13

No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Don Mathison, City of Rainier

Phone: 360-430-6566 E-mail: dmathidson@cwco.org or donaldm@kalama.com

Street address: 106 West "B" Street/PO Box 100 City: Rainier Zip: 97048

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from Residential to Waterfront Commercial. .65 acres.  A goal exception was required for this change.

Change from            to            .            acres.  A goal exception was required for this change.

Change from            to            .            acres.  A goal exception was required for this change.

Change from            to            .            acres.  A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 608 East "A" St., Sec. 16, T7N,R2W,W.M.02400 &  
105 East 6th St., Sec. 16, T7N,R2W,W.M. 02300

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: N/A

Non-resource – Acres: N/A

Forest – Acres: N/A

Marginal Lands – Acres: N/A

Rural Residential – Acres: N/A

Natural Resource/Coastal/Open Space – Acres: N/A

Rural Commercial or Industrial – Acres: N/A

Other: N/A – Acres: N/A

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: N/A

Non-resource – Acres: N/A

Forest – Acres: N/A

Marginal Lands – Acres: N/A

Rural Residential – Acres: N/A

Natural Resource/Coastal/Open Space – Acres: N/A

Rural Commercial or Industrial – Acres: N/A

Other: N/A – Acres: N/A

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Ordinance 1061 Added (new)

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from R2 to WC. Acres: .65

Change from        to        . Acres:

Change from        to        . Acres:

Change from        to        . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: N/A. Acres added: N/A. Acres removed: N/A

Location of affected property (T, R, Sec., TL and address): N/A

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List affected state or federal agencies, local governments and special districts: City of Rainier

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance 1061 and 11-8-13 Report (& supporting documentation) to Mayor and Council Members attached.

**CITY OF RAINIER  
ORDINANCE NO. 1061**

**AN ORDINANCE TO AMEND THE RAINIER COMPREHENSIVE PLAN MAP AND ZONING MAP FROM: MEDIUM DENSITY RESIDENTIAL (R-2) TO: WATERFRONT COMMERCIAL (WC).**

**WHEREAS**, the property owner (Amy Painter) has requested that the City of Rainier amend the City of Rainier Comprehensive Plan Map and the Rainier City Zoning Map for tax lots 7216-DA-02400 and 7216-DA-02300 located at 608 East "A" Street and 105 East 6<sup>th</sup> Street from Medium Density Residential (R-2) to Waterfront Commercial (WC); and

**WHEREAS**, The City of Rainier Planning Commission held duly notified public hearings on October 1, 2013 and October 29, 2013 and concluded to recommend approval of such a change to the Rainier City Council and distributed the Notice of Decision, dated November 6, 2013; and

**WHEREAS**, the Rainier City Council held a duly noticed public hearing on November 18, 2013 and found that after due consideration of all the evidence in the record compared to the criteria, that they agreed with the application and the recommendation forwarded by the Rainier Planning Commission; and

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

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


1. The above recitations are true and correct and are incorporated herein by this reference.
2. The City of Rainier zoning Map and Comprehensive Plan Map is changed for Tax lots 7216-DA- 02400 and 7216-DA-02300 from Medium Density Residential (R-2) to Waterfront Commercial (WC).
3. In support of the above amendments to the Comprehensive Plan Map and the Zoning Map, the Rainier City Council hereby adopts the Findings of Fact and Conclusions of Law in the City Staff Report, together with its attached addendums and correspondences, dated September 10, 2013.
4. The effective date of this Ordinance shall be thirty (30) days after approval, in accordance with the City Charter and other applicable laws.

**FIRST READ: NOVEMBER 18, 2013**

**APPROVED:** 12-16-2013

  
\_\_\_\_\_  
Jerry Cole, Mayor

**Attested by:**

  
\_\_\_\_\_  
Debra Dudley, City Administrator/Finance Director/Recorder  
City of Rainier, page 1 of 1-- Ordinance No. 1061



November 8, 2013

*DM*  
*11/8/13*  
TO: Mayor Cole and Rainier City Council Members

From: Don Mathison, City Planner

Re: **Zoning Map/Comprehensive Plan Map Amendment – Article 6,  
Section 6.3 Rainier Zoning Code.**

**Exhibits:**

- A. Application, (with narrative and exhibits) dated July 22, 2013
- B. Notice of Application, dated August 27, 2013
- C. DLCD Notice of Proposed Amendment, dated August 27, 2013
- D. Staff Report, Dated September 10, 2013
- E. Staff Report Addendum, (with attachments) dated September 26, 2013
- F. Staff Report Addendum # 2,(with attachments) dated October 21, 2013
- G. Correspondence: Letters of support (13).
- H. Notice of Decision, dated November 7, 2013

**Background:**

On Tuesday, October 29, 2013 at approximately 6:00 p.m. the Rainier City Planning Commission held a Public Hearing in the Rainier City Hall to review a Zone Map/Comprehensive Plan Map change, together with a Conditional Use Permit Application, and voted unanimously to:

- Approve the Conditional Use Permit Application and recommend that the Rainier City Council Approve the Zone Map/Comprehensive Plan Map Change application, submitted by Foss Maritime Co. for two (2) properties located at 608 E. "A" Street and 105 E. 6<sup>th</sup> Street. Tax Lot No's. 7216-DA-02400 & 02300.

The zone change is from Medium Density Residential (R-2) to Waterfront Commercial (WC).

The Comprehensive Plan Map change is from Residential to Commercial.

The Conditional Use Permit Application was considered simultaneously with the rezone application as provided for in Article 6, Section 6.4 Conditional Use Concurrent Hearings. The application was to allow for marine related industrial uses in the Waterfront Commercial zone as a "conditional use" and for the construction and use of a building in excess of 5,000 square feet (See exhibit "D" – Staff Report, page 3).

The Planning Commission held the first public hearing on Tuesday October 1, 2013 and after consultation with the applicants' consultant, voted for a continuance until October 29, 2013 at 6:00 p.m. to allow the applicant time to prepare a Transportation Impact Analysis (TIA) as required under Oregon Administrative Rule (OAR) 660-012-00600(1)(a-c). This action was in response to comment letters received from Mr. Bill Johnston, Transportation Planner, Region 2, Oregon State Department of Transportation and Ms. Ann Debbaut, Metro Regional Representative, Oregon State Land Conservation and Development Commission (LCDC), (See exhibit "E"- Staff Report Addendum, with attached letters from Mr. Johnston and Ms. Debbaut, dated September 26, 2013).

There were also Thirteen (13) letters-of-support presented at the October 1<sup>st</sup> hearing (See exhibit "G" Correspondence).

At the October 29<sup>th</sup> "continued" public hearing the Planning Commission reviewed and approved the September 10, 2013 Staff Report with Addendum # 2, which outlines the content of the TIA, as prepared by Lancaster Engineering and approved by Mr. Johnston, (ODOT) (See exhibit "F"- Addendum #2, dated October 21, 2013).

The Commission also reviewed and approved the Conditional Use Permit Application with the following condition:

- That, prior to any base land disturbance, demolition or modification of 105 East 6<sup>th</sup> Street or 608 East "A" Street properties, a Geotechnical Examination shall be conducted by a certified geotechnical engineer and submitted together with a

Design Review Application, to the Rainier City Clerk's Office, for review in conformance with Article 6, Section 6.7 of the Rainier Zoning Ordinance.

Staff will be available to assist the Council during your deliberation of this application.

CC:

Debra Dudley, Rainier City Administrator

Matt Caswell, P.E., Development Review Coordinator, ODOT Region 2

Bill Johnston, Transportation Planner, ODOT Region 2

Anne Debbaut, Metro Regional Representative, DLCD

Amy Painter, Property Owner

Peter Strelinger, Bristol Northwest, LLC, Applicant and Consultant for Foss Maritime Co.

Michael Magill, VP, Foss Maritime Co.

City of Rainier Land Use Application

PO Box 100, Rainier, Oregon 97048  
PHONE: (503) 558-7301 FAX: (503) 558-3200

<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Text Amendment
<input type="checkbox"/> Variance Permit	<input checked="" type="checkbox"/> Similar Use Determination	<input checked="" type="checkbox"/> Map Amendment
<input type="checkbox"/> Administrative Variance	<input type="checkbox"/> Non-Conforming Use	<input type="checkbox"/> Zoning Map
<input type="checkbox"/> Design Review/Site Review	<input type="checkbox"/> Permit	<input type="checkbox"/> Conditional Use Map
<input type="checkbox"/> Geohazard/Flood Review	<input type="checkbox"/> Modification	

Property Address: 608 EAST A STREET & 105 EAST 6<sup>TH</sup> STREET

Access Road(s): EAST "A" STREET

Tax Lot Number(s): 7216-DA-20400 & 7216-DA-02300

Site Size: acres \_\_\_\_\_ sqft \_\_\_\_\_ Zoning: Current R-2 Proposed WC

Present Use: RESIDENTIAL Proposed Use: WATERFRONT COMMERCIAL

Water: City  or Well \_\_\_\_\_ Sewer: City  or Septic \_\_\_\_\_

Development Restrictions:  Flood Area  Slide Area  Slopes > 20%  Creek  Other \_\_\_\_\_

Applicant/Consultant: FOSS MARITIME CO. Phone: 206-281-4750

CONSULTANT: PETER STRELINGER, BRISTOL NW, LLC Phone: 406-471-1337

Address: 1151 FAIRVIEW AVE N. SEATTLE, 98109 Fax: 206-270-4882

Signature: Michael Tagill VP Foss Date: 7-10-13

Property Owner(s) of Record: (Attach separate sheet with signatures of all additional property owners.)

Name: BRAWAND LIVING TRUST Phone: \_\_\_\_\_

Address: 105 EAST 6<sup>TH</sup> ST, RAINIER, OR Fax: \_\_\_\_\_

Signature: Amy Painter Date: 7-8-13

Name: AMY PRINTER Phone: \_\_\_\_\_

Address: 105 EAST 6<sup>TH</sup> ST, RAINIER, OR Fax: \_\_\_\_\_

Signature: Amy Painter Date: 7-8-13

Does any owner of this site own any adjacent property? (if so, give tax lot number(s) )

YES SEE ABOVE

Direct Communications To:  Owner \_\_\_\_\_  Applicant/Consultant PETER STRELINGER

406-471-1337, BRISTOLNW.PETER@gmail.com

Received by: Bp/Seiden Receipt No: 67858 Fee: 70.00 Date: 7-22-13

Other Land Use Reviews/Approvals Required? \_\_\_\_\_ Hearing Date & Status: OCT 1, 2013

Public Hearing:  Required  Recommended by \_\_\_\_\_ Requested by \_\_\_\_\_

Fee = \$700 plus any contracted expenses to be reimbursed to City.



**City of Rainier Land Use Application**

P.O. Box 100, Rainier, Oregon 97048  
 Ph: 503.556.7301 Fax: 503.556.3200

<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Text Amendment: Section(s):
<input type="checkbox"/> Variance Permit	<input type="checkbox"/> Similar Use Determination	<input type="checkbox"/> Map Amendment: Single Parcel _____ Multiple-# _____ Parcels
<input type="checkbox"/> Administrative Variance	<input type="checkbox"/> Non-Conforming Use Permit _____ Modification/Expansion _____	<input type="checkbox"/> Zoning Map _____ Comprehensive Plan Map _____

Property Address: 608 EAST A STREET & 105 EAST 6<sup>TH</sup> STREET

Access Road(s): EAST "A" STREET

Tax Lot Number(s): 7216-DA-20400 & 7216-DA-02300

Site Size: acres \_\_\_\_\_ sq/ft \_\_\_\_\_ Zoning: Current R-2 Proposed WC

Present Use: RESIDENTIAL Proposed Use: WATERFRONT COMMERCIAL

Water:  City  Well Sewer:  City  or Septic

Development Restrictions:  Flood Area  Slide Area  Slopes > 20%  Creek  Other \_\_\_\_\_

Applicant / Consultant: FOSS MARITIME CO. Phone: 206-281-4150  
CONSULTANT, PETER STRELINGER, BRISTOL NW LLC 406-471-1357  
 Address: 1151 FAIRVIEW AVE. N SEATTLE, WA 98109 Fax: 206-270-4882

Signature: [Signature] Date: 7/17/13

Property Owner(s) of Record: (Attach separate sheet with signatures of all additional property owners.)

1. Name: BIRKLAND LIVING TRUST Phone: \_\_\_\_\_

Address: 105 EAST 6<sup>TH</sup> ST. RAINIER OR Fax: \_\_\_\_\_

Signature: [Signature] Date: 7-24-13

2. Name: AMY PAINTER Phone: 360-430-5545

Address: 105 EAST 6<sup>TH</sup> ST. RAINIER, OR Fax: \_\_\_\_\_

Signature: [Signature] Date: 7-24-13

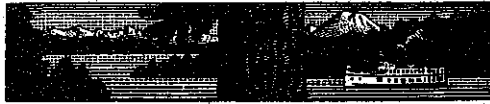
Does and owner of this site own any adjacent property? (if so, give tax lot number(s))

YES SEE ABOVE

Direct Communications To:  Owner  Applicant/Consultant PETER STRELINGER

Received by: <u>[Signature]</u>	Receipt No.: <u>67858</u>	Fee: \$300 + any contracted expenses	Date: <u>7-22-13</u>
Other Land Use Reviews/Approvals Required?		Hearing Date & Status:	
Public Hearing: <input type="checkbox"/> Required	<input type="checkbox"/> Recommended by:	<input type="checkbox"/> Requested by:	

\$ 300.00

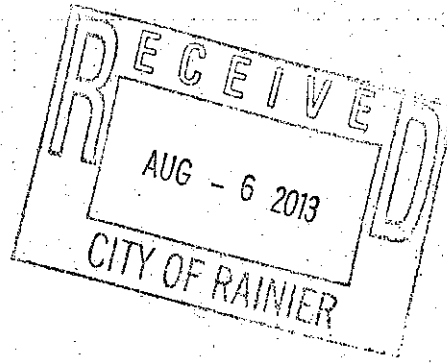


## Bristol Northwest, LLC

August 2, 2013

City of Rainier  
Planning Commission  
PO Box 100  
Rainier, Oregon, 97048

RE: Foss Shipyard



Dear Planning Commission Members,

Foss Maritime Company has been a part of the Rainier business community for 20 years, with the Shipyard in continuous operation for over 60. The Foss Rainier Shipyard is in the business of construction and maintenance of commercial vessels and business is growing.

Today's shipbuilding is highly advanced, requiring a skilled, high wage, labor force. With 3 new Arctic Class tugs under contract, valued at over \$50 Million and additional refit/repair work, the future is bright at the Foss Shipyard. Foss is one of the largest employers in Rainier and currently has 37 employees with an additional 10 to 15 likely in the coming year. Approximately 80% of the employees shop for goods and services locally and 11 employees and their families reside in Rainier or nearby, in Oregon. Today's ocean going tugs and ships are highly technical, requiring specialized systems and technicians to service them. Foss is fortunate to be able source materials and supplies from numerous local and regional vendors. Simply put, the Foss Shipyard's economic contribution is significant in the region and to the City of Rainier.

Foss wants to remain in Rainier. To insure successful, current and future operations, additional space has become critical. Constrained by the Columbia River and A Street, the operations have "maxed out" the existing property. Expansion of the Shipyard will enable the storage of marine related supplies, materials, office, parking and deliveries. In addition, businesses and neighborhood residents will find more parking, railway operations will be enhanced and traffic congestion will be reduced.

### Applications:

Foss is under contract to purchase 2 properties across from the Shipyard and here with, submits two applications:

1. Amendment to the City of Rainier, Comprehensive Plan Map and Zoning Ordinance Map. The attached application includes 2 properties, #7216-DA-02400 (1&2) &

#7216-DA-02300 (3&4). Specifically, Foss requests expanding the Waterfront Commercial Zone (WC) to include the 2 properties. The new WC would replace the current Residential Medium Density Zone (R-2).

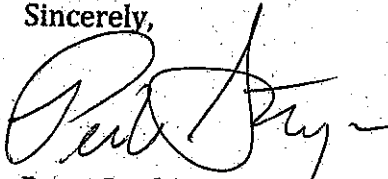
2. A Conditional Use Permit to allow for marine related light industrial uses and the ability to construct a building for storage of marine equipment in excess of 5,000 square feet.

**Plans for the Properties:**

Should the proposed amendments and conditional use permit be approved, the applicant will submit a Design Review Application to raise the unoccupied home at 608 East A Street. Future plans for this property include the design and construction of a building to allow storage of marine related equipment and materials. It is understood that the building design and construction will be in a separate application through the City's Design Review process. The residence at 105 East 6<sup>th</sup> Street will remain relatively unchanged. Uses may include engineering design and subcontractor offices and additional parking for employees and shipyard vendors.

On behalf of Foss Maritime Company and the employees of the Rainier Shipyard we thank the City staff for help in preparing these applications and the Planning Commission and for their consideration.

Sincerely,



Peter Strelinger,  
Bristol Northwest, LLC

Applicant and Consultant to Foss Maritime Co.

CC: Michael Magill, VP, Foss Maritime Co.  
Blake Goldberg, Ilahie Holdings Inc.

**I. AMENDMENTS: LEGISLATIVE OR QUASI-JUDICIAL**

A. The proposal will amend both the Rainier Comprehensive Plan Map and The Rainier Zoning Map.

1. The Comprehensive Plan designation is to be amended from Residential Medium Density Zone (R-2) to Waterfront Commercial (WC).
2. The Zoning District is to be amended from R-2 to WC
3. There are 2 Parcels in the proposed amendments.
4. The 2 Parcels include approximately .65 acres.
5. Parcels:

608 East A Street, #7216-DA-20400, Brawand Living Trust (.32 acres)

105 East 6<sup>th</sup> Street, #7216-DA-02300, Amy Painter (.33 acres)

B. Please see narrative

**II. LEGISLATIVE AMNEDMENTS**

**Per Section 6.2 of the Rainier Zoning Ordinance**

A. Demonstrate how the proposed map amendment is consistent with all applicable provisions of the Rainier Comprehensive Plan.

The proposed legislative amendments meet the requirements of Section 6.2 of the Rainier Zoning Ordinance. Further the proposed Comprehensive Plan Map and Zoning Map amendments meet the provisions of the Rainier Comprehensive Plan as follows:

**GOAL 1: CITIZEN PARTICIPATION**

N/A

**GOAL 2: LAND USE PLANNING**

N/A

**GOAL 3: AGRICULTURAL LANDS**

N/A

**GOAL 4: FOREST LANDS**

N/A

**GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES**

N/A

**GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY**

The proposal will maintain and endeavor to improve the quality of the air, water and land resources of the State. The proposal endorses all findings and polices in Goal 6, particularly Policy 2. The City will encourage the location of industries in the Rainier area which will not add to the problems of the air shed. Industry will also be encouraged to locate in Rainier if it can offset air pollution problems.



Daily shipyard operations adhere to restrictive BMP's and the property includes a storm water system which is monitored regularly. Also environmental response vessels are moored at the Shipyard.

**GOAL 8: RECREATIONAL NEEDS**

N/A

**GOAL 9: ECONOMY OF THE STATE**

The proposed amendments will add to economic diversify and improve the economy of the State of Oregon and the City of Rainier. The expansion of the Foss Shipyard has already added 20 new jobs to the City of Rainier. The total work force is currently 37 making it one of the largest employers in Rainier. Current and future contracts are likely to require additional employees.

The proposed amendments are supported by all the findings and policies in Goal 9 particularly, Findings 1 & 2. The expansion of the Foss shipyard diversifies the economy which has traditionally been dependent upon the wood products industry. The local economy is bolstered by adding local/Rainier jobs which have generally tied into that of the Longview-Kelso and the Washington side of the Columbia river. Policies 2 & 3 further support the proposal;

2. Marine industrial development will be encouraged to take advantage of the access to the main channel of the Columbia River.

3. The City shall prepare and adopt a Waterfront Development (Urban Renewal) Plan to facilitate infrastructure improvements and development of waterfront commercial and industrial lands in Rainier.

**GOAL 10: HOUSING**

N/A

**GOAL 11: PUBLIC FACILITIES AND SERVICES**

The proposal will have minimal effect on the public facilities and services provided by the City. City services and utilities are on-site.

**GOAL 12: TRANSPORTATION**

In general the proposed plan amendment is supported by Transportation Goal 12. The City's Design Review process for future construction will address the specific requirements regarding the property improvements and transportation related impacts.

This application is further supported by policy 12, which states "In locations that conform to the Comprehensive Plan and Zoning Ordinance, the City will support the provision of docks, marine terminals, wharves and dolphins to accommodate deep draft and shallow draft cargo movement and the development of intermodal connections between marine facilities, rail and highways to facilitate and improve freight movement"

Also of note, the applicant is cooperating with the East A Street Railroad improvement plan.

**GOAL 13: ENERGY CONSERVATION**

Future building plans will include energy conservation design.

## **GOAL 14: URBANIZATION**

Goal 14 refers primarily to growth issues within and outside the UGA. However inherent in the discussion of growth is the need for consideration of zoning adjustments within the UGA. Adjustments such as the proposed Plan Map and Zone map may be necessary to promote the economic vitality of the City. Further, Finding 1. The Rainier UGB was established based on projections of population growth, household size and type, and the need for commercial and industrial lands. Given the negligible amount of population growth and development that has occurred since the adoption of the UGB, the current UGB contains sufficient land to accommodate future needs over the next twenty years. The finding supports the consideration of rezoning lands within the UGA.

This proposal does not request an adjustment of the UGA but several of the policies included in Policy 2. encourage this proposal:

- b. Need for housing, employment opportunities, and livability;
- c. Orderly and economic provision for public facilities and services;
- d. Maximum efficiency of land uses within and on the fringe of the urban area;
- e. Environmental, energy, economic and social consequences;

The proposal is also supported by Policy 7. And is compatible with the plans of the City for the provision of full urban services within the UGB.

- A. Demonstrate how the proposed map amendment is consistent with all applicable statewide planning goals and or/administrative rules as adopted by the Land Conservation and Development Commission.

Statewide planning goals are included in the City Comprehensive Plan, please see the above goals and narrative.

However, Statewide Goal 9 should also be noted.

### **STATEWIDE GOAL 9: ECONOMIC DEVELOPMENT**

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

A-4. Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development.

- B. Demonstrate how the proposed amendment complies with all statutory and ordinance requirements and regulations.

The proposal complies with all statutory and ordinance requirements and regulations, see narrative.

- C. Demonstrate there is a public need for the proposed amendment and that this need will be best served by redesignating the property in question compared with other available properties.

1. Foss Shipyard is a viable, growing business in Rainier. Allowing its expansion will keep jobs and the associated economic benefits in the City of Rainier.
2. Moving or utilizing other property will compromise efficiencies of the existing shipyard operations.
3. Operation inefficiencies would make Foss less competitive in the industry, jeopardizing jobs and the associated benefits.
4. The proposed amendment is and “expansion” of the WC zone since it is contiguous to the properties and existing shipyard.
5. See narrative.

**D. Demonstrate that the public interest is best carried out by approving the proposed amendment at this time.**

1. Keeping and encouraging the growth of viable business like Foss is in the best interest of the City of Rainier because it will provide strong continuous employment opportunities.
2. Contracts are in place, the work and hiring has begun. Timely approval of the amendment will enable work to progress.
3. Stimulates and supports local businesses now.
4. Keeps good paying jobs and insures future workforce opportunities.
5. See Narrative

### **III. QUASI-JUDICIAL COMPREHENSIVE PLAN MAP AMENDMENTS**

#### **Per Section 6.3 of the Rainier Zoning Ordinance**

**A. See above**

**B. A change of physical circumstances has occurred since the original designation. Describe the change and demonstrate how the proposed zone change is necessary because of the change.**

As mentioned in the narrative, Foss Rainier Shipyard is growing. Shipyard site and operations are constrained by the Columbia River to the North and A Street on the South. The construction of 3 - 105ft tugs has “maxed out” the property and the increased use of the Portland & Western Railroad places additional demands on the site. Increased business means, additional deliveries, need for more office space, material storage and parking.

**C. N/A**

**QUASI-JUDICIAL ZONING MAP AMENDMENTS**

- A. See Legislative amendments.
- B. See Legislative amendments.
- C. See Legislative amendments.
- D. See Legislative amendments.



## **CONDITIONAL USE PERMIT**

In addition to the requested Amendment to the City of Rainier, Comprehensive Plan Map and Zoning Ordinance Map the applicant requests a Conditional Use Permit (CUP). This Conditional Use Permit requests approval to:

1. Allow modification to Section 3.7 Waterfront Commercial (WC), B. 5. of the Zoning Ordinance. Permitted uses 3.7, B. 5. Storage of marine equipment in building(s) with less than 5,000 square feet total space. This CUP would allow a building of approximately 10,000 square feet.
2. Conditional Use Permit to allow the building to include marine related light industrial use as described in 3.7 A. Conditional Uses.

### **Criteria for Approval**

- A. What zoning designation is currently applied to your property?

The properties are zoned R-2

Is the use you are proposing specifically listed as a conditional use in this zone?

No

If not have you applied for a Similar Use Determination or Text Amendment?

Yes, concurrent with this CUP is a application for an Amendment to the City of Rainier, Comprehensive Plan Map and Zoning Ordinance Map.

- B. Provide the City with details about your proposal.

Approval of this CUP will allow the expansion of ship building facilities and operations at the Foss Shipyard.

**608 East A St.-** Short term, Foss will apply for a permit to raise the unoccupied home and provide material storage and parking. Future plans include the design and construction of a building to allow storage of marine related equipment, materials and parking.

**105 East 6th St. -** The structure will remain relatively unchanged. Uses may include engineering design and subcontractor offices with additional parking for employees and shipyard vendors.

The properties are adjacent and across A street from the shipyard making it ideal and convenient for the intended uses. Raising the home on A Street will allow a street level area for immediate material storage and parking. The property is sloping which will require grading and possible retaining walls none of which suggest any construction techniques beyond standard. It is understood that any future building and construction will be in a separate application through the City's Design Review process.

East A Street and East 6<sup>th</sup> Street provide public access to both properties. There are no known natural features that would prevent the applicants intended use.

**C. Is the proposed conditional use adequately served by public facilities?**

Yes, the properties are currently provided all City services.

**D. How does the proposed conditional use comply with the applicable policies of the Rainier Comprehensive Plan?**

As this CUP is being considered concurrent with an Amendment to the City of Rainier, Comprehensive Plan Map, please see the detailed discussion of the pertinent Comp. Plan goals and policies.

**E. What support can you offer to assure the City that the proposed conditional use will not create any hazardous or adverse conditions?**

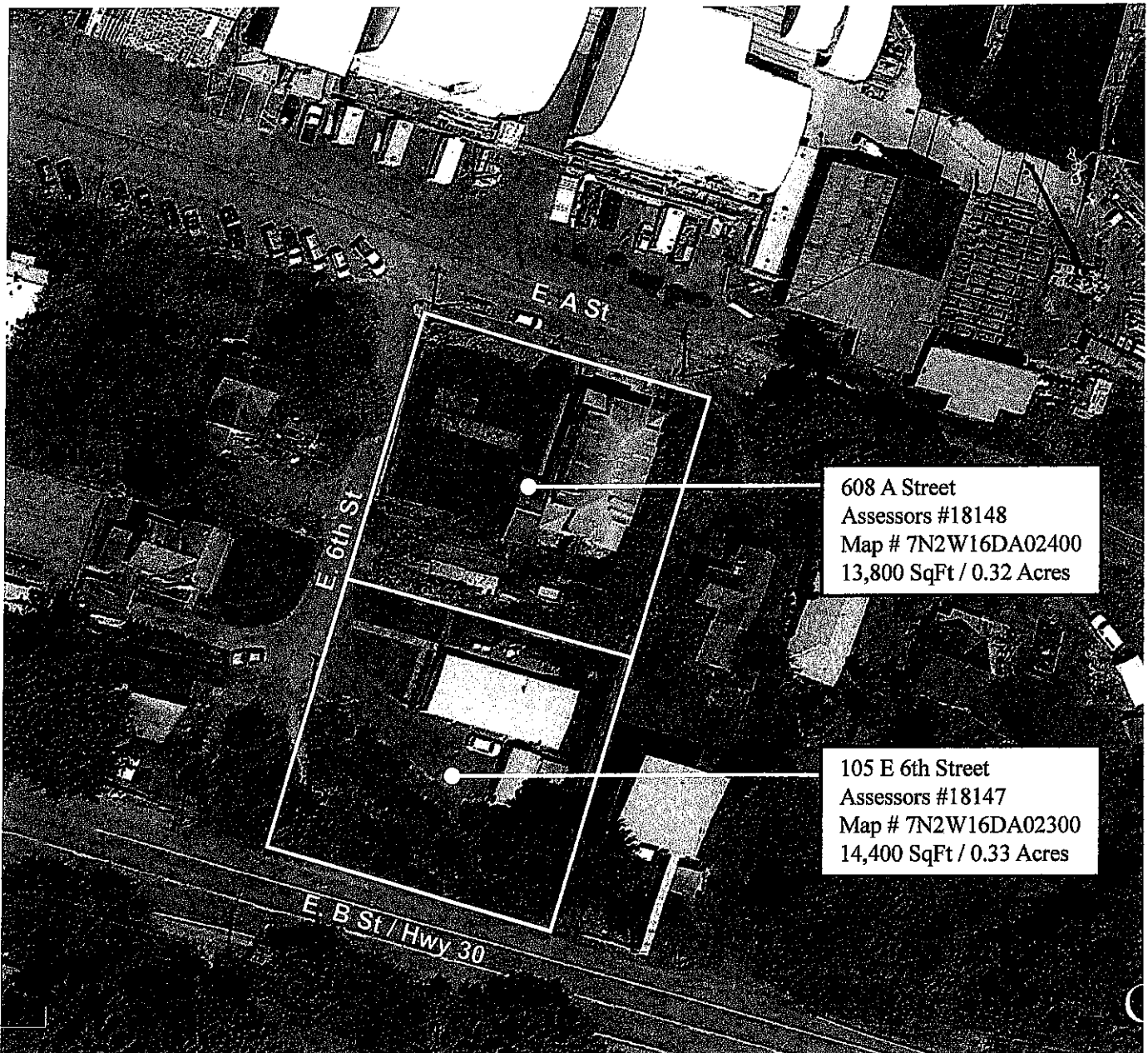
The intended use is for the storage of materials used in the construction and maintenance of ships and tugs. Materials such as pumps, valves, fasteners and fabricated parts will make up the majority to the warehousing. However some materials which may be considered hazardous, such as oil, lubricants, paints and solvents may also be delivered and stored on the property. Spill containment devices are utilized throughout the yard. In addition to the shipyards rigorous best management practices (BMP's), Foss complies with all, local, state and federal regulations for handling potential contaminants. For worker safety, OSHA regulations are strictly adhered too.

**Additionally:**

- Adjoining businesses and neighborhood residents will find more parking.
- Railway operations will be enhanced with reduced risk.
- Relieve congestion and allow for easier turn around on A street, which is a dead end.

Approval of this conditional use permit will enable the growing operations of Foss to prosper in Rainier and compete in the shipbuilding industry.

**FOSS MARITIME**  
Rainier Shipyard



608 A Street  
Assessors #18148  
Map # 7N2W16DA02400  
13,800 SqFt / 0.32 Acres

105 E 6th Street  
Assessors #18147  
Map # 7N2W16DA02300  
14,400 SqFt / 0.33 Acres

# CITY OF RAINIER ZONING MAP

October 18, 2007

Exhibit A, Page 13 of 14

Columbia River

COLUMBIA

SR

608 A Street  
Assessors #18148  
Map # 7N2W16DA02400  
Current Zone: R-2  
Requested Zone: WC

105 E 6th Street  
Assessors #18147  
Map # 7N2W16DA02300  
Current Zone: R-2  
Requested Zone: WC

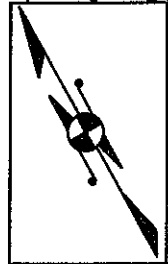
R-2

## ZONING DISTRICTS

- ..... SUBURBAN RESIDENTIAL ZONE (SR)
- [Pattern] LOW DENSITY RESIDENTIAL ZONE (R-1)
- [Pattern] MEDIUM DENSITY RESIDENTIAL ZONE (R-2)
- [Pattern] HIGH DENSITY RESIDENTIAL ZONE (R-3)
- [Pattern] CENTRAL BUSINESS DISTRICT ZONE (CBD)
- [Pattern] GENERAL COMMERCIAL ZONE (C-2)
- [Pattern] WATERFRONT COMMERCIAL ZONE (WC)
- [Pattern] WATERFRONT MIXED USE ZONE (WM)
- [Pattern] LIGHT INDUSTRIAL ZONE (M-2)
- [Pattern] HEAVY INDUSTRIAL ZONE (M-1)
- [Pattern] WATERSHED ZONE (WS)

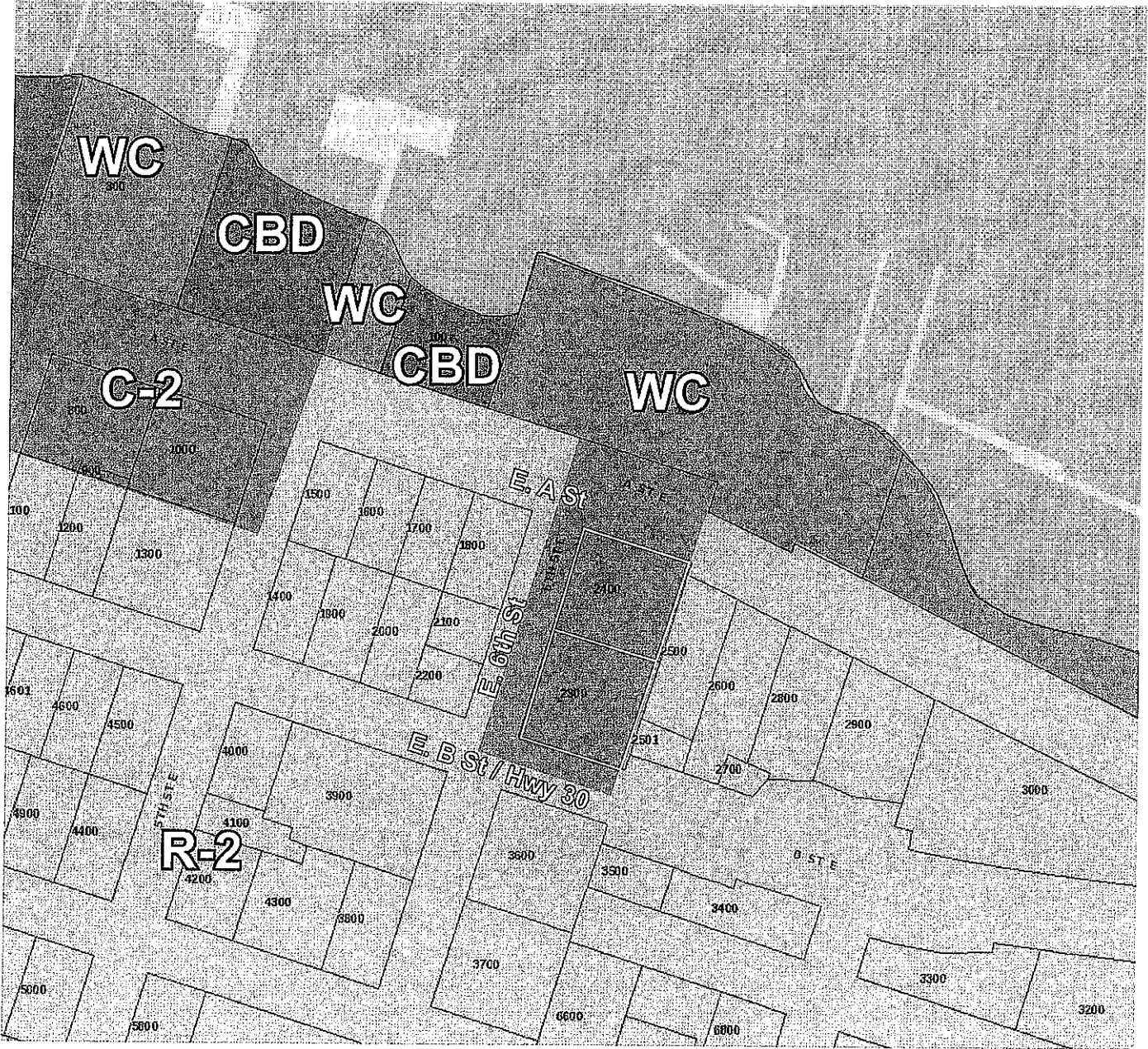
----- City Limits

----- Urban Growth Boundary



# FOSS MARITIME

## Rainier Shipyard Requested Zoning





**Notice of Application for a "Zone Change" from Medium Residential (R-2) to Waterfront Commercial (WC) Together with a Conditional Use Permit, by: Foss Maritime Co.**

Notice is hereby given that a Rezone Application together with a Conditional Use Permit Application is being processed. The Rainier City Planning Commission will hold the initial public hearing(s) and make their recommendation to the Rainier City Council on properties listed below. As a property owner within 250 feet radius, and interested agency, you are invited to review the application and supporting documents at Rainier City Hall. The rezone decision making process and review criteria are outlined in the Rainier Zoning Code Article 6, Section 6.3 – Quasi-Judicial Amendments To The Comprehensive Plan Map Or Zoning Map; Article 6, Section 6.4 – Conditional Uses; Article 3, Section 3.3 – Medium Density Zone (R-2) and Section 3.7 – Waterfront Commercial (WC); Article 5, Section 5.12 – Off-Street Parking and Loading; Article 5, Section 5.10 – Demolition Of Structures In General and the following applicable Comprehensive Plan Goals 1,2,6,7,9,11,12,13 & 14; Rainier Economic Development Council's – Downtown Riverfront Plan; all of which are available for your review.

The public hearing will be held on **Tuesday, October, 1<sup>st</sup> 2013, at 6:00 p.m.**, in the Rainier City Hall Council Chambers, 106 West "B" Street, Rainier, Oregon. All interested persons are encouraged to appear and provide testimony or submit written comments prior to the hearing. Only those making an appearance-of-record (in person or in writing) before the Planning Commission shall be entitled to appeal the Commission's recommendation before the City Council. A copy of the city staff report will be available for inspection at least seven (7) days prior to the hearing. Copies of the Rezone Application and Staff Report may be obtained for a fee. Any interested party may request that the record of this land use request remain open for an additional seven (7) days following the public hearing. Further, any interested party may request a continuance of the hearing. Testimony and evidence must be directed toward the approval criteria for this decision. Failure to raise an issue in person or in writing with sufficient detail to afford the hearing body and parties to the hearing an opportunity to respond precludes appeal based on that issue

Today's Date: August 27, 2013

Address Comments to: Don Mathison, City Planner, Rainier City Hall, P.O. Box 100, Rainier, OR 97048

Applicant: Peter Strelinger, Bristol Northwest LLC, 98 Samish Place, La Conner, WA 98257 (Consultant for Foss Maritime Company).

Property Owner: Amy Painter, 608 East "A" Street & 105 East 6<sup>th</sup> Street, Rainier, OR 97048

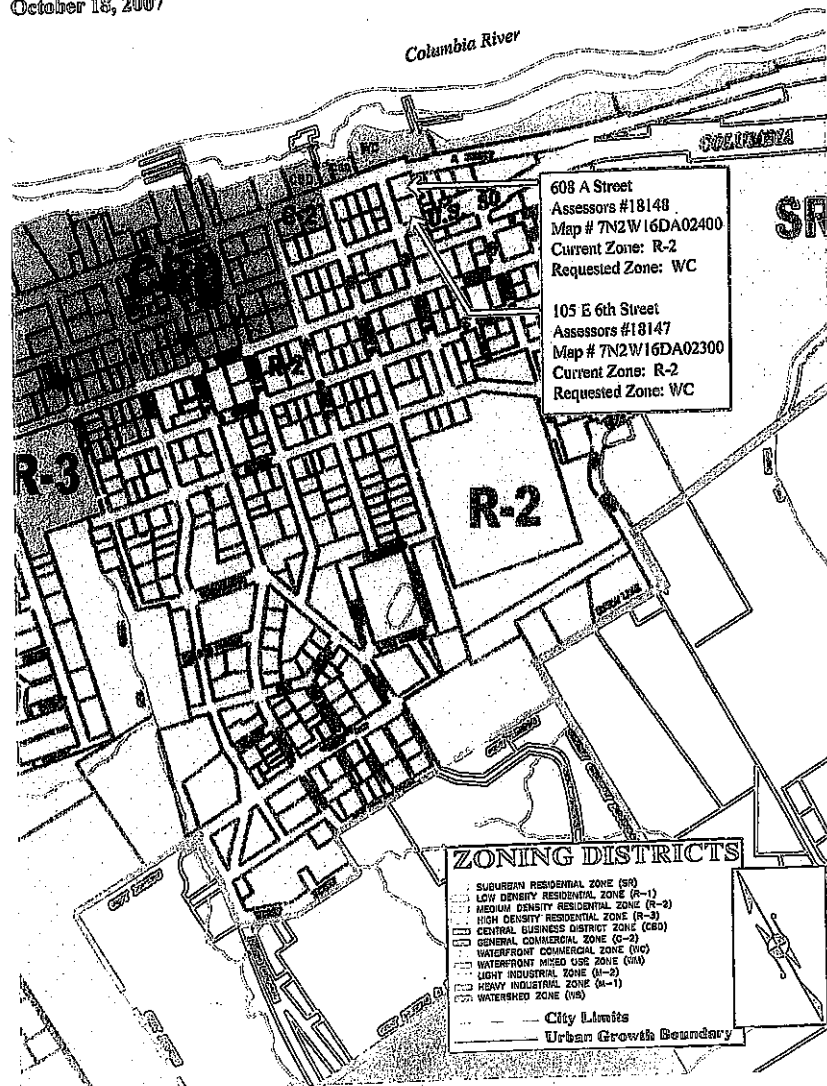
Tax Lots #: 7216-DA-02400 & 02300

Property Address: 608 East "A" Street and 105 East 6<sup>th</sup> Street, Rainier, OR 97048

Current Zoning Designation: 608 "A" Street and 105 East 6<sup>th</sup> Street, Medium Density Residential (R-2)

Proposal: Rezone 608 East "A" Street and 105 East 6<sup>th</sup> Street from Medium Density Residential (R-2) to Waterfront Commercial (WC).

CITY OF RAINIER ZONING MAP  
October 18, 2007



**DLCD Notice of Proposed Amendment or**  
 **Periodic Review work Task Proposed Hearing or**  
 **Urban Growth Boundary or Urban Reserve Area**

**THIS COMPLETED FORM**, including the text of the amendment and any supplemental information, **must be submitted to DLCD's Salem office at least 35 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING** ORS 197.610, OAR 660-018-0020 and OAR 660-025-0080

Jurisdiction: City of Rainier, Oregon  
 Local File Number: REZ7216DA2400&2300  
 Date of First Evidentiary Hearing: October 1, 2013  
 Date of Final Hearing: Unknown As Of Today

Is this a REVISION to a previously submitted proposal?  No  Yes Original submittal date:  
 Comprehensive Plan Text Amendment(s)  
 Land Use Regulation Amendment(s)  
 Transportation System Plan Amendment(s)  
 Periodic Review Work Task Number \_\_\_\_\_  
 Other (please describe):  
 Comprehensive Plan Map Amendment(s)  
 Zoning Map Amendment(s)  
 Urban Growth Boundary Amendment(s)  
 Urban Reserve Area Amendment(s)

**Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):**  
 Foss Maritime Co. is proposing a zone change from Residential Medium Density Zone (R-2) to Waterfront Commercial Zone (WC) for two (2) properties on the south side of East "A" Street east of East 6th Street.

Has sufficient information been included to advise DLCD of the effect of proposal?  Yes, text is included  
 Are Map changes included: minimum 8 1/2"x11" color maps of Current and Proposed designations.  Yes, Maps included  
 Plan map change from: Residential To: Waterfront Commercial  
 Zone map change from: R-2 To: WC  
 Location of property (Site address and TRS): 608 East "A" St., Sec. 16, T7N, R2W, W.M. 02400  
 105 East 6th St., Sec. 16, T7N, R2W, W.M. 02300  
 Previous density range: Medium New density range: N/A Acres involved: 0.65 acres  
 (+-28, 200 sq.ft.)

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is an exception to a statewide planning goal proposed?  YES  NO Goal(s):  
 Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies).  
 N/A

Local Contact person (name and title): Don Mathison, City Planner  
 Phone: 360-430-0799 Extension: N/A  
 Address: City of Rainier, PO Box 100 City: Rainier Zip: 97048  
 Fax Number: 503-556-3200 E-mail Address: donaldm@kalama.com

**- FOR DLCD internal use only -**  
 DLCD File No \_\_\_\_\_



# SUBMITTAL INSTRUCTIONS

Exhibit C, Page 2 of 2

**This form must be submitted to DLCD at least 35 days prior to the first evidentiary hearing.**  
**per ORS 197.610, OAR Chapter 660, Division 18 and OAR Chapter 660, Division 25**

1. This Form 1 must be submitted by a local jurisdiction. Individuals and organizations may not submit a comprehensive plan amendment for review or acknowledgment.

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2. When submitting a plan amendment proposal, please print a completed copy of Form 1 on light green paper if available.
3. **Text:** Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. **Please submit Form 1 with ALL supporting documentation.**
4. **Maps:** Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map must be legible, in color if applicable and printed on paper no smaller than 8½ x 11 inches. Please provide the specific location of property: include the site address (es) and Township/Range/Section/tax lot number. Include text regarding background, justification for the change, and the application if there was one accepted by the local government.
5. **Exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
6. Unless exempt by ORS 197.610(2), proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in the Salem Office. The first evidentiary hearing is typically the first public hearing held by the jurisdiction's planning commission on the proposal.
7. Submit **one paper copy** of the proposed amendment including the text of the amendment and any supplemental information and maps (for maps see # 4 above).
8. Please mail the proposed amendment packet to:  
  

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
9. **Need More Copies?** Please print forms on 8½ x11 green paper if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).



**CITY OF RAINIER  
STAFF REPORT AND RECOMMENDATION**

September 10, 2013

**TO:** City of Rainier Planning Commission Members

**From:** Don Mathison, City Planner

**RE: Foss Maritime Co. – Rezone & Conditional Use Permit Application**

**Proposal:** Mr. Peter Strelinger, on behalf of Foss Maritime Co. 611 East “A” Street, Rainier, OR 97048 is requesting that the Rainier City Planning Commission recommend to the Rainier City Council, approval of the following:

- (1). Rezone: A zone change from Medium Density Residential (R-2) to Waterfront Commercial (WC) for two properties located at 608 East “A” Street and 105 East 6<sup>th</sup> Street and,
- (2). Comprehensive Plan Map: Changing the map designation from Residential to Commercial and,
- (3). Conditional Use Permit. To allow for marine related light industrial uses in the Waterfront Commercial zone and construction and use of a building in excess of 5,000 square feet.

*The findings for this application are presented in two parts. Part #1: Rezone and Comprehensive Plan Map Change; Part #2: Conditional Use.*

*Notice of the proposed amendment was presented to DLCD in conformance with Article 7, Section 7.9 of the City of Rainier Zoning Ordinance.*

**Site location & surrounding zoning designations:**

Foss Maritime is located at 611 East "A" Street. Location of the properties for the rezone applications are: 608 East "A" Street (tax lot 7216-DA-02400) and 105 East 6<sup>th</sup> Street, (tax lot 7216-DA-02300), Rainier, OR 97048. The Conditional Use application is for 608 East "A" street.

**Zoning Designations:**

**North Side of East "A" Street:** The north side of the property on East "A" Street is flanked on the north by the Columbia River. Starting at East 4<sup>th</sup> & "A" Streets, eastward to East 5<sup>th</sup> Street = Waterfront Commercial (WC) & Central Business District (CBD); continuing from East 5<sup>th</sup> Street to mid-block of East 5<sup>th</sup> & East 6<sup>th</sup> Streets = WC & CBD; continuing eastward from the mid-block of East 5<sup>th</sup> & East 6<sup>th</sup> Streets, eastward through the Foss property to the city limit line = WC.

**South Side of East "A" Street:** Beginning at the easterly half of East 5<sup>th</sup> Street the property on East "A" Street to the eastern side of East 10<sup>th</sup> Street is zoned R-2 (Medium Density Residential).

**Comprehensive Plan Designation: South Side of East "A" Street** – Starting at East 4<sup>th</sup> Street the property on the south side of East "A" Street to the eastern side of East 10<sup>th</sup> Street is designated Residential; easterly of the eastern side of East 10<sup>th</sup> Street is designated Suburban Residential eastward to the City Limit boundary.

**Decision Process:**

**Rezone:** This amendment proposal is a quasi-judicial amendment to the Comprehensive Plan Map or Zoning Map. A quasi-judicial action is generally small in size, single ownership or single interest. It may be initiated by the City Council, the Planning Commission, or by application of an owner of property or by the owner's authorized agent.

Quasi-judicial map amendments are Type IV decisions. Public hearings shall be held by the Planning Commission and the City Council. Any amendments to the map shall be adopted by ordinance of the City Council.

**Conditional Use Permit :** Conditional Use Permit Applications 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. In permitting a conditional use permit, the Planning Commission may impose

conditions found necessary to protect the 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.

*Staff Comment: The applicant is proposing to demolish an existing structure at 608 East "A" Street and construct a storage warehouse, in excess of 5,000 square feet (10,000 square feet.), and use the building for marine related light industrial uses which requires a conditional use permit. Staff advised the applicant to submit the conditional use permit application for consideration simultaneously with the re-zone application, as provided for in Article 6, Section 6.4- Conditional Uses-Concurrent Hearings, which reads: "An application for a conditional use permit may be made at the same time as an application for a rezone. In such cases the Planning Commission may hold one public hearing and consider the applications concurrently".*

**Decision Criteria:**

- Comprehensive Plan; Goals 1, 6, 7, 9, 11, 12, 13, & 14.
- Rainier Zoning Code, Article 6, Section 6.3 – Quasi-Judicial Amendments to Zoning Map.
- Rainier Zoning Code, Article 3, Section 3.3 – Medium Density Residential Zone (R-2).
- Rainier Zoning Code, Article 3, Section 3.7 – Waterfront Commercial (WC).
- Rainier Zoning Code, Article 5, Section 5.10 – Demolition Of Structures In General.
- Rainier Zoning Code, Article 5, Section 5.12 – Off-Street Parking and Loading.
- Rainier Zoning Code, Article 6, Section 6.4 – Conditional Uses.
- Rainier Zoning Code, Article 7, Section 7.9 - Type III, Quasi-judicial Land Use Decisions.
- Rainier Economic Development Council – Downtown Riverfront Plan.

**Background:** *As stated in the applicant's cover letter, "Foss Maritime Company at 611 East "A" Street, has been operating in the City of Rainier for over 20 years". The company is in the business of construction and maintenance of commercial oceangoing tugs and ships. The company is under a recent contract for the construction of three (3) arctic class tug boats. However, the company has maximized the existing space under their current activities and is in need to relocate their existing office space and create a new storage facility. The properties on the south side of East "A" Street and on the east side of East 6<sup>th</sup> Street offer a unique opportunity to answer the company's expansion needs (See Exhibit "A").*

*The City is experiencing traffic impacts with on-street parking and service deliveries along the eastern portion of "A" Street with the location of the Portland Western Railroad Line in "A" Street. This proposal offers some relief to this issue.*

**Exhibits:**

- A. Application Cover Letter, two (2) pages, dated 8.2.13.
- B. Applications – Rezone & Conditional Use Permit Applications, two (2) pages, dated 7.22.13.
  - B-1. Application Rezone Narrative, five (5) pages, dated 7.22.13.
  - B-2. Application Conditional Use Narrative, two (2) pages, dated 7.22.13.
- C. Illustration – Air photo, one (1) page, of proposed properties for rezone.
- D. Illustration – Map, one (1) page, showing zoning districts and location of properties to be rezoned.
- E. Illustration – Map, one (1) page, of property outlines showing how the proposed rezone connects to the existing Waterfront Commercial Zone.
- F. Notice, two (2) pages, to DLCD.
- G. Public Notice of Application, two (2) pages, dated 8.27.2013.
- H. Rezone and Conditional Use Permit Mailing List, one (1) page, of property owners and interested agencies 8.27.13.

I. Clatskanie Chief Newspaper Notice of Public Hearing, 1 (one) page, 9.5.13

J. Facility Review Form Responses, 4 (four) pages, from:

- Columbia County Land Development: Approved as proposed;
- Columbia River Fire & Rescue: Approved as proposed.

### **Part 1- Rezone**

#### **Findings:**

1. **Rainier Zoning Code , Article 6 - Section 6.3 Quasi – Judicial Amendments To The Comprehensive Plan Map or Zoning Map:**

**Section 6.3: Criteria for Comprehensive Plan Map Amendments:** In order to grant quasi-judicial amendments to the Comprehensive Plan Map, City Council shall find that:

- The change is consistent with applicable Comprehensive Plan policies, the Oregon Highway Plan, and the Columbia County or Rainier Transportation System Plans; and either
  1. A change of physical circumstances has occurred since the original designation; or
  2. A mistake was made in the original land use designation.

#### **Staff Comment:**

*The zone change from Residential to Commercial is consistent with the applicable Comprehensive Plan policies and has no negative impact to the Oregon Highway Plan; The Columbia County or Rainier Transportation System Plans.*

*A change has occurred in the physical circumstances for Foss Maritime at 611 East "A" Street, since the original zone boundary was designated. As stated in the applicant's Rezone Narrative, page 4, the current marine yard site is constrained by the Columbia River and East "A" Street and is used to its maximum capacity. On- street parking has increased to a congestive capacity (especially when*

*considering the railroad line) and the company is experiencing equipment storage limitations. These issues combined with the additional need for space to work on the new tug boats, and the subsequent need for additional employee parking and separate loading & handling space has created the need for this request (See Exhibit B-1).*

*There was no mistake in the original land use designation for either 608 East "A" Street or 105 East 6<sup>th</sup> Street.*

**Section 6.3: Criteria for Zoning Map Amendments** : Quasi-judicial amendments to the zoning map shall be consistent with the following criteria:

- A. The proposal conforms with the applicable provisions of the City Comprehensive Plan. As such the conformance pertains to the Transportation System Plan, the following provisions apply:
  - 1) A plan or land use regulation amendment significantly affects a transportation facility if it:
    - a). Changes the functional classification of an existing or planned transportation facility;
    - b). Changes a standards implementing a functional classification system.
    - c). Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
    - d). Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan (TSP) as established by the Oregon Highway Plan and the Columbia County or Rainier Transportation System Plans.

**Staff Comment:**

*The proposal was reviewed and found consistent with the following applicable Comprehensive Plan goals and policies:*

**Goal # 1, Citizen Participation** – To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Staff Comment:**

*Citizen involvement has been encouraged through the Public Notice Process as set forth in the Rainier Zoning Code, Article 7, Section 7.9 in accordance with the provisions of ORS 197.763*

Goal # 6: Air, Water and Land Resources Quality- To maintain and improve the quality of the air, water and land resources of the State.

Staff Comment:

*The zone change request will have no new impacts on the air, water or land resource quality. At the time of site redevelopment, storm water runoff, erosion control and impacts to the City's other resources (sewer & water- potable and fire) will be addressed during Design Review.*

Goal # 7: Areas Subject to Natural Disasters and Hazards – To protect life and property from natural disasters and hazards.

Staff Comment:

*The rezone itself will not affect any hazardous designation of the site. During the Design Review process, prior to any site redevelopment activity, the applicant will be required to submit to the City a GeoHazard land use application and a signed geotechnical engineering study addressing the possible soil slippage and storm water runoff, both during the reconstruction activity and continued uses.*

Goal # 9: Economy of the State – To diversify and improve the economy of the State.

Staff Comment:

*The applicant states on page 2 of the Rezone Narrative the following: "The proposed amendments will add to the economic diversity and improve the economy of the State of Oregon and the City of Rainier. The expansion of the Foss shipyard has already added 20 new jobs to the City of Rainier. The total workforce is currently 37 making it one of the largest employers in Rainier. Current and future contracts are likely to require additional employees". ----- "The expansion of the Foss shipyard*



*diversifies the economy which has traditionally been dependent upon the wood products industry” (See Exhibit B-1).*

*In addition to the statement given by the applicant, this proposal will result in an increase of business activity in the surrounding service industries( restaurants, general merchandise stores, automotive service and repair shops, etc.) within the CBD area.*

**Goal # 11: Public Facilities and Services** – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

**Staff Comment:**

*The zone change will have minimal impact on the public facilities and services as the sanitary and storm water sewer services, water, streets, fire, police and utility services are currently available to the site.*

*However redevelopment of the site may require service upgrades.*

**Goal # 12: Transportation** – To provide and encourage a safe, convenient and economic transportation system.

**Goal # 12; Finding # 3** - Rainier has very strong transportation facilities, including highway, river-borne and rail. Conflicts between through movements on both highway and rail and local use of these facilities and adjacent rights-of-way continue to be a major challenge for Rainier.

**Staff Comment:**

*The applicant states in the Conditional Use Narrative, page 2 that:*

- 1. Adjoining businesses and neighborhood residents will find more parking.*
- 2. Railway operations will be enhanced with reduced risk.*
- 3. Relieve congestion and allow for easier turn around on East “A” Street, which is a dead-end (See Exhibit “B-2”).*

**Goal 12: Policy 7** - The City may require that any subdivision, planned development and development allowed as a conditional use be accompanied by a traffic impact statement describing the potential on-site and off-site impacts, of the proposed development, including the need for off-site road improvement and signals.

**Staff Comment:**

*Determination as to the need for a traffic impact study and any remonstrance agreements will be made during the Design Review phase.*

**Goal 12-Policy 12** - In locations that conform to the Comprehensive Plan and Zoning Ordinance , the City will support the provision of docks, marine terminals, wharves and dolphins to accommodate deep draft and shallow draft cargo movement and the development of intermodal connections between marine facilities, rail and highway to facilitate and improve freight movement”.

**Staff Comment:**

*The applicant stated on page 2 of the Rezone Application Narrative that this application is further supported by the aforementioned Policy (See Exhibit “B-1”).*

*Staff finds that this rezone will assist in the relief of on-street parking limitations on the eastern portion of East “A” Street.*

**Transportation System Plan Compliance:**

**Staff Comment:**

*The City has completed a Transportation System Plan (TSP) to address multi-modal transportation needs within the City. Policies related to the TSP are stated in this section of the Comprehensive Plan and in the TSP.*

**TSP, Section “B”, Policy 2-** reads: “To consider the impact on existing or planned transportation facilities in all land use decisions”.

**Staff Comment:**

*Staff finds that the zone change will not result in activity that negatively impacts existing or planned transportation facilities or that warrants any changes to the functional classification of "A" Street which is designated in the Transportation System Plan (TSP) as a collector street with railroad right-of-way.*

Goal # 13, Energy Conservation – To conserve energy.

Staff Comment:

*Currently, the City uses Columbia County Land Development for all building permit review and issuance. The City is competent that Columbia County Land Development Department will insure that the redevelopment will be in compliance with modern energy saving building techniques and codes.*

*In recognition of energy conservation, the applicant stated on page 2 of the Rezone Narrative – "Future building plans will include energy conservation design" (See Exhibit "B-1").*

Goal # 14, Urbanization – To provide for an orderly and efficient transition from rural to urban land use.

Staff Comment:

*Staff finds that this proposal has an indirect impact on this goal through providing for maximum use of urban land closely associated with the Columbia River within the current City limits as supported by Goal 14, Policy 2-d: making "maximum efficiency of land uses within and on the fringe of the urban area".*

- 2). Proposals which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  - a). Revising the proposal to be consistent with the planned function of the transportation facility, or

- b). Amending the Transportation System Plan (TSP) to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule.

Staff Comment:

*The zone change will not have a negative impact on or negatively affect any transportation facility within the City of Rainier. Revising the proposal or amending the TSP is not needed.*

- B. The proposal complies with all applicable statutory and ordinance requirements and regulations.

Staff Comment:

*Reviewing the permitted uses between the Medium Density Residential (R-2) and the Waterfront Commercial (WC) Zones, staff finds that:*

*The Medium Residential zone is designed to allow for residential uses up to two-family dwellings and limited home-occupations with three family dwellings and public and semi-public uses permitted as a "conditional use". Marine related light industrial uses are not permitted. Permitted uses are:*

- a. Single family dwelling;
- b. Manufactured home on an individual lot subject to standards of Section 5.11;
- c. Two-family dwelling
- d. Accessory building incidental to the primary residential use;
- e. Home occupation which meets the restrictions of Section 5.8

*The Waterfront Commercial zone is designed to maximize the commercial use of the Columbia River. This zone allows for the permitted C-1 (neighborhood commercial) uses and a wide variety of C-2 (general commercial) uses, such as barber & beauty shops, print shops, laundry and shoe repair, tourist oriented uses, professional offices, etc.*

*In addition to allowing the uses of the C-1 and C-2 zones, the Waterfront Commercial zone allows for the following marine related water-oriented uses:*

- a. Marina;
- b. Boat sales, service and repair;

- c. Boat launching facility;
- d. Public or private dock;
- e. Storage of marine equipment in building(s) with less than 5,000 square feet in total space;
- f. Commercial towboat operation permitted east of West 3<sup>rd</sup> Street.

*Marine related light industrial uses are permitted as "conditional". Single-family residential units are not allowed in the WC zone.*

*Extending the WC zone into the R-2 zone will create a peninsula ending at Highway 30 and flanked on both sides by single-family residential units. All uses allowed as "permitted uses" listed in the C-1; C-2 and WC zone will be permitted within the rezone area.*

*The WC zone also requires that all new development, including new construction, a significant modification or expansion, or change in use to a waterfront commercial use is subject to Design Review under the provisions of Section 6.7 of the Rainier Zoning Ordinance.*

- C. There is a public need for the proposal and that this need will be served by changing the zoning of the property in question as compared with other available property; and

Staff Comment:

*Staff finds that there is a public need to keep businesses in the City of Rainier. Where it can be demonstrated that a zone amendment will provide vitality to the Central Business District by allowing an existing business to expand and thus provide for primary and possible secondary job increase, the economic need for the community is better served. The proposed zone change keeps the marine industrial uses compacted to the easternmost end of "A" Street, and within the city limits, thus preventing possible urban industrial sprawl. The properties of the proposal offer the best possible solution to the City and Foss Marine. There are no other available properties within this area of Rainier that will meet the needs for this activity. The City needs to remove as much on-street parking as possible from the east end of "A" Street and Foss Maritime can assist in this effort by providing for off-street parking at the proposed sites.*

*Protecting adjacent properties from negative impacts of the future activities occurring on the rezone properties is within the City's authority through the Conditional Use and Design Review sections in the Rainier Zoning Ordinance.*

D. The public interest is best carried out by approving the proposal at this time.

Staff Comment:

*By moving forward at this time, the City is demonstrating confidence in the private sector and showing a willingness to act in partnership for new economic opportunities, which benefit all parties concerned.*

**Part 1 – Comprehensive Plan Map and Zone Change Application Conclusion and Recommendation**

*As the above findings illustrate, granting the rezone and comprehensive plan map change will allow an existing business to continue to grow and prosper within the City of Rainier, while also relieving an on-street parking issue along East "A" Street.*

*Staff therefore recommends that the Rainier City Planning Commission recommends that the Rainier City Council vote "Approval" for the Comprehensive Plan Map change from Residential to Commercial and a Zone Change for 608 East "A" Street and 105 East 6<sup>th</sup> Street, Tax Lot Numbers 7216-DA-02400 & 7216-DA-02300 from Medium Density Residential (R-2) to Waterfront Commercial(WC).*

**Part 2 - Conditional Use**

Background: *This application is connected directly to the rezone application above. The unit at 608 East "A" Street will be demolished and a warehouse of approximately 10,000 square feet will be constructed, and marine related light industrial uses will occur. Modification to the unit at 105 East 6<sup>th</sup> Street will be mainly internal with possible on-site parking modification.*

*The applicant provides the following information in their Conditional Use Narrative:*

*The Conditional Use Permit requests approval to:*

1. Allow modification of Section 3.7, Waterfront Commercial (WC), B.5 of the zoning ordinance. Permitted uses 3.7, B.5, Storage of marine equipment in building(s) with less than 5,000 square feet.
2. To receive a Conditional Use Permit to allow the building to include marine related light industrial uses as described in 3.7A. Conditional Uses. (See Exhibit B-2, page 2).

**Findings:**

1. **Rainier Zoning Code , Article 3 - Section 3.7 Waterfront Commercial Zone (WC):**

Conditional Uses: The following categories of uses are permitted in the WC zone when a conditional use is approved subject to Section 6.4:

- A. Marine related light industrial use;
- B. Boat building and dry dock facilities;
- C. Public use;
- D. Semi-public use.

2. **Rainier Zoning Code , Article 6 - Section 6.4 Conditional Uses:**

Purpose: Certain types of uses require special consideration prior to being permitted in a particular district. The reasons for requiring special consideration involves the effect such uses have on any adjoining land uses and the community as a whole, the nature of potential traffic problems and other impacts of the conditional use.

Staff Comment:

*This request was examined as to its geographical location and the proposed activity in relation to adjoining properties and their activities. The use of the site will be conditioned so as to not interfere with adjoining private properties and their activities. The applicant states on page 1 of the Conditional Use Permit Narrative that:*

*“105 East 6<sup>th</sup> Street – The structure will remain relatively unchanged. Uses may include engineering design and subcontractor offices with additional parking for employees and shipyard vendors will be provided”.*

*“608 East “A” Street- Short term, Foss will apply for a permit to raise the unoccupied home and provide material storage and parking. Future plans include the design and construction of a building to allow storage of marine related equipment, materials and parking.” (See Exhibit “B-2”, page 1).*

*The proposal to demolish an existing structure is addressed as follows:*

2-a. **Article 5, Section 5.10 – Demolition of Structures In General**

**Permit Requirement.** A demolition permit is required for the planned destruction of any existing significant structure (such as a shop, dwelling, garage, barn, or outbuilding). There is no fee for the permit unless demolition applies to a registered historic structure.

**Decision Process.** Demolition permit applications shall be reviewed and determined by Planning and Public Works as a Type I Decision. The request to demolish a historic structure shall be subject to review and determination at a public hearing by the Planning Commission as a Type III Decision.

**Staff Comment:** *The City of Rainier/REDCO’s Rainier Downtown/Riverfront Plan, November 2000, lists fifteen historic buildings in downtown Rainier. The subject properties are not among those listed. Although there will be no fee applied by the City this issue will be handled by the county building permit process.*

**Application:** An application for a conditional use permit shall be made by the owner of the effected 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.

**Staff Comment:** *The application was made by an authorized agent of the property owner on the proper forms and all fees were paid, and all information needed about the proposed activity was supplied in adequate time and manner to allow staff to make an informed recommendation to the Planning Commission (See Exhibits “B-2-C-D & E”).*

**Criteria:** In order to grant a Conditional Use Permit, the Planning Commission shall make findings of fact to support the following conclusions:



**A. The use is listed as a conditional use in the zone which is currently applied to the site;**

*Staff Comment: The proposed marine related industrial use is listed as a "Conditional Use" in the WM zone.*

**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 Comment:**

*The characteristics of the site are generally suitable for the proposed conditional use. The applicant stated that:*

*"The properties are adjacent and across the street from the shipyard making it ideal and convenient for the intended uses. Raising the home on "A" Street will allow a street level area for immediate material storage and parking. The property is sloping which will require grading and possible retaining walls, none of which suggests any construction techniques beyond standard. It is understood that any future building and construction will be in a separate application through the city's Design Review process" (See Exhibit B-2, p.1).*

*Staff has concerns regarding the potential grading and leveling of the site at 608 East "A" Street with regards to potential land slippage. Any base land disturbance to 105 East 6<sup>th</sup> Street or 608 East "A" Street may trigger land slippage. Due to this possibility a Geotechnical Examination of both properties should be conducted by a certified geotechnical engineer, prior to any grading or fill activity being performed.*

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

**Staff Comment:**

*Staff finds that all necessary public facilities needed to serve the proposed use are currently in place and functioning. There are no new identified demands upon the City's infrastructure or services that will result from this activity.*

**D. The proposed conditional use will comply with all applicable policies of the Rainier Comprehensive Plan, the Oregon Highway Plan, and the Columbia County or Rainier Transportation System Plans; and,**

*Staff Comment: The Conditional Use Permit Application is attached to the Rezone Application. During the review of the Rezone application, the policies of the Comprehensive Plan were reviewed and all applicable policies addressed. Staff finds that the Conditional Use Permit Application meets with and is supported by all applicable policies in the City's Comprehensive Plan. The Oregon Highway Plan and the Columbia County or Rainier Transportation System Plans goals and policies are not negatively impacted by this application (See Part 1 of this report).*

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

*Staff Comment: Staff finds that businesses of this nature generally store and use hazardous materials. The applicant states on page 2 of the Conditional Use Narrative that:*

*"The intended use is for the storage of materials used in the construction and maintenance of ships and tugs. Materials such as pumps, valves, fasteners and fabricated parts will make up the majority to the warehousing. However some materials which may be considered hazardous, such as oil, lubricants, paints and solvents may also be delivered and stored on the property. Spill containment devices are utilized throughout the yard. In addition to the shipyards best management practices (BMPs), Foss complies with all local, state and federal regulations for handling potential contaminants. Foss worker safety, OSHA regulations are strictly adhered too See Exhibit "B-1").*

*Demolition and site preparation and reconstruction activities can cause disruption and adverse conditions to neighboring properties, for example, noise and dust from demolition activities, traffic disruption, etc. can and most probably will occur. To minimize these impacts a more detailed examination of the exact nature of the rezone properties reconstruction will be necessary. This examination will occur during the Design Review process which requires that the Planning Commission shall conduct public hearings.*

*The applicant states on page 1 of the Conditional Use Narrative: "It is understood that any future building construction will be in a separate application through the City's Design Review process" (See Exhibit "B - 2").*

**IV. Article 5, Section 5.12 Off-Street Parking And Loading.**

**A. General Provisions.** This section contains parking standards which are applicable to use 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 section.

**Staff Comment:**

*This article of the zoning code will be addressed in the Design Review process.*

**Part 2 – Conditional Use Application - Conclusion and Recommendation**

*Staff recommends that the Conditional Use Permit Application be approved for 608 East "A" Street and 105 East 6<sup>th</sup> Street, Tax Lot Numbers 7216-DA-02400 & 7216-DA-02300 subject to the following conditions:*

- *Prior to any base land disturbance, demolition or modification of 105 East 6<sup>th</sup> Street or 608 East "A" Street properties, a Geotechnical Examination shall be conducted by a certified geotechnical engineer and submitted together with a Design Review Application, to the Rainier City Clerk's Office, for review in conformance with Article 6, Section 6.7 of the Rainier Zoning Ordinance.*

Enclosures

Cc: Rainier Public Works Department  
Peter Strelinger, Applicant & Consultant  
Amy Painter, Rezone Property Owner  
Michael Magill, VP, Foss Maritime Co.



## **ADDENDUM TO RAINIER CITY PLANNING STAFF REPORT**

September 26, 2013

TO: Rainier City Planning Commission

FROM: Don Mathison, City Planner *DM/bjk*

RE: Foss Rezone – Traffic Impact Analysis and the Comprehensive Plan’s Goal 10 - Housing

I received two (2) letters (sent via –e-mail): The first one from Mr. Bill Johnston, ODOT Region 2, Transportation Planner, dated September 24, 2013. He is requesting that the City postpone making a decision on the application until a Traffic Impact Analysis (TIA) is prepared. The second letter is from Ms. Anne Debbaut – Oregon State Land Conservation and Development Commission (LCDC), Metro Regional Representative, dated September 25, 2013. Anne stated in her letter that the city must address whether the proposed rezone would have a significant effect on the transportation system. Goal #12, Policy # 7 – of the staff report, defers addressing this issue to the Design Review stage. According to Anne’s letter, the Oregon Court of Appeals stated that this cannot be done. A traffic impact analysis (TIA) must be conducted prior to the rezone being determined. I forwarded this issue to the applicant, Mr. Peter Strelinger. (See: Letters from Anne Debbaut, dated September 25, 2013 and Bill Johnston, dated September 24, 2013, attached).

Anne also suggested in her letter that the city (Rainier) prepare a finding that “the city has an adequate supply of available housing and/or residential buildable lands to offset the loss of the residentially zoned properties as a result of the zone change”

The staff report omitted Housing - Goal #10 of the Comprehensive Plan. Goal # 10 is being addressed in this addendum report as follows:

**Rainier Comprehensive Plan – Goal 10 – Housing:**

To provide for the housing need for the citizens of the state.

LCDC housing comment: ---- that the city (Rainier) prepare a finding that "the city has an adequate supply of available housing and/or residential buildable lands to offset the loss of the residentially zoned properties as a result of the zone change"

Finding: *The City of Rainier approved the Alder Heights 19-lot residential subdivision in 2008 and a 13-lot Norwood Heights residential subdivision in 2012. Together these subdivisions constitute approximately 32 residential single-family lots which provide an adequate supply of buildable lands to off-set the loss of two (2) housing units as a result of the proposed zone change.*

Also, please find attached to this addendum letters of support for this application.

**Conclusion and Recommendation**

Due to the timing of the aforementioned letters from LCDC in relation to the hearing date, staff finds that there is insufficient time to allow the applicant to prepare an adequate response to the issue of traffic impact resulting from this proposal. Staff therefore recommends, in conformance with Article 7 of the Rainier Zoning Code, that this hearing be continued to a time and date to be determined by the Planning Commission in consultation with the applicant.

Cc w/attach: Debra Dudley, Rainier City Administrator  
Bobby Jo Brusco-Harding, Rainier City Planning Clerk  
Anne Debbaut, Metro Regional Representative  
Bill Johnston, ODOT Region 2  
Peter Strelinger, Bristol Northwest, LLC, Applicant and Consultant for Foss Maritime Co.  
Amy Painter, Property Owner  
Michael Magill, VP, Foss Maritime Co.



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development  
Community Services Division

Portland Metro Regional Solutions Center

1600 SW Fourth Ave., Suite 109

Portland, Oregon 97201

503.725.2182

[anne.debbaut@state.or.us](mailto:anne.debbaut@state.or.us)

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

September 25, 2013

Don Mathison  
c/o Debra Dudley, City Administrator  
PO Box 100  
Rainier, OR 97048

SENT VIA E-MAIL



Re: Notice of Proposed Amendment; Foss Maritime Zone Change from Residential to Waterfront Commercial;  
DLCD PAPA 001-13

Hi Don,

Thank you for the opportunity to provide comment on the subject proposed Comprehensive Plan and Zoning Map amendments. Please enter these comments into the record for this plan amendment and the proceedings of the upcoming Planning Commission hearing and any subsequent hearings on this matter.

The plan amendment notice sent for our review indicates the applicant has not yet addressed the Transportation Planning Rule (OAR 660-012-0060) regarding whether the rezone would have a significant effect on the transportation system. The materials show the city plans to defer such analysis until the design review stage of the land use process, well after a decision on the requested rezone from residential to waterfront commercial. Case law from the Oregon Court of Appeals, specifically the court's relatively recent decision in the Willamette Oaks case from Eugene back in 2009 (A142351), shows that local jurisdictions may not defer addressing and analyzing for a significant effect on the transportation system under OAR 660-012-0060 to a later stage of the land use process. The city (and the applicant Foss Maritime) must complete the significant effect analysis prior to approval of the requested rezone. Therefore, we suggest that the city postpone making a decision on the zone change application until a transportation impact analysis has been completed and the Transportation Planning Rule addressed.

One additional suggestion is that the city prepare a finding that the city has an adequate supply of available housing and/or residential buildable lands to offset the loss of the residentially zoned properties as a result of the zone change.

Please let me know if I can provide any further information or assistance. And thank you again for the opportunity to comment.

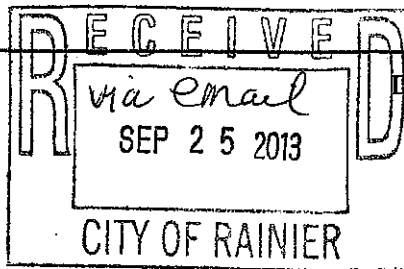
Best Regards,

Anne Debbaut | Metro Regional Representative  
Department of Land Conservation and Development  
[anne.debbaut@state.or.us](mailto:anne.debbaut@state.or.us)  
503.725.2182

cc: Bobby Jo Brusco-Harding, City of Rainier (email)  
Bill Johnston, ODOT Region 2 (email)  
Gary Fish, Patrick Wingard, Gordon Howard, Rob Hallyburton, DLCD Staff Files (email)



**Oregon**  
John A. Kitzhaber, M.D., Governor



Department of Transportation  
Region 2, Area 1  
350 W Marine Dr  
Astoria, OR 97103-6206  
503.325.7222

Sept 24, 2013

To: Don Mathison, City Planner, Rainier City Hall  
From: Bill Johnston, ODOT Region 2 Transportation Planner  
Subject: Foss Maritime zone change request

Thank you for the opportunity to comment on this proposed plan amendment.

The Transportation Planning Rule (OAR 660-012-0060) requires that local governments amending adopted plans and regulations (including zoning designations) demonstrate that the amendment will not significantly affect existing or planned transportation facilities. What constitutes a significant effect is defined in OAR 660-012-660(1)(a-c).

It is the responsibility of the affected transportation facility and service providers, in this case the City of Rainier and ODOT, to make the significance determinations. If there is a significant effect, the local government must identify appropriate mitigation measures. Appropriate mitigation is defined in OAR 660-012-0060(2)(a-e). ODOT's specific concern relates to possible impacts to US Highway 30 and the rail crossings on A Street. The City, presumably, would be concerned about the impacts to local streets.

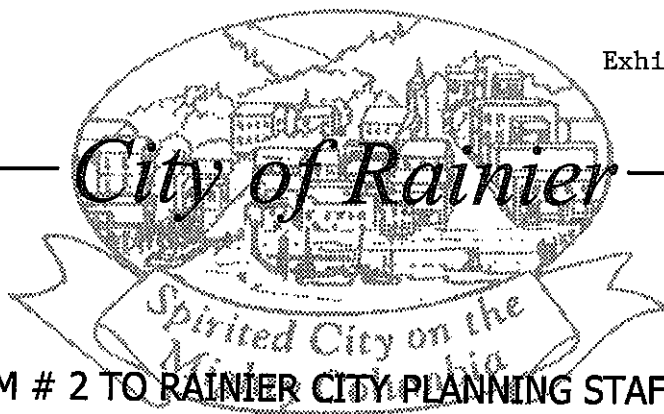
The generally accepted method for establishing whether there is a significant effect, the extent of the impact, and the appropriate mitigation measures, is to prepare a Traffic Impact Analysis (TIA). A TIA is usually prepared by the applicant, but it could also be prepared by the local government. The traffic analysis must be prepared at the time of the amendment, not later as suggested by the applicant (Foss Maritime) when a specific development proposal is submitted to the City.

ODOT has reviewed the materials submitted by the applicant. A TIA was not provided. Without an assessment of the impacts of this proposed plan amendment on the safety and operations of Highway 30 (and local streets) there is not sufficient information in the record for ODOT (or the City) to determine the significance of the proposed plan amendment or to address the requirements of the TPR.

ODOT suggests that the City postpone making a decision on the application until a TIA is prepared by the applicant. ODOT is available to assist the City in determining the appropriate scope of the TIA and to review the findings of the completed TIA.

Thank you again for the opportunity to comment. Please include this correspondence in the record of the upcoming Planning Commission hearing and any subsequent hearings on this matter. If you have any questions regarding these comments, please contact me at 503.325.5281 or bill.johnston@odot.state.or.us.

copy: ODOT: Larry McKinley, Matt Caswell; DLCD: Anne Debbaut, Gary Fish



**ADDENDUM # 2 TO RAINIER CITY PLANNING STAFF REPORT**

October 21, 2013

**TO:** Rainier City Planning Commission Members

**FROM:** Don Mathison, City Planner

**RE: Foss Rezone – Traffic Impact Analysis**

Attached is a Traffic Impact Analysis (TIA) prepared by Mr. William Farley, EI, and Todd E. Mobley, PE, PTOE, Lancaster Engineering. The TIA report was prepared in response to comments received from Mr. Bill Johnston, Region 2, Oregon State Department Of Transportation (ODOT) Planner and Ms. Ann Debbaut, Oregon State Land Conservation and Development Commission (LCDC), Metro Regional Representative stating, that prior to granting a rezone and/or Comprehensive Plan amendment, a TIA be conducted in accordance with Oregon Administrative Rule (OAR) –Transportation Planning Rule (TPR) 660-012-660(1)(a-c). The comments from ODOT and LCDC were attached to staff's Addendum dated September 26, 2013.

Staff Comment: The attached report amends planning staff's comment presented under the Comprehensive Plans' Goal 12, Policy 7 in the Foss Maritime Rezone Staff Report dated September 10, 2013, which reads: "*Determination as to the need for a traffic impact study and any remonstrance agreements will be made during the Design Review phase.*" The TIA has demonstrated that a detailed traffic impact study is not required for this rezone application.

The TIA provides a response to the Transportation System Plans' Section "B", Policy 2, which reads - "To consider the impact on existing or planned transportation facilities in all land use decisions."

The attached TIA (Traffic Impact Analysis) addresses the following subjects:



**Potential Development Density** – This section discusses the traffic impact of the uses in the (Medium Density Residential) R-2 zone within the proposed rezoned properties as compared to the traffic impact of the proposed (Waterfront Commercial) WC zone. The estimate of the Trip Generation for the zone comparison was based on the Trip Generation Manual, Ninth Edition, published by the Institute of Traffic Engineers (ITE), code 201 – *Single-Family Detached Housing* and code 841-*New Car Sales*, based on gross square footage. The total traffic during PM peak hours for the proposed WC zone is based on a 7,000 square foot building. The Trip Generation Summary shows that the AM Peak Hour total net trip difference will be 11 new trips and PM Peak Hour total net trip differences will be 15 new trips. This section of the report concludes that: *“Absent the zone change application, a development generating this level of trip generation on this site would not likely rise to the level of requiring a detailed analysis, as traffic impacts will be minimal.”* (See Lancaster’s Technical Memorandum, page 2).

**Oregon Transportation Planning Rule (TPR) - 660-012-0060** - This section acknowledges that the TPR is relevant and must be addressed. It lists the applicable elements of the TPR and concludes that based on the Transportation Analysis (TIA) the Transportation Planning Rule is satisfied (See: Lancaster’s Technical Memorandum, pages 3 & 4).

**Parking** – This section states that the applicant will submit a separate Design Review Application which will address a detailed parking plan (See: Lancaster’s Technical Memorandum - Parking, page 4).

**Railroad Impacts** – This section states that the “A” Street Streetscape & Railroad Safety Project is currently under discussion and that Foss Maritime is working with other “A” Street Businesses; the City of Rainier; ODOT and the Railroad on this project and will continue to work with project stakeholders as the project moves forward (See: Lancaster’s Technical Memorandum – Railroad Impacts, page 4).

**Circulation** – This section discusses the travel routes to and from the subject properties, via East “A” Street and subsequent cross streets. Deliveries to the subject properties and associated shipyard will be between 7:00 a.m. and 5:00 p.m. weekdays. It states that with the minimal increase of trips associated with the zone change and the number of travel routes to and from the zone site to dissipate the impact, the proposed zone change will not have a significant impact on the surrounding street system (See: Lancaster’s Technical Memorandum – Circulation, pages 4 & 5).

**Conclusions** – The report concludes that: "...the zone change of the two properties will not result in significant traffic impacts on the surrounding transportation system. Oregon's Transportation Planning Rule is satisfied and no mitigations are recommended".

### **Conclusion and Recommendation**

The Traffic Impact Analysis (TIA), prepared by Lancaster Engineering addresses the required subject areas in sufficient detail to allow ODOT and City staff to make an informed decision concerning the proposed rezone impacts to State and local transportation systems. In an e-mail, dated October 15, 2013 sent to Mr. Will Farley from Mr. Bill Johnston, ODOT, states that: "ODOT agrees that the project will not have a significant effect on the transportation system, as defined in the TPR" The attached TIA also addresses land delivery routes and times as requested by City staff (See: Foss Maritime rezone (Rainier): Comments on draft traffic analysis –Johnston Bill, dated Tuesday, October 15, 2013, 2 pages).

City staff agrees with the conclusions of the TIA in that the proposed rezone will not result in significant traffic impacts on the surrounding transportation system, and that the Oregon Transportation Rule (TPR) 660-012-0060(1)(a-c) is satisfied and that no traffic impact mitigations are recommended.

Staff recommends that the Rainier City Planning Commission vote approval of the attached Transportation Impact Analysis (Technical Memorandum – 8 pages), submitted by Lancaster Engineering, dated Thursday, October 17, 2013, as presented.

Attachments: Lancaster Engineering Report -8 pages  
E-mail from Mr. Bill Johnston, ODOT – 2 pages

Cc : Debra Dudley, Rainier City Administrator  
Anne Debbaut, Metro Regional Representative  
Bill Johnston, ODOT Region 2  
Peter Strelinger, Bristol Northwest, LLC, Applicant and Consultant for Foss Maritime Co.  
Amy Painter, Property Owner  
Michael Magill, VP, Foss Maritime Co.  
William Farley, EI, Lancaster Engineering  
Todd E. Mobley, PE, PTOE, Lancaster Engineering

**Bobby Jo Brusco-Harding**

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**From:** Mathison, Don - Work <dmathison@cw cog.org>  
**Sent:** Monday, October 21, 2013 12:28 AM  
**To:** Bobby Jo Brusco-Harding  
**Subject:** FW: Foss Maritime rezone (Rainier): comments on draft traffic analysis

Bobby Jo: Here is the e-mail I identified in my Addendum #2

**Don Mathison**

Planner III | Cowlitz-Wahkiakum Council of Governments  
Administration Annex | 207 4th Ave N | Kelso WA 98626  
Office: 360.577.3041 | Fax: 360.425.7760 | Website: cw cog.org

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**From:** Mathison, Don - Work  
**Sent:** Tuesday, October 15, 2013 10:18 PM  
**To:** Mathison, Donald - Home  
**Subject:** FW: Foss Maritime rezone (Rainier): comments on draft traffic analysis

**Don Mathison**

Planner III | Cowlitz-Wahkiakum Council of Governments  
Administration Annex | 207 4th Ave N | Kelso WA 98626  
Office: 360.577.3041 | Fax: 360.425.7760 | Website: cw cog.org

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**From:** Peter Strelinger [bristolnw.peter@gmail.com]  
**Sent:** Tuesday, October 15, 2013 3:37 PM  
**To:** 'Todd Mobley'; 'Will Farley'  
**Cc:** Mathison, Don - Work  
**Subject:** RE: Foss Maritime rezone (Rainier): comments on draft traffic analysis

Todd & Will, I agree with Bill, lets add language regarding deliveries and routes. In talking with Foss, deliveries come throughout the day at general business hours, 7:00AM -5:00PM week days. Routes to the shipyard and new facilities are and will continue to be via the thru cross streets 5<sup>th</sup> to 1<sup>st</sup>. Larger loads, trucks and trailers tend to use the streets to the west of 4th as the grades become less steep. Call me if you have any questions.

Peter Strelinger  
Bristol Northwest LLC  
[bristolnw.peter@gmail.com](mailto:bristolnw.peter@gmail.com)  
406-471-1337

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**From:** JOHNSTON Bill [mailto:Bill.W.JOHNSTON@odot.state.or.us]  
**Sent:** Tuesday, October 15, 2013 3:19 PM  
**To:** Will Farley  
**Cc:** Todd Mobley; Peter Strelinger; dmathison@cw cog.org  
**Subject:** Foss Maritime rezone (Rainier): comments on draft traffic analysis

**Hello Will** -- I reviewed your draft memo. The analysis appears to be consistent with the draft analysis from Todd that ODOT reviewed previously. ODOT agrees with your conclusion that the project will not have a significant effect on the transportation system, as defined in the TPR.

I see where you've added a section on parking and railroad impacts in response to the City's request. However, I don't see any discussion of "land delivery routes and times that Foss would propose using for receiving and sending work materials to and from the new site." City Planner Don Mathison (in his Oct 9 email to Peter Strelinger) suggested that perhaps you addressed the issue at the time of rezone. Your memo indicates more detailed analysis will be provided at the time of Design Review. You might want to check with him Don to see if this is agreeable to him. (I've cc'd this email to him.)

Thank you for the opportunity to comment.

EXHIBIT F, Page 5 of 13

**Bill Johnston**, AICP, Senior Planner

**Oregon Department of Transportation** | Northwest Area | 350 W Marine Dr | Astoria, Oregon 97103-6206 | 503.325.5281 | [bill.johnston@odot.state.or.us](mailto:bill.johnston@odot.state.or.us)

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**From:** Will Farley [<mailto:will@lancasterengineering.com>]

**Sent:** Tuesday, October 15, 2013 2:01 PM

**To:** JOHNSTON Bill

**Cc:** Todd Mobley; Peter Strelinger

**Subject:** Re: RE: Rainier

Hi Bill,

The memorandum is just a formalized version of the email correspondence between you and Todd on the scope of the project written for the City of Rainier. There were no changes in the analysis or conclusions and only some brief sections added addressing parking and railroad impacts (which were some concerns raised by the city). Sorry for any confusion.

Will

--

William Farley, E.I.  
Transportation Analyst  
Lancaster Engineering  
(503) 248-0313 phone  
(503) 248-9251 fax

On Tue, Oct 15, 2013 at 1:16 PM, Will Farley <[will@lancasterengineering.com](mailto:will@lancasterengineering.com)> wrote:

Hi Bill,

Attached is a memo addressing the zone change of two properties in Rainier, Oregon. It's a brief memo that expands on the email from Todd during the scoping discussion for the project. We wanted to run the draft by you to see if you had any comment on the analysis and conclusions presented within the document.

Thanks,

Will

--

William Farley, E.I.  
Transportation Analyst  
Lancaster Engineering  
(503) 248-0313 phone  
(503) 248-9251 fax



**LANCASTER  
ENGINEERING**

321 SW 4<sup>th</sup> Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

**TECHNICAL MEMORANDUM**

**TO:** Bobby Jo Brusco-Harding  
City of Rainier Planning Clerk  
  
Don Mathison  
City of Rainier Planner  
  
Peter Strelinger, Applicants Consultant  
Bristol Northwest LLC

**FROM:** William Farley, EI  
Todd E. Mobley, PE, PTOE

**DATE:** October 17, 2013

**SUBJECT:** *Foss Maritime Property Rezone, Rainier, Oregon  
Transportation Analysis*

---

This memorandum is written to address the proposed change in zoning for the properties located at 608 E A Street and 105 E 6<sup>th</sup> Avenue in Rainier, Oregon. The two subject properties total approximately 0.65 acres and are being rezoned from Medium Density Residential (R-2) to Waterfront Commercial (WC).

*Potential Development Density*

To evaluate the impact of the proposed zone change, a reasonable worst-case development scenario under each zoning designation was examined. Under the existing R-2 zoning, the subject properties can accommodate up to a total of three dwelling units.

For the proposed WC zoning, the Rainier Development Code contains the following regarding permitted uses:

**SECTION 3.7 WATERFRONT COMMERCIAL (WC)**

*Purpose and Intent.*

*Commercial uses in this zone shall be oriented to the opportunities and amenities of the Columbia River.*

*Permitted Uses.*

*The following categories of uses are permitted outright in the WC Zone:*

*A. Any use which is permitted in the General Commercial Zone (C-2)*

*B. Any of the following water-oriented uses:*

- 1. Marina*
- 2. Boat sales, service or repair*
- 3. Boat launching facility*
- 4. Public or private dock*
- 5. Storage of marine equipment in building(s) with less than 5,000 square feet total space*
- 6. Commercial towboat operation permitted east of Third Street East*

City of Rainier  
 October 17, 2013  
 Page 2 of 5

For the case of the two properties in question, it would not be reasonable to assume a typical high-traffic commercial use such as a convenience store or other retail uses since the site is not readily accessible via the highway and access is somewhat circuitous. Water-oriented uses are likely to be selected for the property location, but marina, boat launching facility, public or private dock, and commercial towboat operation can be ruled out since the site is not located on the water. However, boat sales and service or storage of marine equipment are both possible. Boat sales and service was assumed to be the reasonable worst-case use of the property under the proposed zoning designation.

*Trip Generation*

To estimate the trip generation of both existing and proposed-zoning development scenarios, trip rates from the manual *TRIP GENERATION*, Ninth Edition, published by the Institute of Transportation Engineers (ITE), were used. Trip rates from land-use code 210, *Single-Family Detached Housing*, were used for the existing zoning based on the total number of dwelling units. For the proposed zoning designation, the ITE manual does not have a land-use code for boat sales and service. However, trip rates for land-use code 841, *New Car Sales*, were use based on gross square footage, as this was the most similar land-use category and likely to generate more traffic.

For the existing zoning, three single-family dwellings would generate three total trips during the PM peak hour. With the proposed zone change, and assuming 25% lot coverage, a commercial building of approximately 7,000 square feet could be constructed. This size of commercial building would generate 18 total trips during the PM peak hour. Subtracting the trip generation potential of the existing zoning, the proposed zone change will result in the potential net increase of 15 trips during the evening peak hour.

The following table offers a summary of the trip generation for both of the reasonable worst-case scenarios. Detailed trip generation calculations are included in the technical appendix to this memorandum.

<b>Trip Generation Summary</b>							
	Size	Morning Peak Hour			Evening Peak Hour		
		In	Out	Total	In	Out	Total
<b>Reasonable Worst-Case Scenario</b>							
Current R-2 Zoning	3 units	1	1	2	2	1	3
Proposed WC Zoning	7 ksf	10	3	13	7	11	18
<b>Net Difference</b>		<b>9</b>	<b>2</b>	<b>11</b>	<b>5</b>	<b>10</b>	<b>15</b>

Absent the zone change application, a development generating this level of trip generation on this site would not likely rise to the level of requiring a detailed analysis, as traffic impacts will be minimal. Based on discussions with the Oregon Department of Transportation (ODOT) and the City of

City of Rainier  
 October 17, 2013  
 Page 3 of 5

Rainier, it has been agreed that the impacts from the proposed zone change on the nearby transportation system would be insignificant. Traffic counts and detailed intersection operational analyses are not required.

*Oregon Transportation Planning Rule*

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. Because a change in zoning is proposed, the TPR is relevant and must be addressed. The applicable elements of the TPR are each quoted directly in *italics* below, with a response directly following.

**660-012-0060**

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) *Change standards implementing a functional classification system; or*
  - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

City of Rainier  
October 17, 2013  
Page 4 of 5

In the case of this report, subsections (A) and (B) are not triggered, since the proposed zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

Subsection (C) is also not triggered since the change in zoning would generate only a minimal amount of traffic, which would not be of sufficient volume to degrade the performance of the transportation system under full development with the proposed zoning designation.

Based on this analysis, the Transportation Planning Rule is satisfied for the proposed zone change.

#### *Parking*

The subject properties are under the control of Foss Maritime, although the proposed change in zoning is not dependent on the property ownership or any specific land-use proposal or tenancy. As explained above, the TPR requires examination of reasonable worst-case development under each zoning scenario.

Still, the zone change of the subject property will enable the storage of marine related supplies, materials, office, or to provide additional parking for the nearby Foss Maritime shipyard. Should the proposed amendments and conditional use permit be approved, the applicant will submit a separate Design Review Application to the City of Rainier. The Design Review Application will address specific details regarding the eventual proposed use, including parking, following the zone change.

#### *Railroad Impacts*

The "A" Street Streetscape & Railroad Safety Project has been under consideration for some time now. Property owners along A Street, including Foss Maritime, have been included in discussions pertaining to the project. The project is currently in the early concept stage and therefore design specifics related to the rezone and conditional use application is premature. Foss Maritime is committed to working with the City of Rainier, the Oregon Department of Transportation, the Railroad, and other stakeholders on this project. The proposed change in zoning is compatible with, but not dependent upon, the "A" Street Streetscape & Railroad Safety Project. The property owner will continue to work with project stakeholders as the project moves forward.

#### *Circulation*

Travel routes to and from the subject properties will continue to be via E A Street which can be connected to through cross streets E 5<sup>th</sup> Street to E 1<sup>st</sup> Street. Larger loads, trucks, and trailers will likely use the streets to the west of E 4<sup>th</sup> Street as the grade of the roadway becomes less steep. Passenger vehicles may use any of the street connections, depending on convenience and shortest delay. In addition, some vehicles may elect to use the traffic signal at E 1<sup>st</sup> Street to turn to and from Highway 30.

Again, this zone change application is not dependent on property ownership or tenancy, but deliveries to the subject properties as well as the nearby shipyard are expected to occur during general business hours of 7:00 AM to 5:00 PM on weekdays. With the minimal increase in trips associated with



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City of Rainier  
October 17, 2013  
Page 5 of 5

the zone change and number of travel routes to and from the site to dissipate impacts, the proposed change in zoning will not have a significant impact on the surrounding street system.

*Conclusions*

Based on the trip generation analysis of the property under reasonable worst-case scenarios for both the existing Medium Residential (R-2) zoning and the proposed Waterfront Commercial zoning designations, the zone change of the two properties will not result in significant traffic impacts on the surrounding transportation system. Oregon's Transportation Planning Rule is satisfied and no mitigations are recommended.



EXPIRES: 12/31/2014

1e

***TECHNICAL APPENDIX***

### TRIP GENERATION CALCULATIONS

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Variable:* Dwelling Units  
*Variable Value:* 3

#### AM PEAK HOUR

*Trip Rate:* 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	1	1	2

#### PM PEAK HOUR

*Trip Rate:* 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	2	1	3

#### WEEKDAY

*Trip Rate:* 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	14	14	28

#### SATURDAY

*Trip Rate:* 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	15	15	30

### TRIP GENERATION CALCULATIONS

*Land Use:* New Car Sales  
*Land Use Code:* 841  
*Variable:* 1000 Sq Ft Gross Floor Area  
*Variable Value:* 7

#### AM PEAK HOUR

*Trip Rate:* 1.92

	Enter	Exit	Total
Directional Distribution	75%	25%	
Trip Ends	10	3	13

#### PM PEAK HOUR

*Trip Rate:* 2.62

	Enter	Exit	Total
Directional Distribution	40%	60%	
Trip Ends	7	11	18

#### WEEKDAY

*Trip Rate:* 32.30

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	113	113	226

#### SATURDAY

*Trip Rate:* 29.74

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	104	104	208

Date 9/24/2013

City of Rainier Planning Commission  
PO Box 100  
Rainier, Oregon 97048

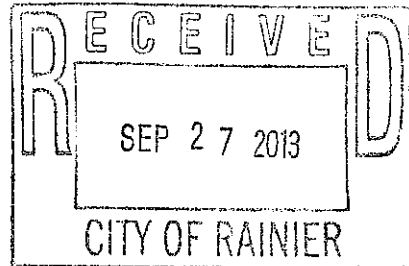
Re Foss Rainier Rezone

Dear Planning Commission,  
I own (own/manage/work) Corner Lake in Rainier and would like to express my support for rezoning of the property across from the Foss shipyard. The vitality of Rainier depends on strong businesses employing workers, living and shopping locally.

Thank you for your consideration.

Sincerely,

Mark A. Overbay  
1234 Z Street  
Rainier, OR, 97048



Date 9-19-13

City of Rainier Planning Commission  
PO Box 100  
Rainier, Oregon 97048

Re Foss Rainier Rezone

Dear Planning Commission,

I live in Rainier and would like to express my support for rezoning of the property across from the shipyard. Our community can remain strong and prosper with businesses that provide jobs that support our families and local economy.

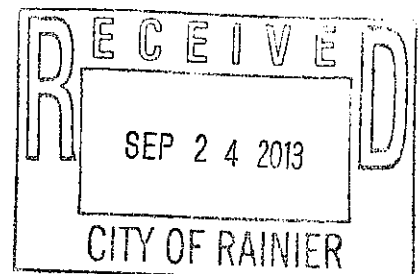
Thank you for your consideration.

Sincerely,

*TIM HARMAN*  
*CITY BARBER SHOP*

~~John and Jane Doe  
1234 Z Street  
Rainier, OR, 97048~~  
*113<sup>th</sup> EAST A. STREET  
RAINIER, OR. 97048*

*Tim Harman*



Date 9 22 13

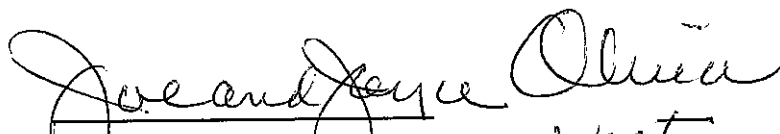
City of Rainier Planning Commission  
PO Box 100  
Rainier, Oregon 97048

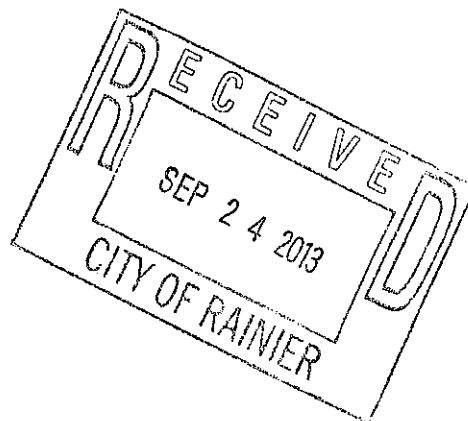
Re Foss Rainier Rezone

Dear Planning Commission,  
I (own/manage/work) Rain <sup>True Value</sup> in Rainier and would like to express my support for rezoning of the property across from the Foss shipyard. The vitality of Rainier depends on strong businesses employing workers, living and shopping locally.

Thank you for your consideration.

Sincerely,

  
~~1234 Z Street~~ 102 Ast West  
Rainier, OR, 97048



September 18, 2013

City of Rainier  
Planning Commission  
PO Box 100  
Rainier, OR 97048

Re: Foss Rainier Rezone (WC)

Chairman Hov and Planning Commissioners

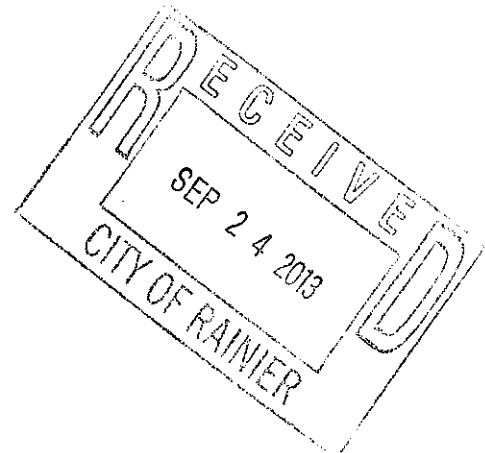
I am a next door neighbor of the Foss Shipyard and would like to express my support for rezoning of the property across from the shipyard. I recognize the need for vital businesses in Rainier. In addition I understand one of the purposes is to provide better parking and storage of materials which will help the current congestion on East A Street

Thank you for your consideration.

Sincerely,



Leslie O'Donoghue  
513 East A Street  
Rainier, OR 97048





September 18, 2013

City of Rainier  
Planning Commission  
PO Box 100  
Rainier, OR 97048

Re: Foss Rainier Rezone (WC)

Chairman Hov and Planning Commissioners

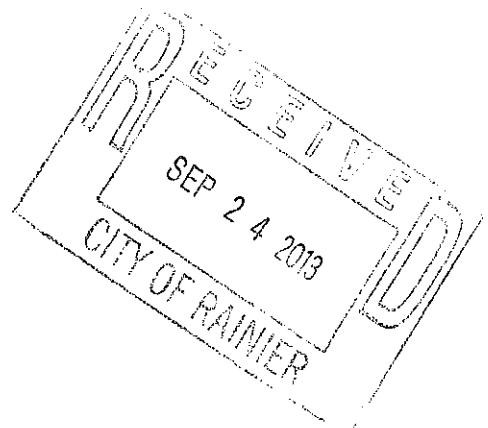
I am a next door neighbor of the Foss Shipyard and would like to express my support for rezoning of the property across from the shipyard. I recognize the need for vital businesses in Rainier. In addition I understand one of the purposes is to provide better parking and storage of materials which will help the current congestion on East A Street

Thank you for your consideration.

Sincerely,



Phil Butcher  
513 East A Street  
Rainier, OR 97048



September 18, 2013

City of Rainier  
Planning Commission  
PO Box 100  
Rainier, OR 97048

Re: Foss Rainier Rezone (WC)

Chairman Hov and Planning Commissioners

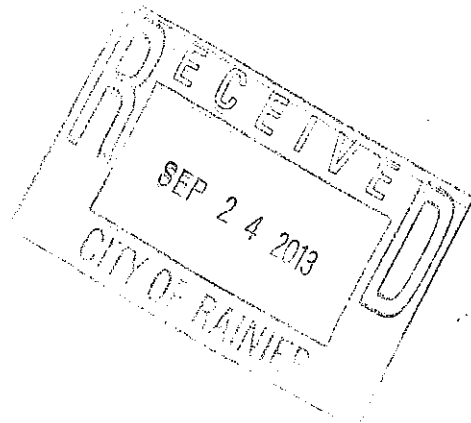
I am a next door neighbor of the Foss Shipyard and would like to express my support for rezoning of the property across from the shipyard. I recognize the need for vital businesses in Rainier. In addition I understand one of the purposes is to provide better parking and storage of materials which will help the current congestion on East A Street

Thank you for your consideration.

Sincerely,



Roberta O'Donoghue  
513 East A Street  
Rainier, OR 97048

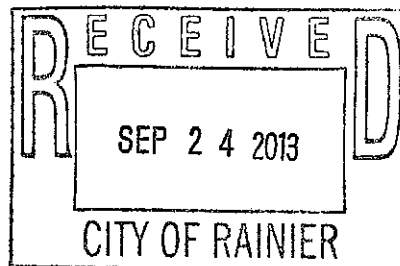


OLIVA BROS. RENTALS  
P.O. BOX 640  
RAINIER, OREGON 97048

September 20, 2013

City of Rainier Planning Commission  
P.O. Box 100  
Rainier, Oregon 97048  
Attention: Bobby Jo Brusco-Harding


Re: Foss Rainier Rezone



Dear Planning Commission,

I own Oliva Bros. Rentals in Rainier, Oregon, and would like to express my support for rezoning the property across from the Foss shipyard. The vitality of Rainier depends on strong businesses employing workers, living and shopping locally. We are very fortunate to have this long standing business as a part of our community.

Sincerely,

  
Janet L Moon  
Oliva Bros. Rentals

Date 09-19-2013

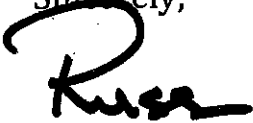
City of Rainier Planning Commission  
PO Box 100  
Rainier, Oregon 97048

Re Foss Rainier Rezone

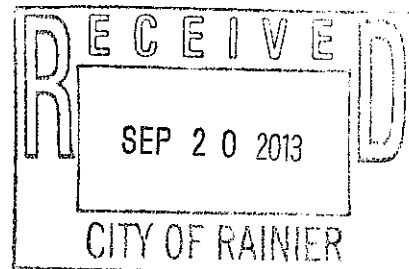
Dear Planning Commission,  
I live in Rainier and would like to express my support for rezoning of the property across from the shipyard. Our community can remain strong and prosper with businesses that provide jobs that support our families and local economy.

Thank you for your consideration.

Sincerely,



**RUSS MOON**  
29874 RIVERVIEW DR.  
Rainier, OR, 97048



Date 9-18-2013

City of Rainier Planning Commission  
PO Box 100  
Rainier, Oregon 97048

Re Foss Rainier Rezone

Dear Planning Commission,

I (own)/manage/work) \_\_\_\_\_, in Rainier and would like to express my support for rezoning of the property across from the Foss shipyard. The vitality of Rainier depends on strong businesses employing workers, living and shopping locally.

Thank you for your consideration.

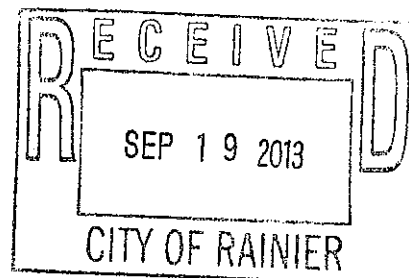
Sincerely,



(Chad Womack) Lower Columbia Insurance Inc.

~~1284 Z Street~~ 202 East "A" Street/PO Box 1510

Rainier, OR, 97048



Date 9/19/13

City of Rainier Planning Commission  
PO Box 100  
Rainier, Oregon 97048

Re Foss Rainier Rezone

Dear Planning Commission,

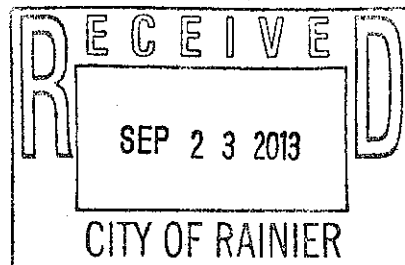
I (own/manage/work) \_\_\_\_\_, in Rainier and would like to express my support for rezoning of the property across from the Foss shipyard. The vitality of Rainier depends on strong businesses employing workers, living and shopping locally.

Thank you for your consideration.

Sincerely,

*Wihig Overbay*

1234 Z Street  
Rainier, OR, 97048



**Cornerstone Café LLC**  
**P. O. Box 700**  
**Rainier, Oregon 97048**

Date 9/17/13

City of Rainier Planning Commission  
PO Box 100  
Rainier, Oregon 97048

Re Foss Rainier Rezone

Dear Planning Commission,  
I (own/manage/work) own, in Rainier and would like to express my support for rezoning of the property across from the Foss shipyard. The vitality of Rainier depends on strong businesses employing workers, living and shopping locally.

Thank you for your consideration.

Sincerely,



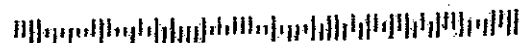
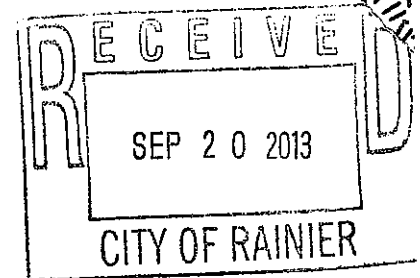
1234 Z Street  
Rainier, OR, 97048

*Doug Mobley  
P.O. Box 1436  
Rainier, OR  
97048*

PORTLAND OR 970

19 SEP 2013 PM 6 L

*City of Rainier  
PO Box 100  
Rainier, OR  
97048*





LAND & TIMBER CO.

September 27, 2013

KNAPPA  
OFFICE

42894  
OLD HWY. 30  
ASTORIA  
OREGON  
97103

City of Rainier Planning Commission  
PO Box 100  
Rainier, Oregon 97048

Re: Foss Rainier Rezone

OFFICE  
(503)  
458-6671

Dear Planning Commission:

FAX  
(503)  
458-6106

Teevin Bros Land & Timber would like to express our support for rezoning the property across from the Foss shipyard. The rezone alleviates some of Foss' logistical challenges while strengthening their operations and future within our community. Foss' operation is a source of local pride and is an international success story.

RAINIER  
OFFICE

29191  
DIKE ROAD  
RAINIER  
OREGON  
97048

One of the bigger obstacles facing business is the ability to grow. Land use is but one of the challenges. Entrusted to the planning commission is your responsibility to not just uphold the rules, but to allow amendments to rules and regulations to benefit all of the community.

OFFICE  
(503)  
556-0410

We see this rezoning decision as a benefit for all of Rainier. It allows a good corporate citizen to grow. It ameliorates a portion of the "A" Street rail challenge. And a healthy, growing business adds jobs, pays taxes and contributes to the social welfare a vibrant community.

FAX  
(503)  
556-2805

Please approve the Foss rezone and allow them to continue to lead the way in the manufacture of world-class assist vessels.

WWW.  
TEEVIN BROS.  
COM

Sincerely,

Paul Langner  
Teevin Bros



*Received 10-1-13 at hearing after closed.*

Exhibit G, Page 13 of 13

October 1, 2013

City of Rainier Planning Commission

PO Box 100

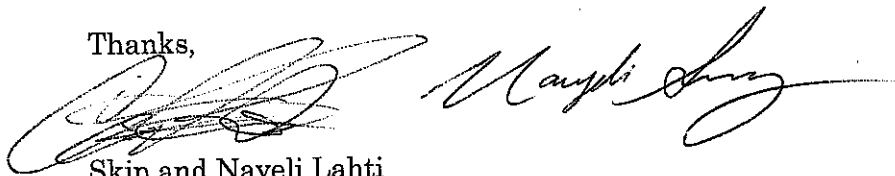
Rainier, OR 97048

Re: Foss Rainier Rezone

Dear Planning Commission:

We live in Rainier and would like to express our support for the rezoning of the property across from the current shipyard. Our community can remain strong and prosper with businesses that provide jobs that support our families and local economy.

Thanks,

A handwritten signature in black ink, appearing to read "Skip and Nayeli Lahti", written in a cursive style.

Skip and Nayeli Lahti

29843 Riverview Drive

Rainier, OR 97048



## **Notice of Decision**

### **ZONE MAP/COMPREHENSIVE PLAN MAP CHANGE & CONDITIONAL USE PERMIT REQUEST**

**- Recommend City Council Approval-**

**October 29, 2013**

Notice is hereby given that at the October 29, 2013 Public Hearing, the Rainier Planning Commission voted unanimously to recommend that the Rainier City Council Approve a Zone Map/Comprehensive Plan Map Change together with a Conditional Use Permit Application, submitted by Foss Maritime Co. for two (2) properties located at 608 E. "A" Street and 105 E. 6<sup>th</sup> Street. Tax Lot No's. 7216-DA-02400 & 02300.

The Zone Map change is from Medium Density Residential (R-2) to Waterfront Commercial (WC).

The Comprehensive Plan Map change is from Residential to Commercial.

The Conditional Use Permit is to allow for marine related light industrial uses in the Waterfront Commercial Zone and for the construction of a building in excess of 5,000 square feet.

The Planning Commission opened the public hearing on Tuesday, October 1, 2013 and continued the hearing until Tuesday, October 29, 2013 to allow the applicant sufficient time to conduct a Traffic Impact Analysis (TIA), in accordance with Oregon Transportation Planning Rule (OAR) 660-012-0060(1)(a-c). A TIA is the preferred method of determining whether there is a significant effect on the transportation

system, the extent of the impact, and what appropriate mitigation measures, if any, are needed.

At the October 29<sup>th</sup> Public Hearing, the TIA was approved, together with the September 10, 2013 Staff Reports' "Findings", recommending that the Planning Commission recommend that the City Council approve the Zoning Map/Comprehensive Plan Map change together with the Conditional Use Permit Application from Foss Maritime Co. for 608 East "A" Street and 105 East 6<sup>th</sup> Street, Tax Lot No's. 7216-DA-02400 & 02300.

The Conditional Use Permit Application was approved with the following condition:

- That, prior to any base land disturbance, demolition or modification of 105 East 6<sup>th</sup> Street or 608 East "A" Street properties, a Geotechnical Examination shall be conducted by a certified geotechnical engineer and submitted together with a Design Review Application, to the Rainier City Clerk's Office, for review in conformance with Article 6, Section 6.7 of the Rainier Zoning Ordinance.

There were no public objections expressed at the hearing.

  
\_\_\_\_\_  
Erin O'Connell, Planning Vice Chairperson

  
\_\_\_\_\_  
Date

Assessor's Office - Colum... x Property Records Online - x Columbia County, OR - W x

webmap.co.columbia.or.us/geomoose2/#

# Columbia County Web Maps

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X,Y: 7586135.06027, 892369.57077 - Scale: 1:1246

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3:55 PM 8/15/2013