



# **Zoning Ordinance**

Amended June 20, 2005

City of Rainier  
Zoning Ordinance  
(Updated 6-20-05)

Adopted December 6, 1965, Ordinance **713**

Amended August 1, 1966, Ordinance **723** (Parking Regulations for Automobile Trailers and Trailer Houses and Regulations for Trailer Parks)

Amended October 5, 1970, Ordinance **783** (Authorize Amendments and Variances to Planning and Zoning Regulations)

Amended January 17, 1972, Ordinance **794** (Conformity with the Land Use Plan Regulating Building Locations and Land Use)

Amended May 6, 1974, Ordinance **817** (Provide For Public Utility Facility in Street Areas and as a Conditional Use on other Property)

Amended October 16, 1978, Ordinance **844** (Ordinance 794 Correction)

Amended December 19, 1979, Ordinance **848** (Established Design Review Requirements for Commercial and Industrial Zones)

Amended January 21, 1980, Ordinance **850** (Established an Interim Zoning Ordinance in the Newly Annexed Area in Rainier, Oregon)

Amended June 16, 1980, Ordinance **854** (Deleting, Changing, and Creating New Provisions)

Amended February 18, 1981, Ordinance **859** (Zone Map Correction)

Amended Ordinance 854, September 7, 1982, Ordinance **868** (Redivision Plan, Mobile Homes, Tree Cutting and Conditional Use Permits)

Amended September 7, 1982, Ordinance **869** (LCDC Review Corrections)

Amended July 19, 1993, Ordinance **948** (Define Manufactured Dwellings, Manufactured Dwelling Park and Recreation Vehicle Allow Manufactured Homes To Be Permitted In Some Residential Zones)

Amended August 21, 1995, Ordinance **960(c)** (Established Standards, Regulations and Procedures and Repealed Ord. 854)

Amended June 24, 1997, Ordinance **968** (Sign Provisions)

Amended May 17, 1998, Ordinance **974** (Adopted Amendments)

Amended May 3, 1999, Ordinance **976** (Transportation System Plan's Policies & Procedures)

Amended April 2, 2001, Ordinance **993** (Manufactured Home Park Zone - Zoning)

Amended September 16, 2002, Ordinance **1002** (Manufactured Home Park – Comp Plan)

Amended January 21, 2003, Ordinance **1003** (Central Business District Zone)

Amended June 20, 2005, Ordinance **1020** (WMU Zone Provisions, Flag Lots, Accessory Dwelling Units (ADU), off-street parking; definitions, application extensions, public notice areas, land use fees and final plat notice and review procedures.

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# RAINIER ZONING ORDINANCE

## ORDINANCE NO. 1003

**AN ORDINANCE ESTABLISHING ZONING STANDARDS, REGULATIONS AND PROCEDURES; PROVIDING RELATED DEVELOPMENT REQUIREMENTS; PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 960 AND ALL AMENDMENTS THERETO.**

**THE CITY OF RAINIER DOES ORDAIN AS FOLLOWS:**

### ARTICLE 1. INTRODUCTORY PROVISIONS

#### SECTION 1.1 TITLE.

This Ordinance shall be known as the "Zoning Ordinance of the City of Rainier."

#### SECTION 1.2 PURPOSE.

The purpose of this Ordinance is to promote the orderly development of the city in accordance with the Comprehensive Plan, to conserve and stabilize the value of property, and to protect the public health, safety and welfare.

#### SECTION 1.3 DEFINITIONS.

As used in this Ordinance:

**Access** means the place, means or way by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use.

**Accessory Dwelling Unit** means a second dwelling either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

**Accessory use** means a use incidental to the primary use of a property and located on the same lot as the primary use. An accessory use may not exceed 720 square feet.

**Alley** means a street which affords secondary access to a property.

**Alteration** means a change in construction or a change of occupancy.

**Building** means a structure intended for the support, shelter, or enclosure of persons, animals, or property of any kind.

**City** means the City of Rainier, Oregon.

**Commission** means the Planning Commission of the City of Rainier.

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**Comprehensive Plan** means the comprehensive plan adopted by the City of Rainier and acknowledged by the Land Conservation and Development Commission.

**Density Definition** means a measurement of dwelling units in relationship to a specified amount of land. As used in this code, density does include land devoted to street right-of-way.

**Dwelling, attached** means a single structure on an individual lot, attached by a common wall and a common property line with another structure.

**Dwelling, multi-family** means a building containing three or more dwelling units.

**Dwelling, single-family** means a building containing one dwelling unit and a garage.

**Dwelling, two-family** means a building containing two dwelling units, each with a garage.

**Dwelling unit** means one or more rooms designed for occupancy by one family.

**Family** means an individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons; or a group of not more than five persons who need not be related by blood, marriage, legal adoption or guardianship living together in a dwelling unit.

**Flag Lot** means a lot or parcel that has access to a public road, street, or easement, by means of a narrow strip of lot or easement.

**Floodplain** means land subject to flooding as designated on the "Flood Boundary and Floodway Map" on file at Rainier City Hall.

**Floodway** means an area designated as floodway on the "Flood Boundary and Floodway Map" on file at Rainier City Hall.

**Floor Area** means the area within the exterior walls of a building multiplied by the number of stories.

**Garage** means a fully-enclosed attached or detached structure of sufficient size to store a minimum of one, full-sized automobile, built on a concrete foundation using materials similar to and compatible with the dwelling unit or other building it is intended to serve. A garage shall be a minimum of 120 square feet.

**Grade** means the average of the finished ground level at the center of all walls of a building. If a wall is parallel to and within five feet of a sidewalk, the grade shall be measured at the sidewalk.

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**Height of Building** means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the highest gable of a pitch or hip roof.

**Historical Building** means any building or structure designated under a local government landmark or historic district Ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites.

**Home Occupation** means an occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.

**Lot** means a parcel of land which is a separate legal entity for the purpose of transfer of title.

**Lot Area** means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements of access to other property.

**Lot Coverage** means the area of a lot covered by buildings.

**Lot Line, Front** means the line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

**Lot Width** means the average horizontal distance between side lot lines.

**Manufactured Dwelling** means a single-family dwelling built to federal standards for manufactured housing in effect at the time of construction, including kitchen and bathroom facilities and a garage.

**Nonconforming Structure** means a lawful structure existing at the time this Ordinance was adopted or amended and which does not conform to the requirements of the zone in which it is located.

**Nonconforming Use** means a lawful use existing at the time this Ordinance was adopted or amended and which does not conform to the requirements of the zone in which it is located.

**Owner** means the owner of record or the owner's authorized agent.

**Parking Space** means a space not less than eighteen feet long and nine feet wide, accessible from a street or alley, and intended for the temporary parking of one vehicle.

**Public Use** means a use intended or used for a public purpose by the city, school district, county, state, or other public agency, or by a public utility.



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**Semi-Public Use** means a use intended or used for a semi-public purpose by a church, lodge, club, or other non-profit entity.

**Sign definitions** are found in Section 5.13.

**Structural Alteration** means a change to the supporting members of a building.

**Structure** means something constructed and having a fixed connection to the ground or another structure.

**Use** means the purpose for which a parcel of land or a structure is designed or intended or for which it is occupied or maintained.

**Yard** means an open space on a lot which is unobstructed from the ground upward.

**Yard, Front** means a yard between side lot lines and measured horizontally at right angles to from the front lot line to the closest edge of a building.

**Yard, Rear** means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the closest edge of a building.

**Yard, Side** means a yard between the front and rear lot lines measured horizontally and at right angles from the side lot line to the closest edge of a building.

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## ARTICLE 2. GENERAL PROVISIONS

### SECTION 2.1 COMPLIANCE.

A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Ordinance permits. No lot, yard, or off-street parking space existing on the effective date of this Ordinance shall be reduced below the minimum requirements of this Ordinance.

### SECTION 2.2 INTERPRETATION.

If conditions imposed by any provision of this Ordinance are less restrictive than comparable conditions imposed by any other applicable regulation, the provision that is more restrictive shall apply.

### SECTION 2.3 SEVERABILITY.

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase is ruled by a court to be invalid, the ruling shall not affect the validity of the remaining portion of the Ordinance.

### SECTION 2.4 CLASSIFICATION OF ZONES.

For purposes of this Ordinance the following zones are established:

<b>ZONE</b>	<b>ABBREVIATION</b>
Suburban Residential	SR
Low Density Residential Zone	R-1
Medium Density Residential Zone	R-2
High Density Residential Zone	R-3
Neighborhood Commercial Zone	C-1
General Commercial Zone	C-2
Waterfront Commercial Zone	WC
Waterfront Mixed Use Zone	WM
Waterfront Mixed Use Overlay Zone	WMO
Light Industrial Zone	M-1
Heavy Industrial Zone	M-2
Watershed Zone	W
Manufactured Home Park	MHP
Central Business District	CBD

### SECTION 2.5 ZONING MAP.

The zones established by this Ordinance are indicated on a map titled "Zoning Map of the City of Rainier, Oregon" which is hereby adopted by reference. A certified copy of the Zoning Map, including any amendments thereto, shall be maintained in the office of the City Recorder.

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### **SECTION 2.6 ZONE BOUNDARIES.**

Unless otherwise specified, zone boundaries shall follow section lines, subdivision lines, lot lines, centerlines of streets, alleys, or railroad rights-of-way, or such lines extended.

### **SECTION 2.7 ZONING OF ANNEXED AREAS.**

City zoning will be applied upon annexation of land to the city. The City will attempt to apply zoning which is most similar to the County zone.

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## ARTICLE 3. BASE ZONES

### SECTION 3.1 SUBURBAN RESIDENTIAL ZONE (SR)

**Purpose.** This zone is intended to allow the continuation of forestry uses within the Urban Growth Boundary and city limits of Rainier. The zone is applied to largely wooded, steep slopes and is intended to limit residential densities to protect the character of the hillsides.

**Permitted Uses.** The following uses are permitted outright in the SR zone:

- A. Single family dwelling
- B. Manufactured home on an individual lot, subject to the standards of Section 5.11
- C. Accessory buildings incidental to the primary residential use
- D. Agricultural or forestry uses
- E. Home occupation which meets the restrictions of Section 5.8

**Conditional Uses.** The following uses are permitted in the SR zone when a Conditional Use Permit is approved subject to Section 6.4 of this Ordinance:

- A. Public use
- B. Semi-public use
- C. Home occupation which does not meet the restrictions of Section 5.8

#### **Minimum Lot Size and Dimensions.**

- A. The minimum lot size for the creation of new parcels in the SR zone shall be two (2) acres.
- B. The minimum average lot width shall be 150 feet.
- C. The minimum lot frontage shall be sixty (60) feet.

**Height Limits.** The maximum height of a structure in the SR zone shall be thirty-five (35) feet or two and one-half stories, whichever is less.

**Restrictions.** When forest lands on slopes greater than 20 percent are harvested, the site shall be replanted as soon as practical to ensure the stability of the slope and reduce the potential for erosion.

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**Commercial Timber Harvest Plan.** Commercial timber harvest may not commence until a harvest plan has been approved by the State Forestry Department. The Plan and routes for moving equipment and logs in and out of the site to be harvested shall be subject to review and determination by Planning and Public Works in conjunction with the Rainier City Police as a Type I Decision. The plan shall identify proposed replanting and reseedling of bare ground. If there are residential uses adjoining the site to be harvested, the plan shall address any needed safety precautions for harvest activities near residential land uses.

### SECTION 3.2 LOW DENSITY RESIDENTIAL ZONE (R-1)

**Permitted Uses.** The following uses are permitted outright in the R-1 Zone:

- A. Single family dwelling
- B. Manufactured home on an individual lot, subject to standards of Section 5.11
- C. Accessory buildings incidental to the primary residential use
- D. Agricultural or horticultural uses. No poultry or livestock, other than household pets, shall be permitted within one hundred feet of any residence on an adjacent lot
- E. Home occupation which meets the restrictions of Section 5.8

**Conditional Uses.** The following uses are permitted in the R-1 Zone when a Conditional Use Permit is approved subject to Section 6.4 of this Ordinance:

- A. Two family dwelling
- B. Public use
- C. Semi-public use
- D. Home occupation which does not meet the restrictions of Section 5.8

**Lot Size and Dimensions.** New parcels created in the R-1 zone shall be connected to City water and sewer facilities. The following minimum lot sizes and lot dimensions apply to the creation of new parcels:

- A. The minimum lot size shall be 10,000 square feet for a single family dwelling and 15,000 square feet for a two family dwelling.
- B. The minimum average lot width shall be 70 feet.

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- C. The minimum average lot depth shall be 90 feet.
- D. The minimum average lot frontage shall be 30 feet.

### **Setbacks.**

- A. The minimum front yard shall be 20 feet.
- B. The minimum side yard shall be 10 feet, except that the minimum side yard on the street side of a corner lot shall be 20 feet.
- C. The minimum rear yard shall be 20 feet.

**Building Height.** Buildings in the R-1 zone shall not exceed a height of 35 feet or two and one-half stories, whichever is less.

**Lot Coverage.** The lot coverage shall not exceed forty (40) percent of the total area of the lot.

### **Standards for Accessory Buildings.**

- A. If attached to the main building or separated by a breezeway, the accessory building shall be subject to the same side and front yard setbacks of the main building.
- B. A one (1) story accessory building may be located adjacent to a side lot line not fronting on a street, when in compliance with the Building Code.
- C. A one (1) story accessory building shall have a minimum setback of five (5) feet from the rear property line.

**Lot of Record.** Where a lot of record has an area of less than 10,000 square feet, and was held under separate ownership or was on public record at the time this Ordinance became effective, such lot may be occupied by a single family dwelling. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.

**Redivision Plan for Large Lots.** When a lot is created in the R-1 zone which is 20,000 square feet or larger, a redivision plan shall be submitted showing that the lot can be later divided into 10,000 square foot lots. The plan shall be reviewed and determined by Planning and Public Works as a Type I Decision.

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### SECTION 3.3 MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

**Permitted Uses.** The following uses are permitted outright in the R-2 Zone:

- A. Single family dwelling
- B. Manufactured home on an individual lot, subject to the standards of Section 5.11
- C. Two family dwelling
- D. Accessory buildings incidental to the primary residential use.
- E. Home occupation which meets the restrictions of Section 5.8.

**Conditional Uses.** The following uses are permitted in the R-2 Zone when a Conditional Use Permit is approved subject to Section 6.4:

- A. Three family dwelling (triplex)
- B. Public use
- C. Semi-public use
- D. Home occupation which does not meet the restrictions of Section 5.8.
- E. Accessory dwelling units to which meets the restrictions of Section 5.16.

**Lot Size and Dimensions.** New parcels created in the R-2 zone shall be connected to City water and sewer facilities. The following minimum lot sizes and lot dimensions apply to the creation of new parcels:

- A. The minimum lot size shall be 6,000 square feet for a single family dwelling and 8,000 square feet for a two family dwelling.
- B. The minimum average lot width shall be 60 feet and the lot shall be 60 feet wide at the building line.
- C. The minimum average lot depth shall be 80 feet.
- D. The minimum average lot frontage shall be 25 feet.

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### **Setbacks.**

- A. The minimum front yard shall be 20 feet.
- B. The minimum side yard shall be 5 feet, except that the minimum side yard on the street side of a corner lot shall be 15 feet.
- C. The minimum rear yard shall be 10 feet.

**Building Height.** Buildings in the R-2 zone shall not exceed a height of 35 feet or two and one-half stories, whichever is less.

**Lot Coverage.** The lot coverage shall not exceed forty (40) percent of the total area of the lot.

### **Standards for Accessory Buildings.**

- A. If attached to the main building or separated by a breezeway, the accessory building shall be subject to the same side and front yard setbacks of the main building.
- B. A one (1) story accessory building may be located adjacent to a side lot line not fronting on a street, when in compliance with the Building Code.
- C. A one (1) story accessory building shall have a minimum setback of five (5) feet from the rear property line.

**Lot of Record.** Where a lot of record has an area of less than 6,000 square feet or less than 60 feet in width, and the lot of record was held under separate ownership or was on public record at the time this Ordinance became effective, such lot may be occupied by a single family dwelling. In no case, however, shall a dwelling unit have a lot area of less than 3,000 square feet.

**Redivision Plan for Large Lots.** When lots larger than 12,000 square feet are created, a redivision plan shall be submitted showing that the lot can be later divided into 6,000 square foot lots to obtain the density provided for in this Ordinance. The plan shall be reviewed and determined by Planning and Public Works as a Type I Decision.



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### SECTION 3.4 HIGH DENSITY RESIDENTIAL ZONE (R-3)

**Permitted Uses.** The following uses are permitted outright in the R-3 Zone:

- A. Single family dwelling
- B. Manufactured home on an individual lot, subject to the standards of Section 5.11
- C. Two family dwelling
- D. Multifamily dwelling
- E. Accessory building incidental to the primary residential use
- F. Home occupation which meets the restrictions of Section 5.8

**Conditional Uses.** The following uses are permitted in the R-3 Zone when a Conditional Use Permit is approved subject to Section 6.4:

- A. Public use
- B. Semi-public use
- C. Home occupation which does not meet the restrictions of Section 5.8
- D. Professional office

**Lot Size and Dimensions.** New parcels created in the R-3 zone shall be connected to City water and sewer facilities. The following minimum lot sizes and lot dimensions apply to the creation of new parcels:

- A. For a single family dwelling, the minimum lot size shall be 5,000 square feet. A minimum lot size of 8,000 feet is required for a two family dwelling.
- B. For a multifamily dwelling, the minimum lot size shall be 11,000 square feet for three units, with an additional 2,000 feet of land area required for each additional unit.
- C. The minimum average lot width shall be sixty (60) feet wide at the building line.
- D. The minimum average lot depth shall be eighty (80) feet.
- E. The minimum average lot frontage shall be twenty (20) feet.

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### Standards for Multifamily Dwellings.

- A. The minimum lot size shall be 11,000 square feet for three units, with an additional 2,000 feet of land area required for each additional unit
- B. No multifamily dwelling may be allowed without public water and sewer service.
- C. A common recreational area shall be established in all multifamily dwellings containing more than ten (10) units.
- D. Recreation areas shall be provided for each multifamily dwelling which contains more than ten (10) dwelling units. A single site containing a minimum of two hundred (200) square feet per dwelling unit shall be provided.
- E. Landscaping and screening shall be provided on the site of all multifamily dwellings to meet the following requirements:
  - 1. All areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped;
  - 2. Screen planting, masonry walls, or fencing shall be provided to screen trash enclosures;
  - 3. Landscape materials shall be of adequate size, quality, and character so as to provide both an attractive setting and privacy for the residents; and
  - 4. It shall be the owner's responsibility to maintain the landscaping installed on the site.

### Setbacks.

- A. The minimum front yard shall be 20 feet.
- B. The minimum side yard setback for one or two story buildings shall be a minimum of seven and one-half feet. For buildings exceeding two stories, the side yard shall be increased by one foot in horizontal distance for every three (3) feet of building height. On corner lots the side yard for all structures shall be a minimum of ten (10) feet on the side abutting the street.
- C. The minimum rear yard setback shall be 10 feet.

**Building Height.** The maximum height of a structure shall be 35 feet or two and one-half stories, whichever is less. Structures exceeding 35 feet are subject to review and determination by Planning and Public Works as Type II Decisions, who shall consider the request using the Design Review standards and criteria under Section 6.7.

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**Lot Coverage.** The lot coverage shall not exceed fifty (50) percent of the total area of the lot.

### **Standards for Accessory Buildings.**

- A. If attached to the main building or separated by a breezeway, the accessory building shall be subject to the same side and front yard setbacks of the main building.
- B. A one (1) story accessory building may be located adjacent to a side lot line not fronting on a street, when in compliance with the Building Code.
- C. A one (1) story accessory building shall have a minimum setback of five (5) feet from the rear property line.

**Lot of Record.** Where a lot of record has an area of less than 5,000 square feet or less than 60 feet in width, and was held under separate ownership or was on public record at the time this Ordinance became effective, such lot may be occupied by a single family dwelling. In no case, however, shall a single family dwelling have a lot area of less than 3,000 square feet.

**Redivision Plan for Large Lots.** When a lot is created in the R-3 zone which is 10,000 square feet or larger, a redivision plan shall be submitted showing that the lot can be later divided into 5,000 square foot lots. The plan shall be reviewed and determined by Planning and Public Works as a Type I Decision. This requirement does not apply if the lot is created for multifamily units.

**Design Review.** All new multifamily and professional office development in the R-3 Zone, including new construction, a significant modification or expansion, or a change in use to a multifamily or office use, is subject to Design Review under the provisions of Section 6.7. A change in use from an existing multifamily or office use to a new multifamily or office use shall be required to go through Design Review if the change is to a more intensive use in any external impact, as determined by Planning and Public Works. External impact includes, but is not limited to, impacts such as the number of units, traffic, parking, and noise.

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### SECTION 3.5 NEIGHBORHOOD COMMERCIAL ZONE (C-1)

**Purpose and Intent.** Commercial uses shall be oriented to serving the neighborhood and shall be limited to a maximum floor space for a single use of 5,000 square feet. All commercial activities are to be conducted within an enclosed building.

**Permitted Uses.** The following categories of uses are permitted outright in the C-1 Zone:

- A. Neighborhood service uses (for example, barber or beauty shop, laundry, shoe repair, dry cleaner, tailor)
- B. Neighborhood retail uses (for example, bakery, book or stationary store, candy or drug store, grocery, meat market or delicatessen)

**Conditional Uses.** The following uses are permitted in the C-1 Zone when a Conditional Use Permit is approved subject to Section 6.4:

- A. Public use
- B. Semi-public use
- C. Dwelling in conjunction with a business or attached to a commercial use
- D. Apartments above a commercial use, subject to the density standards of the R-3 zone

#### **Additional Criteria for a Conditional Use in the C-1 Zone.**

- A. The conditional use shall be served by public sewer and public water.
- B. The conditional use shall be on an arterial or collector street.
- C. The conditional use shall conform with all the other restrictions of this zone.

**Lot Size.** The maximum lot size shall be 40,000 square feet. There is no minimum lot size.

#### **Setbacks.**

- A. The minimum front yard shall be 20 feet.

## RAINIER ZONING ORDINANCE

- B. No side yard setback required, except for property abutting a residential district. The side yard abutting the residential district shall be the same as the abutting property. On a corner lot, the side abutting the street shall have a minimum setback of ten (10) feet.
- C. No rear yard setback, except property abutting a residential district shall have the same rear yard as the abutting property.

**Building Height.** The maximum building height of a structure shall be thirty-five (35) feet or two and one-half stories, whichever is less.

**Lot Coverage.** The lot coverage shall not exceed fifty (50) percent of the total area of the lot.

**Landscaping Requirements.** Landscaping and screening shall be provided according to the following requirements:

- A. All areas of the site not occupied by paved roadways, walkways, patios or buildings shall be landscaped with ground cover, shrubs, and decorative or ornamental trees.
- B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
- C. Screen planting, masonry walls or fencing shall be provided to screen views of trash enclosures.

**Design Review.** All new development in the C-1 zone, including new construction, a significant modification or expansion, or a change in use to a neighborhood commercial use, is subject to Design Review under the provisions of Section 6.7. A change in use from an existing neighborhood commercial use to a new neighborhood commercial use shall be required to go through Design Review if the change is to a more intensive use in any external impact, as determined by Planning and Public Works. External impact includes, but is not limited to, impacts such as traffic, parking, and noise.

## RAINIER ZONING ORDINANCE

### SECTION 3.6 GENERAL COMMERCIAL ZONE (C-2)

**Purpose and Intent.** Commercial uses include the broad range of retail and service commercial uses oriented to the community and to travelers on Highway 30.

**Permitted Uses.** The following categories of uses are permitted outright in the C-2 Zone:

- A. Any use permitted in the Neighborhood Commercial Zone (C-1)
- B. Commercial service uses (for example, barber and beauty shop, laundry, shoe repair, print shop)
- C. Commercial retail uses (for example, drug store, restaurant, tavern, department or furniture store, garden store, second hand store)
- D. Professional office or clinic (for example, bank, tax preparation service, medical or dental office, veterinary clinic)
- E. Tourist oriented use (for example, motel/hotel, gas station, gift shop)
- F. Public use
- G. Semi-public use

**Conditional Uses.** The following uses are permitted in the C-2 Zone when a Conditional Use Permit is approved subject to Section 6.4:

- A. Multifamily above a ground floor commercial use.
- B. Auto body shops.

**Lot Size.** No lot size requirements shall apply in the C-2 Zone except where multifamily dwellings are permitted. A minimum lot size of 1500 square feet for each unit shall be required where apartments are included above a commercial structure.

**Setbacks.** No setbacks are required. However, if a rear yard is provided, the minimum depth shall be twelve (12) feet.

**Building Height.** The maximum height of any structure shall be three (3) stories or forty-five (45) feet, whichever is less.

**Lot Coverage.** No maximum restriction applies in the C-2 Zone.

## RAINIER ZONING ORDINANCE

**Design Review.** All new development in the C-2 Zone, including new construction, a significant modification or expansion, or a change in use to a general commercial use, is subject to Design Review under the provisions of Section 6.7. A change in use from an existing general commercial use to a new general commercial use shall be required to go through Design Review if the change is to a more intensive use in any external impact, as determined by Planning and Public Works. External impact includes, but is not limited to, impacts such as traffic, parking, and noise. Any outside storage or display areas shall be approved through Design Review.

### 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

**Conditional Uses.** The following uses are permitted in the WC Zone when a Conditional Use Permit 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

**Standards.** The standards of the General Commercial Zone (C-2) are also applicable in the WC Zone.

## RAINIER ZONING ORDINANCE

**Design Review.** All new development in the WC zone, including new construction, a significant modification or expansion, or a change in use to a waterfront commercial use, is subject to Design Review under the provisions of Section 6.7. A change in use from an existing waterfront commercial use to a new waterfront commercial use shall be required to go through Design Review if the change is to a more intensive use in any external impact, as determined by Planning and Public Works. External impact includes, but is not limited to, impacts such as traffic, parking, and noise.

### SECTION 3.8 WATERFRONT MIXED USE ZONE (WM)

**Purpose and Intent.** Commercial, residential and recreational 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 WM Zone:

- A. Any use permitted in the Neighborhood Commercial Zone (C-1)
- B. Commercial service uses (for example, barber and beauty shop, laundry, shoe repair, print shop)
- C. Commercial retail uses (for example, drug store, restaurant, tavern, department or furniture store, garden store, second hand store), provided no single retail establishment exceeds 20,000 square feet in space.
- D. Professional office or clinic (for example, bank, tax preparation service, medical or dental office, veterinary clinic)
- E. General business or corporate office uses (for example, offices of financial, insurance, real estate and government organizations)
- F. Tourist-oriented uses (for example, motel/hotel, gift shop)
- G. 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 buildings with less than 5,000 square feet total space
- H. Multi-family dwellings and attached single family dwellings with a minimum density of 10 units per gross acre.



## RAINIER ZONING ORDINANCE

**Conditional Uses.** The following uses are permitted in the WM Zone when a Conditional Use Permit is approved subject to Section 6.4:

- A. Public use
- B. Semi-public use

**Standards.** The standards of the General Commercial Zone (C-2) are also applicable in the WM Zone.

**Design Review.** All new development in the WM zone, including new construction, a significant modification or expansion, or a change in use to a waterfront mixed use, is subject to Design Review under the provisions of Section 6.7. A change in use from an existing waterfront mixed use to a new waterfront mixed use shall be required to go through Design Review if the change is to a more intensive use in any external impact, as determined by Planning and Public Works. External impact includes, but is not limited to, impacts such as traffic, parking, and noise.

### SECTION 3.9 WATERFRONT MIXED USE OVERLAY ZONE (WM OVERLAY)

**Purpose and Intent.** This overlay zone is intended to accommodate development of a cohesive community within the context of the Rainier Mixed-Use Waterfront Framework Plan. A primarily residential community is envisioned, including a variety of housing types. Public open space is also an important component of the Framework Plan, including public access to and along the Columbia River. In addition to residential and public uses, Other commercial service, retail, office and marine-related retail and recreational uses are permitted to provide market flexibility and the opportunity for mixed-use development. Quality building design and pedestrian-friendly character for streets are also intended.

**Design Objectives for Framework Plan.** The Framework Plan for the Waterfront Mixed Use Zone was developed through a public, collaborative process. The following design objectives shaped the Framework Plan:

- Create a residential community – a place where neighbors know each other
- Provide a variety of housing that balances quality with appropriate pricing
- Provide for mixed use –living, working, and community gathering
- Link the physical design of the community to Rainier’s small town character
- Provide public access to, and along, the waterfront
- Provide open spaces and river views
- Coordinate with adjacent park lands and the boat launch
- Design streets that are attractive for walking
- Be flexible – provide for phased development over time

**Role of the Framework Plan.** The Framework Plan for the Waterfront Mixed Use Zone is attached as Exhibit A and is incorporated into the Zoning Ordinance by this

## RAINIER ZONING ORDINANCE

reference. The Framework Plan illustrates the key elements for development in the zone, including the following:

- A. Westerly extension of “A” Street and approximate location of north-south local street connections. Cross-sections for “A” Street and local streets are attached as examples.
- B. Designation of the Riverfront Greenway and Trail. Approximate locations for riverfront access/viewpoints are also shown. A cross-section for the Riverfront Trail is attached as an example.
- C. Identification of a “core area” as the most appropriate location for civic, mixed use development and higher density residential uses to serve and support the adjacent neighborhood areas identified in the Framework Plan. The core area is also the preferred location for a public park.
- D. Identification of “neighborhood edge” areas as the transition where civic, mixed use and higher density uses are also appropriate, but where design and development needs to promote transition and compatibility between the core and the neighborhoods.

Regulatory elements of the Framework Plan are implemented through the Development Standards of this zone. An Illustrative Plan has been prepared to show one approach for development that is consistent with the Framework Plan. The Illustrative Plan is not regulatory or binding, and it is intended only as a guide for potential development.

**Permitted Uses.** The following categories of uses are permitted outright in the WM Zone:

### A. Residential Uses

- 1. Detached single family dwelling (excluding manufactures homes)
- 2. Zero lot line dwelling
- 3. Attached single family dwelling
- 4. Two-family dwelling
- 5. Multi-family dwelling
- 6. Senior housing, congregate care, assisted living, adult foster care

## RAINIER ZONING ORDINANCE

### **B. Commercial/Office/Public Uses**

1. Commercial service uses (for example, barber and beauty shop, laundry, shoe repair, dry cleaner, tailor)
2. Commercial retail uses (for example, grocery store, drug store, restaurant, tavern, garden store, department or furniture store, second hand store), provided no single retail establishment exceeds 20,000 square feet in floor area.
3. Professional office or clinic (for example, medical or dental office, tax preparation service, veterinary clinic)
4. General business or corporate office uses (for example, offices of financial, insurance, real estate and government organizations)
5. Tourist-oriented uses (for example, motel/hotel, gift shop)
6. Public Park

**Conditional Uses.** The following uses are permitted in the WM Zone when a conditional use permit is approved subject to Section 6.4.

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

- Marina
- Boat sales or service
- Boat launching facility
- Public or private dock
  - Storage or marine equipment in buildings with less than 5,000 square feet total space

**B.** Public use (public parks are permitted)

**C.** Semi-public use

**Development Standards.** The following development standards apply in the WM Zone to implement the Framework Plan.

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

## RAINIER ZONING ORDINANCE

1. Block Length and Perimeter. A block length of 320 feet is recommended for compatibility with the established street grid of Rainier. Block lengths shall not exceed 400 feet and the block perimeter shall not exceed 1,200 feet in the WM Zone.
2. Exception. The Planning Commission may grant an exception to the block length and perimeter standard when blocks are divided by one or more pathway(s). Pathways shall be provided at or near mid-block where the block length exceeds the 400 foot standards. Pathways shall be located to minimize out-of-direction travel by pedestrians and cyclists.

Additionally, the Planning Commission may grant an exception to the block length and perimeter standard for publicly owned parks and for blocks in the WM Zone that abut public parks or industrial zones; or for large commercial or residential uses deemed appropriate by the commission.

- B. Street Standards.** Public and private streets in the WM Zone shall conform to City standards. Private streets are permitted with Planning Commission approval subject to the following limitations:

1. Private streets shall be built to City standards.
2. Private streets shall include permanent easements for public access.
3. Private streets shall include provisions and an agreement for maintenance.

Alleys are encouraged but not required in the WM Zone.

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

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

## RAINIER ZONING ORDINANCE

- E. Lot Standards.** The following lot standards are designed to accommodate a variety of housing and building types in the WM Zone.

<i>Land Use</i>	<i>Min. Lot Area</i>	<i>Min. Lot Width</i>
Detached SF Housing	3,500 SF	35 ft.
Attached SF Housing	2,400 SF	24 ft.
Duplex	5,000 SF	50 ft.
MF Housing (+ 3 units)	9,000 SF	90 ft.
Commercial/Office	No minimum	50 ft.
Public/Semi Public	No minimum	50 ft.

- F. Residential Densities.** To assure efficient use of land in the WM Zone, residential projects shall be developed at a minimum density of 10 units per net acre (excluding area devoted to streets). Minimum densities shall be calculated on a project-by-project basis and may include multiple contiguous parcels and phased developments. There are no minimum density requirements when residential units are developed above first floor commercial or office uses.

*Maximum density* in the WM Zone is 25 units per net acre. Assisted living facilities are not subject to this maximum density, and are limited only by maximum building heights and setbacks.

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

*Front Yard Setbacks*  
*Residential Uses*

1. A minimum setback of 10 feet is required outside of the core area. A zero setback is allowed in the core area. An unenclosed front porch may encroach into the front yard setback, as long as it does not encroach into a public utility easement.
2. Residential uses shall not exceed a maximum front yard setback of 25 feet.
3. Garages and carports shall be accessed from alleys or recessed behind the front building elevation by a minimum of 2 feet.

## RAINIER ZONING ORDINANCE

### *Side and Rear Yard Setbacks Residential Uses*

1. A minimum side yard setback of 5 feet is required for detached single family and multi-family dwellings.
2. A minimum rear yard setback of 10 feet is required for all residential dwellings.

### *Setbacks Commercial/Office/Public/Semi-Public Uses*

1. No minimum front yard setback is required, except as necessary to comply with vision clearance standards.
2. A maximum front yard setback of 25 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 25 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building.
3. The maximum front yard setback standard shall not apply to buildings that do not receive the public (e.g., buildings used for storage or housing mechanical equipment, and similar uses).
4. No minimum side or rear yard setback is required, except where such yards abut existing or approved residential uses. In such cases, the side or rear yard requirement shall match the yard requirement for the residential use.

**H. Building Heights.** In order to provide a step-down in buildings heights toward the Columbia River, building heights in the East and West neighborhoods shall not exceed 2-stories or 35 feet to the north of the A Street Extension, and shall not exceed 4-stories or 55 feet to the south of the A Street Extension. Buildings in the Core Area shall not exceed 3-stories or 45 feet.

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

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

## RAINIER ZONING ORDINANCE

2. Off-street parking shall not be placed between the primary entrance and the street. Vehicles may be parked in driveways serving detached and attached single family housing. However, garages must be recessed a minimum of 2 feet from the front façade of the dwelling, as specified in Development Standards, Section G.3.
3. The building orientation standards are not applicable to non-residential buildings which do not receive the public such as storage or utility buildings.

**Design Review.** All new development in the WM Zone, including single family housing types, is subject to Design Review. In addition to the criteria for design review approval set forth in Section 6.7, the following additional criteria are applicable in the WM Zone:

- A. Consistency with Design Objectives and Framework Plan.** The proposed development is consistent with the Design Objectives and the Framework Plan for the Waterfront Mixed Use Zone.
- B. Consistency with Development Standards.** The proposed development is consistent with the Development Standards for the Waterfront Mixed Use Zone.
- C. Design Guidelines for Residential Buildings.** Residential buildings should address the following guidelines:
  1. **Garage Placement.** The garage must not be the dominant feature of the front of the dwelling. Side placement, rear placement, or a recess of 2 feet minimum are preferred. Overhangs and front porches may be incorporated into addressing this guideline.
  2. **Quality and variety of materials.** Buildings should use high quality materials. The following building materials are prohibited in the WM Zone:
    - a. Cinder block
    - b. Metal
    - c. T1-11 siding

At least two different types of materials should be provided on the sides of buildings that face streets. Variation in the patterns of the same materials is an acceptable alternative.
  3. **Porches.** Usable front porches (approximately 6 feet by 8 feet minimum) that are covered should be provided on at least 50% of the buildings.
  4. **Roof Pitch.** A minimum roof pitch of 4 in 12 should be provided.

## RAINIER ZONING ORDINANCE

5. **Building and Roof Articulation.** Exteriors offsets, balconies, projections, window reveals, variations in roof pitch and similar elements details should be provided.
  6. **Variation in color.** Developments should avoid overuse of the same exterior paint colors. As a guideline, color should vary on every block face.
- D. Design Guidelines for Civic, Commercial and Mixed Use Buildings.** Civic, commercial and mixed-use buildings should address the following guidelines.
1. **Location of Entries.** The building orientation standards in the chapter shall be met. On corner lot, corner entrances are encouraged and may substitute for having a separate entry on each street side of the building.
  2. **Quality and variety of materials.** The proposed development includes quality building materials. The following building materials are prohibited in the WM Zone:
    - a. Cinder block
    - b. Metal
    - c. T1-11 siding

At least two different types of materials should be provided on the sides of buildings that face streets. Variation in the patterns of the same materials is an acceptable alternative.
  3. **Weather Protection.** Buildings that abut the public sidewalk should provide awnings or canopies along appropriate lengths of the building façade.
  4. **Building and Roof Articulation.** Exteriors offsets, balconies, projections, window reveals variations in roof pitch and similar elements details should be provided.
  5. **Ground Floor Windows and Doors.** Ground floor windows should occupy the majority of the street side façade. A guideline of 60% of the length and 25% of the first 12 feet of height is suggested.
  6. **Pedestrian Amenities.** Street-side amenities are encouraged. Examples include benches, plazas, planters, seating walls, and public art.

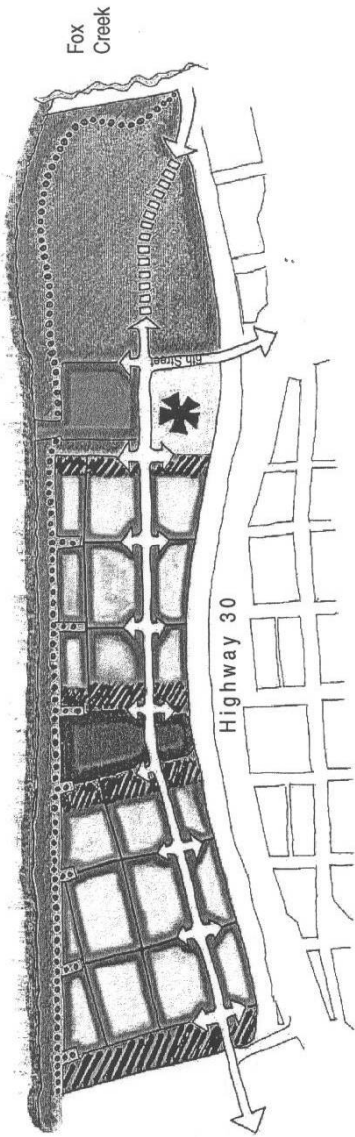


## **RAINIER ZONING ORDINANCE**

- E.** Where the standards of the WM Zone conflict with other standards in the Zoning Ordinance, the Land Division Ordinance or the Transportation System Plan, the standards of the WM Zone shall control.

# RAINIER ZONING ORDINANCE

## COLUMBIA RIVER



- |  |  |  |                                  |  |   |
|--|--|--|----------------------------------|--|---|
|  | "A" Street and North-South Connections |  | Riverfront Greenway and Trail    |  | West and East Neighborhoods                             |
|  | Internal Circulation Framework         |  | Riverfront Access and Viewpoints |  | Core Area   |
|  | "A" Street Alignment                   |  | Boat Ramp and Parking            |  | Neighborhood Edge                                       |
|  |  |  | Park and Open Space              |  | Current Sewage Treatment Plant<br>Future Mixed-use Site |

### Framework Plan

## RAINIER ZONING ORDINANCE

### SECTION 3.10 LIGHT INDUSTRIAL ZONE (M-1)

**Purpose and Intent.** Light industrial uses are to be conducted wholly within an enclosed building and are expected to have minimal noise, air, or odor impacts on surrounding uses.

**Permitted Uses.** The following categories of uses are permitted outright in the M-1 Zone:

- A. Manufacturing, compounding, processing, packaging, assembling or treatment of products (such as bakery goods, candy, drugs, food and beverage products, paper, plastics, cloth)
- B. Machine shop not using drop-hammer or punch press
- C. Distribution plant or parcel delivery
- D. Wholesale business, storage buildings, and warehouses
- E. Lumber yards, retail and wholesale

**Conditional Uses.** The following categories of uses are permitted when a conditional use is approved subject to Section 6.4:

- A. Auto wrecking
- B. Boat building or repair (small boats only)
- C. Planing mill
- D. Commercial use which supports the industrial area and uses
- E. Public use
- F. Semi-public use

**Lot Size and Dimensions.**

- A. The minimum lot area shall be 6,000 square feet
- B. The minimum lot width shall be 60 feet

## RAINIER ZONING ORDINANCE

### **Setbacks.**

- A. The minimum front yard shall be 20 feet.
- B. No side or rear yard setback required, unless abutting or facing a residential district. A setback of fifty (50) feet is required for the yard abutting or facing the residential district.

**Building Height.** Buildings in the M-1 zone shall not exceed a height of forty-five (45) feet or three (3) stories, whichever is less.

### **Landscaping.**

- A. All areas of the site not occupied by paved roadways, walkways, or buildings shall be landscaped.
- B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
- C. Screen planting, masonry walls or fencing shall be provided to screen trash collection areas, truck loading areas, and other similar uses.

**Design Review.** All new development in the M-1 zone, including new construction, a significant modification or expansion, or a change in use to a light industrial use, is subject to Design Review under the provisions of Section 6.7. A change in use from an existing light industrial use to a new light industrial use shall be required to go through Design Review if the change is to a more intensive use in any external impact, as determined by Planning and Public Works. External impact includes, but is not limited to, impacts such as traffic, parking, noise, odors, discharges or the use of hazardous materials.

## RAINIER ZONING ORDINANCE

### SECTION 3.11 HEAVY INDUSTRIAL ZONE (M-2)

**Purpose and Intent.** It is the intent of this zone to accommodate heavy manufacturing uses which may have noise, visual or other impacts at appropriate locations within Rainier.

**Permitted Uses.** The following uses are permitted outright in the M-2 Zone:

- A. Any use permitted in the M-1 zone
- B. Auto wrecking, within an enclosed building
- C. Manufacturing and heavy industrial uses (such as machine shop, planing mill, can or bottle manufacturing, feed and fuel storage, rubber manufacturing)
- D. Marine terminal uses, including large-scale docks, loading and unloading facilities and related uses.

**Conditional Uses.** The following uses are permitted in the M-2 zone when a Conditional Use Permit is approved subject to Section 6.4:

- A. Public use
- B. Semi-public use

**Limitations on Uses.** All industrial uses in the M-2 zone shall secure all necessary permits from the Oregon Department of Environmental Quality, the US Corps of Engineers, the Oregon State Land Board or any other regulatory agency having discretion over any phase of the development or industrial discharges.

**Standards.** No minimum lot size, minimum lot width or depth, height limit, or lot coverage is specified for the M-2 zone. No setbacks are required unless the property abuts a parcel in a residential or commercial district, in which case the setbacks of the more restrictive property shall apply. A setback of fifty (50) feet may be required on the side abutting or facing a residential district.

#### **Landscaping.**

- A. All areas of the site not occupied by paved roadways, walkways, or buildings shall be landscaped.

## RAINIER ZONING ORDINANCE

- B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
- C. Screen planting, masonry walls or fencing shall be provided to screen objectionable views such as trash collection station, truck loading areas and similar uses.

**Design Review.** All new development in the M-2 zone, including new construction, a significant modification or expansion, or a change in use to a heavy industrial use, is subject to Design Review under the provisions of Section 6.7. A change in use from an existing heavy industrial use to a new heavy industrial use shall be required to go through Design Review if the change is to a more intensive use in any external impact, as determined by Planning and Public Works. External impact includes, but is not limited to, impacts such as traffic, parking, noise, odors, discharges or the use of hazardous materials.

### SECTION 3.12 WATERSHED ZONE (W)

**Intent and Purpose.** The municipal watershed for the City of Rainier lies within the city limits but outside of the Urban Growth Boundary. The purpose of this zone is to recognize and protect the watershed as a source of drinking water for the residents of the City of Rainier.

**Permitted Uses.** The watershed shall be managed and used with an objective to protect the values of the watershed as a long-term municipal water supply source. Managed forestry operations are permitted within the watershed with the approval of the City Council.

**Conditional Uses.** Limited public uses may be considered on a case-by-case basis as a conditional use, subject to approval as at Type III Decision under the Conditional Use provisions of Section 6.4. All other uses shall be prohibited.

# RAINIER ZONING ORDINANCE

## SECTION 3.13 MANUFACTURED HOME PARK (MHP)

### **Purpose**

Manufactured home parks may be located in the MHP Zone only. Manufactured home park spaces shall be available for rental or lease only. Individual sale is prohibited. In addition to the preemptive State Building Code standards, the following standards shall apply to all manufactured home parks and the siting of each unit within a manufactured home park. A manufactured home park is six (6) dwelling units or more.

**Permitted Uses.** The following uses are permitted in the MHP Zone. There are no Conditional Uses permitted in the MHP Zone.

- A. Residential manufactured homes, together with normal accessory uses such as garages, patio slabs, carport, and storage buildings.
- B. Private and public utilities and services.
- C. Community recreation facilities, including swimming pools, operated for the residents and guests of the park only.
- D. One (1) manufactured home or other residence for the use of a manager or a caretaker responsible for maintaining and operating the park.

**Design Review.** A new manufactured home park in the City shall be subject to design review approval by the Planning Commission to construction. All design review approval criteria, and applicable standards contained in Section 6.7 of this Code that are not specifically varied by this section shall apply to manufactured home parks.

**Occupancy.** No occupancy permit for any manufactured home park, building, or facility shall be issued by the City until the park or an approved phase of the park has been completed according to the final site plan approved by the Planning Commission. Deviations from the approved plan must be resubmitted to the Commission for review and approval.

**Alterations and Additions.** The owner(s) of the manufactured home park property, or duly authorized park management, shall be held responsible for all alterations and additions to the manufactured home park or to individual homes within the park, and shall assure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.

**Recreational Vehicles.** The following provisions apply to the use or storage of recreational vehicles in a manufactured home park.

- A. The occupancy of recreational vehicles within manufactured home parks as permanent living quarters is prohibited.
- B. Unoccupied recreational vehicles located in designated parking or storage areas within manufactured home parks are permitted.
- C. If storage yards for recreational vehicles, boats or trailers are provided, an eight (8) foot high sight-obscuring fence shall be erected around the perimeter of the storage yard

## **RAINIER ZONING ORDINANCE**

**Lot Size and Dimensions.** New parcels in the MHP Zone shall be connected to City water and sewer services. The following minimum lot sizes and dimensions shall apply to the creation of new parcels.

- A. Manufactured home spaces shall be sized in accordance with the State Building Code setback, length and width requirements for manufactured home parks, a minimum of 30' wide and 40' long.
- B. The boundaries of all spaces shall be surveyed or otherwise suitable and permanently marked on-site, as determined by the City.

### **Setback and Siting Standards**

- A. Only one (1) manufactured home shall be permitted on a space. Space lines shall be deemed to be equivalent to lot lines for purposes of applying setback and siting standards. Storage buildings, awnings, carports, garages and other accessory structures shall be considered part of the manufactured home for the setback purpose.
- B. Minimum building setback and siting distances shall be in accordance with the State Building Code standards for manufactured home parks. Structures shall be located at least 5 feet from a property line.

### **Unit Standards**

- A. The design and construction of manufactured home, foundations and installations shall be in accordance with federal and State Building Code requirements for manufactured home parks.
- B. Approved numbers or addresses placed on buildings shall be plainly visible and legible from the street fronting the property. The numbers shall contrast with the background.
- C. Awnings, carports, cabanas, garages and other structures shall be of a material, size, color and pattern similar to the manufactured home and shall conform to all applicable codes.

### **Utility Standards**

- A. All manufactured homes, service buildings and accessory structures shall be connected to properly installed public water and sewer systems in accordance with City standards. The park shall have one water meter.
- B. Sufficient fire hydrants shall be installed so that no manufactured home, and other structure is more than 300 feet from a hydrant, as measured down the centerlines of streets. Three (3) feet of clearance shall be provided around the circumference of a fire hydrant.
- C. Street lights shall be installed in conformance with the State Building Code street light standards for manufactured home parks.
- D. Adequate storm water provisions shall be incorporated into the park so that there are no negative impacts on downstream flows, as determined by the City Public Works Director.



## **RAINIER ZONING ORDINANCE**

### **Street Standards, Parking and Circulation**

- A. Streets in manufactured home parks shall be constructed as follows:
  - 1. Street widths in the park shall be constructed in conformance with the State Building Code for manufactured home parks, which require 20 feet of unobstructed surface width, or 30 feet of width if there is parking on both sides.
  - 2. Any street within a manufactured home park that, due to volumes of traffic or street location as determined by the City, functions as a collector or higher functional classification roadway shall be a public street and constructed to full City public improvement specifications.
  - 3. Streets shall be named and signed properly.
  - 4. Streets shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.
  - 5. Adequate turning radius on a dead-end road over 150 feet, or any other access roadway shall be provided for emergency vehicle.
- B. Parking spaces within the park shall be provided in accordance with State Building Code requirements for parking in a manufactured home park, which require two auto parking spaces for each dwelling lot. Spaces may be designed end-to-end, side-to-side, or with one street parking space and one off-street parking space.
- C. A minimum four (4) foot wide sidewalk shall be required and conveniently located on one (1) side of all private streets within a manufactured home park.

### **Landscape Standards**

- A. Unless an alternative buffer is approved by the Commission, a perimeter landscaped strip at least 5 feet wide shall be provided with evergreen, sight-obscuring plant materials at least six (6) feet high at maturity, and shall be installed around the perimeter of the park.
- B. Street trees shall be uniformly planted on both sides of all streets located in the park. The type of tree chosen must be compatible with the streetscape and adjoining roadway, and shall be coordinated with City staff.
- C. All areas in a manufactured home park not occupied by paved roadways, walkways, patios or buildings shall be landscaped.
- D. Landscape materials shall be of adequate size, quality, and character so as to provide both an attractive setting and privacy for the residents.
- E. It shall be the owner's responsibility to maintain the landscaping installed on the site.

### **Open Space**

- A. In accordance with state standards there shall be a minimum of 2500 square feet of open space in the park, or at least 100 square feet per dwelling occupied by children, whichever is greater.

## RAINIER ZONING ORDINANCE

### SECTION 3.14 CENTRAL BUSINESS DISTRICT (CBD) ZONE

**Purpose and Intent.** The intent of the CBD Zone is to meet the goals and objectives of the Rainier Downtown Riverfront Development Plan, Sept. 2000. The purpose of the zone is to encourage new retail, housing, offices and recreation development with pedestrian links to the Columbia River. To bring new vitality and mixed-use development that is compatible with the historical buildings unique to downtown Rainier. To lessen the impact of the railroad in the downtown. The intent is to strengthen the downtown as the “heart” of the community and as a logical place for people to gather, and create the city’s business, residential and tourist center. The zone is intended to support this goal through elements of design and appropriate mixed-use development.

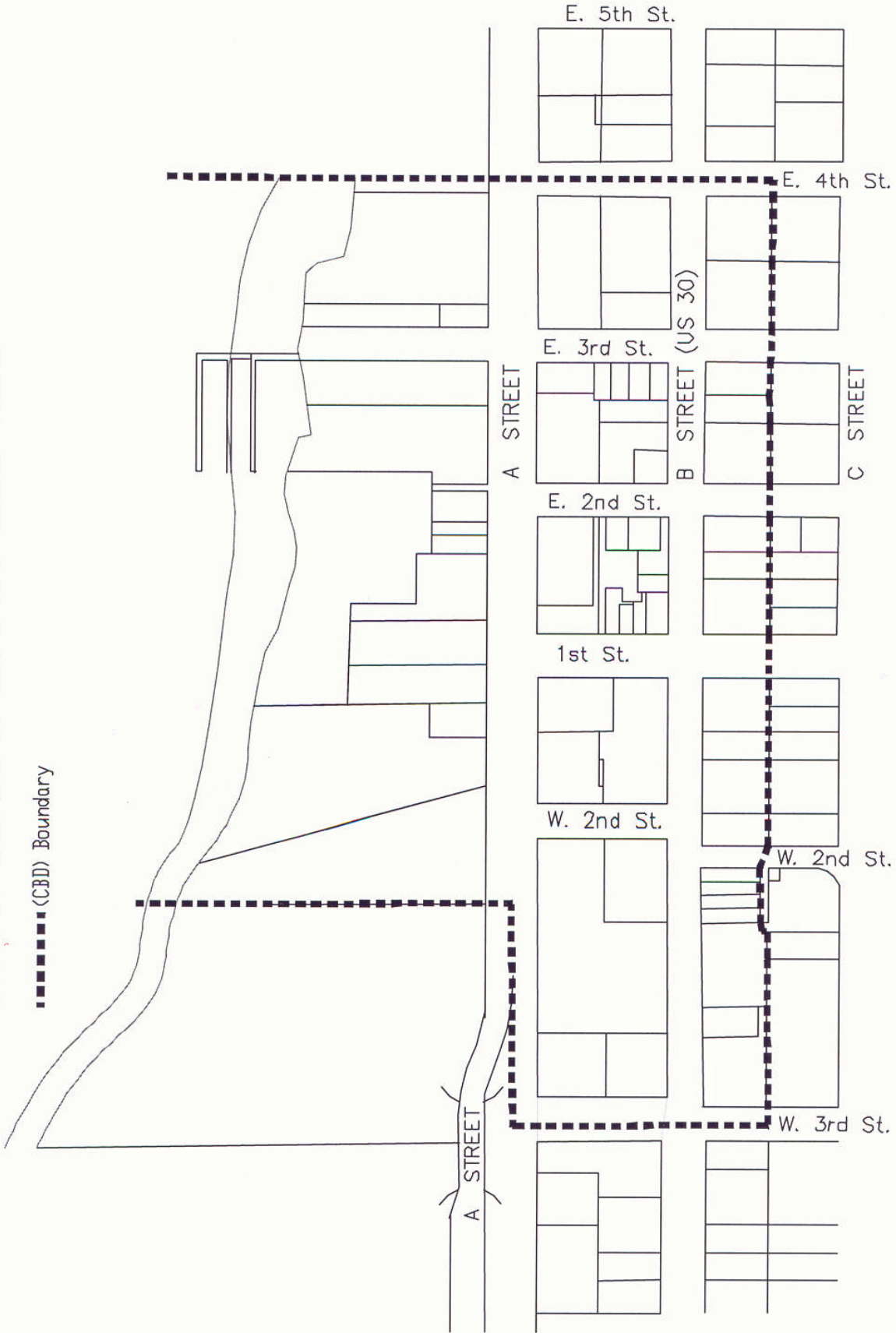
**CBD Zone Boundaries:** The CBD Zone is bounded on the east by the centerline of E. 4<sup>th</sup> Street, on the north by the Rainier City Limits, on the west by the centerline of W. 3<sup>rd</sup> Street except jogging east on A Street to the east property line of the Eng property (Tax Lots 1500 & 1503 Map 7 2 16 4 2), and on the south by land contiguous to B Street, to the mid-block line between B and C streets.

CBD Zone Map – Page 28

Table 3.13 Central Business District Zone Permitted Uses – Page 29

**RAINIER ZONING ORDINANCE**

Central Business District (CBD) Zone



## RAINIER ZONING ORDINANCE

<b>TABLE 3.13 CENTRAL BUSINESS DISTRICT ZONE – PERMITTED LAND USES</b>		
<b>LAND USE</b>	<b>CBD ZONE</b>	<b>B STREET IN CBD</b>
<b>RESIDENTIAL</b>	P (1)	P (1)
<b>COMMERCIAL</b>		
Retail Sales and Service, except vehicles (2)		
- up to 5,000 square feet GLA*	P	P
Restaurants	P	P
- with drive-thru (2)	N	P
Offices and Clinics	P	P
Lodging	P	P
Vehicle & Boat Service and Repair		
- enclosed in building	CU	CU
Vehicle fuel sales (2)	CU	P
Vehicle & Boat Sales in enclosed building (2)	CU	P
Commercial and Public Parking (2)	P	P
Commercial or Industrial Storage	N	N
Entertainment		
- enclosed in building (e.g., theater)	P	P
- not enclosed (e.g., amusement)	CU	CU
Wholesale	N	N
<b>CIVIC</b>		
Government		
- point of service (e.g., library)	P	P
- no point of service	CU	N
Parks and Open Space	P	P
Schools		
- pre-school, daycare and primary	CU	CU
- secondary, colleges and vocational	CU	CU
Clubs and Religious Institutions	CU	CU
<b>INDUSTRIAL</b>		
Light Manufacturing and Production		
- less than 10,000 square feet, or with retail outlets	CU	CU
Heavy Industrial	N	N
<b>MARINE</b>		
Marina, Boat Launch, Public Or Private Dock	P	N

**Key to Districts:** **CBD** = Central Business District; **B Street** = The portion of B Street inside the CBD.

**Key to Permitted Uses:** **P** = Permitted; **CU** = Conditional Use Permit required; **N** = Not Permitted;

\* **GLA** = Gross Leasable Area

## RAINIER ZONING ORDINANCE

**Special Conditions:** (1) Residential Uses are permitted on upper stories and on ground floors when they do not use storefront space. (2) Fueling islands, vehicle drives, surface parking areas, and drive-up/thru facilities shall not be within (20 – 40) feet of a street intersection, as measured from the property line.

**Discontinuance of a Non-Conforming Use.** Notwithstanding all other provisions of Rainier Zoning Code Section 6.6 Non-Conforming Uses, if a non-conforming use in the CBD Zone is discontinued for more than eighteen (18) months, the building or land shall, thereafter, be occupied and only for a use conforming to the zoning applied to the property.

**Lot Size.** No lot size requirements except for multifamily and attached housing as follows:

- A. Multifamily dwelling: Multi-family dwellings may be located above a ground floor commercial use or in a separate residential structure. Building height and number of units shall be determined by state building and fire codes. The minimum lot size shall be determined by parking, setback and landscaping requirements, in accordance with Section 3.13.01 CBD Design Standards, but in no case may exceed 20 dwelling units per acre.

**Setbacks.** Setbacks shall be provided in accordance with Section 3.13.01 CBD Design Standards.

**Building Height.** The maximum building height of any structure shall be five (5) stories, or 55 feet, whichever is less. The minimum building height is 24 feet and must include a second story that is at least 30% of the first floor dimension.

**Lot coverage.** No maximum or minimum lot coverage restrictions in the CBD Zone. This section prevails over other conflicting lot coverage standards in the Code.

**Parking.** As per Code Section 5.12 Off Street Parking and Loading, except that for residential parking spaces per dwelling unit as follows:

1 bedroom unit:	1.25 spaces
2 bedroom unit:	1.5 spaces
3 bedroom unit:	1.75 spaces

**Standards.** All attached residential, commercial, light industrial and mixed-use structures located within the CBD shall comply with at least 75% of Section 3.13.01 CBD Design Standards.

**Design Review.** All new development in the CBD Zone, including new construction, a significant modification or expansion, or a change in use, when a building permit is required is subject to Design Review under the provisions of Section 6.7, and including at least 75% of the design standards defined in Section 3.13.01.

**Existing Buildings:** When a building permit is required for significant modification or expansion of an existing building, the extent of design review and the required design

## RAINIER ZONING ORDINANCE

standards is limited to improvements that are the subject of the building permit. When a change in use in an existing building is proposed, and the new use is more intensive in any external impact, as determined by the Planning Director and Public Works Director, design Review is required under the provisions of Section 6.7, and the request is not subject to the CBD design standards of Section 3.13.01. External impact includes, but is not limited to, impacts such as traffic, parking, trucks, increase in public facilities, hours or operation and noise. Any outside storage or display areas shall be approved through Design Review.

**Signs.** In the CBD Zone free-standing monument signs, wall signs, window signs, awnings or canopy signs and projecting signs attached to the building are permitted. Free-standing signs, roof signs, backlit signs, flashing signs, electronic message centers, bench signs and plastic face signs are not permitted in the CBD Zone. The provisions of this section are to be used in conjunction with the provisions of Section 5.13.

- A. **Free-standing monument signs:** The sign base shall be set directly on a foundation at finished grade level, anchored to the ground. Base/foundation materials shall be constructed of stone, aggregate or brick. No plastic or synthetic materials are allowed. Maximum sign area shall be 32 square feet, and maximum height shall be 4 feet above finished grade. One sign is permitted per street frontage, but no more than two signs are permitted with a total of 64 square feet. The size of lettering shall be limited to 12 inches in height. Signs shall be limited to external illumination to include conventional lighting and neon, if neon is applied to the sign plane area. Internally illuminated signs are prohibited.
  
- B. **Projecting and Awning signs:** Materials shall be limited to wood, metal, awning canvas (or comparable quality) or glass. The vertical dimension of the sign shall not exceed 4 feet. Size of lettering shall be limited to a maximum of 12 inches in height. Signs shall be limited to external illumination to include conventional lighting and neon, if neon is applied to sign plane area. Internally illuminated signs are prohibited. Projecting signs and awnings shall not exceed a distance of four feet from the façade of the building to which the sign is attached. Projecting and awning signs shall have a minimum clearance of 7.0 feet above the finished grade.

# RAINIER ZONING ORDINANCE

## SECTION 3.14 Business District (CBD) Design Standards

### .01 Central

#### **Purpose**

A special set of design standards apply to all attached residential, commercial, industrial and mixed-use structures located within the downtown/riverfront area. The purpose of these standards is to assure a high quality, pedestrian-oriented development pattern in the downtown/riverfront area consistent with the vision expressed in the *Rainier Downtown/Riverfront Plan*. The provisions of this Overlay district do not change the base zoning or range of uses permitted on a property except as described in this section. When standards contained in this Overlay district differ from standards for the base zone, these standards prevail.

#### **Applicability**

All attached residential, commercial, industrial and mixed-use structures located within the Central Business District (CBD) zone shall comply with at least 75% of the standards of this sections.

#### ***Development Review Process***

All attached residential, commercial, industrial and mixed-use structures located within the CBD Zone area shall be reviewed and approved following the requirements of Sections 3.13 and 6.7 Design Review. Design review approval shall include a finding that a proposal meets the standards contained in this section.

#### ***Residential Uses Permitted***

Multi-family dwellings, attached single-family dwellings, and residential uses contained in mixed-use development projects are permitted within the CBD Zone as per Table 3.13 Permitted Uses. New detached single-family dwellings are not permitted. For residential only projects, a density of 20 units per acre is permitted.

#### **1. Standards for attached residential structures**

The standards of this section apply to development of attached residential structures in the CBD Zone.

- A. **Landscaping.** The purpose of this standard is to create an attractive landscaped area when residential structures

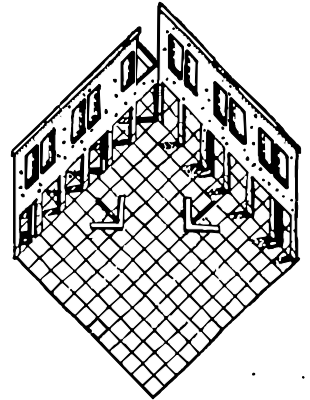
## RAINIER ZONING ORDINANCE

are set back from the property line. Landscaping must be provided between structures and the street, as follows:

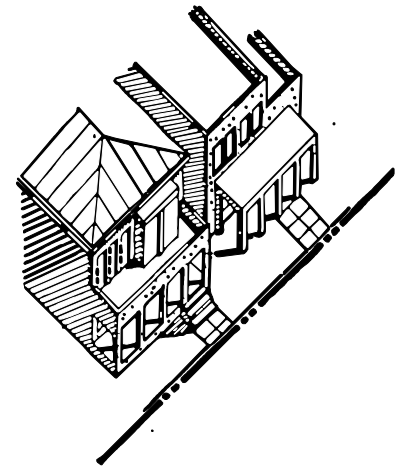
1. Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
  - a. The landscaped area must be at least 3 feet wide;
  - b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
  - c. Ground cover plants must fully cover the remainder of the landscaped area; and
2. Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street. Tree selection is subject to an approved tree list.

**B. Building setback on public streets, riverfront walk and public plazas.** The purpose of this standard is to reinforce the existing development pattern in downtown Rainier where buildings are placed close to the street.

1. Primary buildings must not be set back from the front lot line more than 18 feet.
2. Where the building has frontage on the riverfront walk or designated public plazas, the following standards must be met.
  - a. A building wall that faces the riverfront walk or plaza must be set back no more than 0 feet from the lot line. Where the site has two frontages that are on the riverfront walk or plaza, this standard must be met on both frontages. Where there are more than two such frontages, this standard must be met on any two frontages;
  - b. For ground floor residential uses, the building wall may be set back from the lot line to allow for a front porch at a main entrance. The maximum



*arcaded plaza*



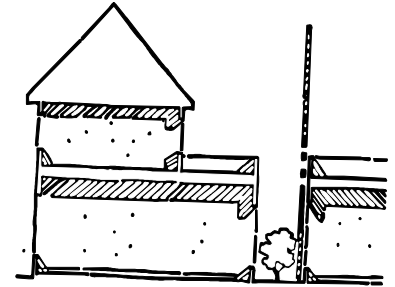
*front porch*



## RAINIER ZONING ORDINANCE

setback is 6 feet. The area between the building and an adjacent riverfront walk or plaza must be hard-surfaced for use by pedestrians as an extension of the sidewalk; and

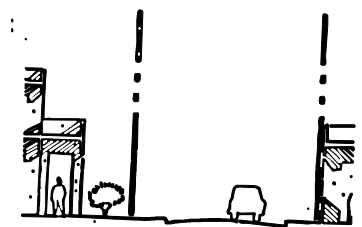
- c. Optional Additional Standard: For each 100 square feet of hard-surface area between the building and the lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this paragraph.
- A bench or other seating;
  - A tree;
  - A landscape planter;
  - A drinking fountain;
  - A kiosk.



*zone change*

- C. **Residential buffer.** The purpose of this standard is to provide a transition in scale where the Central Business District is adjacent to a lower density residential zone. Where a site zoned Central Business District abuts or is across a street from an R1, R2 or R3 zone, the following is required:

1. On sites that abut a R1, R2 or R3 zone the following must be met:
  - a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and
  - b. A 10 foot deep landscaped area must be provided along any lot line that abuts the lower density residential zone. To provide visual separation enough high shrubs to form a 6-foot high screen that is 95% opaque year around shall be provided. In addition, one tree is required per 30 linear feet of landscaped area or the equivalent. A 6-foot high masonry wall may be substituted for the shrubs, but the trees and appropriate ground cover are still required. When applied along street lot lines, the screen



*zone change*

## RAINIER ZONING ORDINANCE

or wall is to be placed along the interior side of the landscaped area.

2. On sites across the street from a lower density zone the following must be met:
  - a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and
  - b. A 10 foot deep area landscaped to at least the C.1.b. standard above must be provided along the property line across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

D. **Building height.** The purpose of this standard is to permit taller buildings in the Downtown area consistent with a traditional mixed use building type of ground floor active uses with housing or office uses above. Except as provided in Subsection C, above, structures in the Central Business District CBD Zone may be up to 55 feet in height.

E. Optional Additional Standard: **Avoid large monumental building elevations** . The purpose of this standard is to provide for variety and articulation of buildings similar to the existing development pattern in downtown Rainier. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:

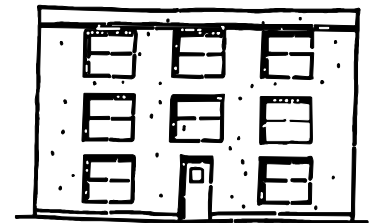
1. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;
2. A bay window that extends at least 2 feet; or
3. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.



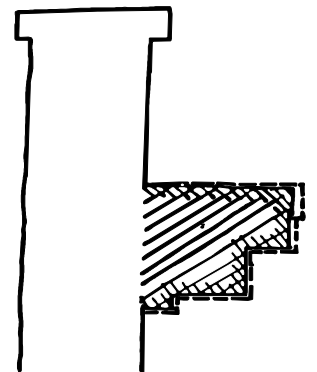
*preferred three layers*



*acceptable two layers*



*unacceptable one layer*

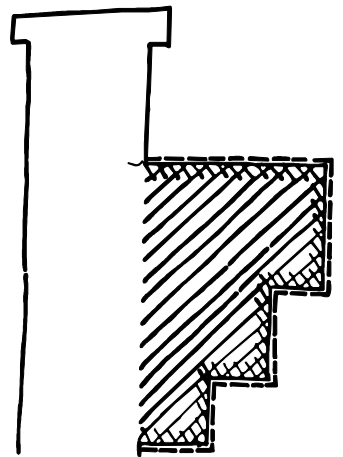


*cornice for buildings of up to 10'*

## RAINIER ZONING ORDINANCE

F. **Roofs.** The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in downtown Rainier. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Primary structures must have either:

1. A sloped roof with a pitch that is no flatter than 6/12 and no steeper than 12/12; or
2. A roof with a pitch of less than 6/12 if either:
  - a. The space on top of the roof is used as a deck or balcony that is no more than 150 square feet in area and is accessible from an interior room; or
  - b. A cornice or parapet that meets the following:
    1. There must be two parts to the cornice or parapet. The top part must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice or parapet; and
    2. The height of the cornice or parapet is based on the height of the building as follows:
      - Buildings 10 feet or less in height must have a cornice or parapet at least 12 inches high.
      - Buildings greater than 10 feet and less than 30 feet in height must have a cornice or parapet at least 18 inches high.
      - Buildings 30 feet or greater in height must have a cornice or parapet at least 24 inches high.



*cornice for buildings of 30' and higher*

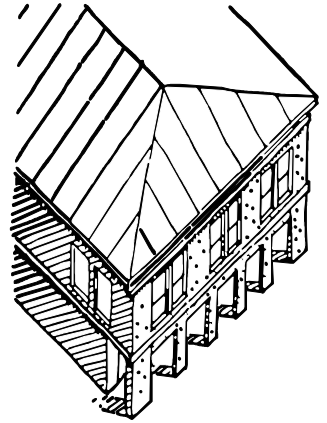
G. **Main entrance.** The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.

1. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:

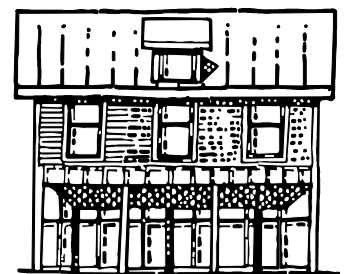
## RAINIER ZONING ORDINANCE

- a. On corner lots the main entrance may face either of the streets or be oriented to the corner.
  - b. For buildings that have more than one main entrance, only one entrance must meet this requirement.
  - c. Landscaped entrances that face a shared landscaped courtyard are exempt from this requirement.
2. Front porch at main entrance. There must be a front porch at all main entrances that face the street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.
  3. Covered balcony. Attached houses have the option of providing a covered balcony at all main entrances that face a street instead of a front porch. The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.
  4. Optional Additional Standard: Ornamental columns. If the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

- a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or
- b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at



*preferred entry*



*acceptable entry*



*unacceptable entry*

## RAINIER ZONING ORDINANCE

least 4" x 4", small rounded columns have a diameter of at least 4 inches.

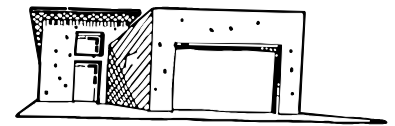
5. Openings between porch floor and ground. Openings of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

H. **Vehicle areas.** The purpose of this standard is to emphasize the traditional development pattern in downtown Rainier where buildings connect to the street, and where vehicular parking and loading areas are of secondary importance.

1. Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.
2. Vehicle areas between the building and the street. Except for allowed parking in front of approved garages, there are no vehicle areas allowed between the building and the street. If a site has two street lot lines, this standard must be met on both frontages. If a site has more than two street lot lines, this standard must be met on two frontages.

An exception is allowed for single dwelling developments. Each dwelling unit in a single dwelling development is allowed one 9-foot wide driveway.

3. Parking areas in the front setback. Except for allowed parking in front of approved garages, parking areas may not be located in the front setback.
4. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:
  - a. The garage must not be more than 40 percent of the length of the frontage or 8 feet long, whichever is greater;
  - b. The front of the garage can be no closer to the front lot line than the front facade of the house. A set-back of at least 4 feet is desirable;



*unacceptable garage*



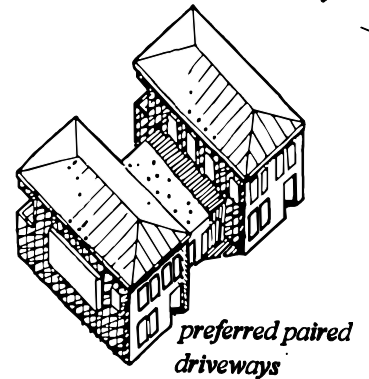
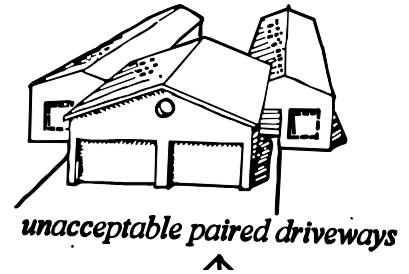
*acceptable garage*



*preferred garage*

## RAINIER ZONING ORDINANCE

- c. Unless the garage serves three or more residential units, garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and
  - d. There may be no more than one garage door per 16 feet of building frontage.
5. Driveways. Driveways for attached houses must meet the following. See illustrations for examples of driveways that meet the standard.
- a. Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet; and
  - b. There must be at least 18 feet between single or paired driveways. Distance between driveways is measured along the front property line.
- I. **Foundation material.** The purpose of this standard is to minimize the impact of exposed foundations. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
- J. **Exterior finish materials.** The purpose of this standard is to encourage high quality materials that are complementary to the traditional materials used in downtown Rainier.
- 1. Plain concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.
  - 2. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

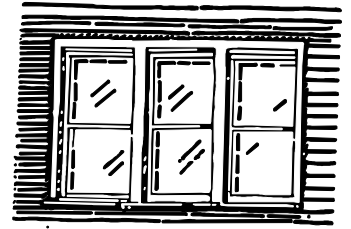


## RAINIER ZONING ORDINANCE

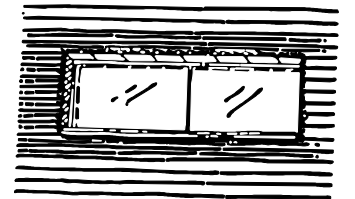
3. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with an exposure of 3 to 6 inches, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

**K. Windows.** The purpose of this standard is to encourage the design of buildings, particularly windows, to follow original traditions established by older buildings in downtown Rainier. Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:

1. Each window must be square or vertical;
2. A horizontal window opening may be created when:
  - a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal;
  - b. There is a band of individual lights across the top of the horizontal window. These small lights must be vertical and cover at least 20 percent of the total height of the window.



*acceptable window*



*unacceptable window*

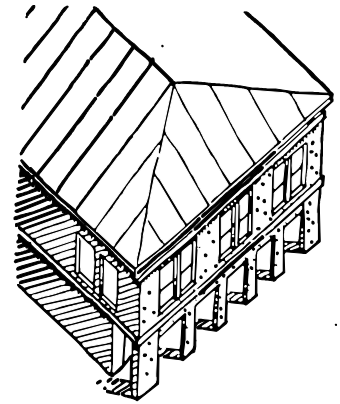
**L. Trim.** The purpose of this standard is to encourage the design of buildings, particularly the use of trim around major building elements, to follow original traditions established by older buildings in downtown Rainier. Trim must mark all building rooflines, porches, windows and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.

**M. Roof-mounted equipment.** The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

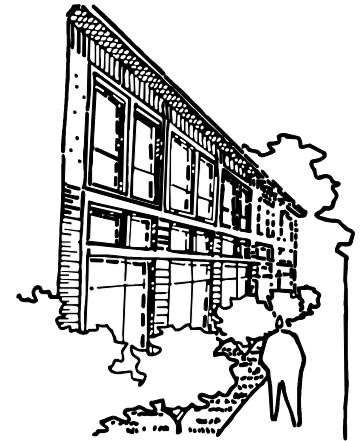
## RAINIER ZONING ORDINANCE

1. A parapet as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; or
3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.

- N. Exterior stairs and fire escapes.** The purpose of this standard is to minimize the visual impact of fire escapes and exterior stairs. Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.
- O. Roof eaves.** The purpose of this standard is to encourage the design of buildings, particularly projecting roof eaves, to follow original traditions established by older buildings in downtown Rainier. Roof eaves must project from the building wall at least 12 inches on all elevations. Buildings that take advantage of the cornice option are exempt from this standard.



*arcade between building and street*



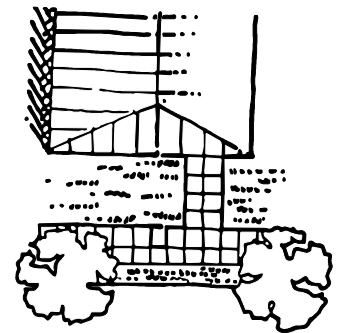
*landscape between building and street*

### 2. Standards for All Commercial, Industrial and Mixed Use Structures

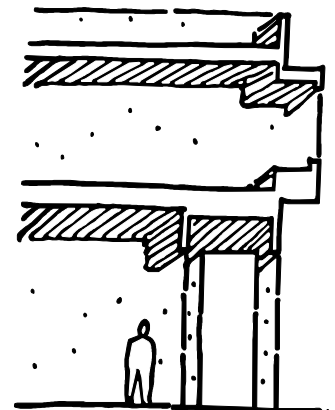
The standards in this section apply to development of all new primary non-residential only structures in the Central Business District CBD zone. These standards also apply to exterior alterations in this zone, when the exterior alteration requires full compliance with the requirements of the applicable building codes.

- A. Building placement and the street.** The purpose of this standard is to create an attractive area when commercial or mixed-use structures are set back from the property line. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph.



*hard-surface expansion of pedestrian path*

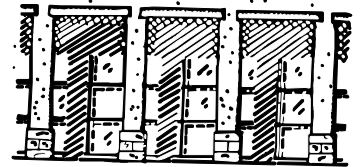


*preferred arcade*

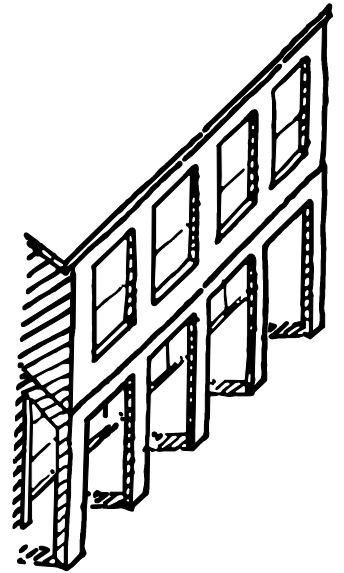


## RAINIER ZONING ORDINANCE

1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
  - a. The landscaped area must be at least 3 feet wide;
  - b. There must be at least (1) three-gallon shrub for every 3 lineal feet of foundation; and
  - c. Ground cover plants must fully cover the remainder of the landscaped area.
2. Arcade option. All street-facing elevations must have an arcade as a part of the primary structure that meets the following requirements:
  - a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;
  - b. The arcade must consist of a series of arched openings that are each at least 6 feet wide. The arcade should run the full length of the street facing elevation;
  - c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and
  - d. The arcade must be open to the air on 3 sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material; and
  - e. Each dwelling that occupies space adjacent to the arcade must have its main entrance opening into the arcade.
3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk.



*appropriate arcade proportions*



*arcade openness*

## RAINIER ZONING ORDINANCE

- a. The building walls may be set back no more than 6 feet from the street lot line.
- b. Optional Additional Standard: For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this paragraph.
  1. A bench or other seating;
  2. A tree;
  3. A landscape planter;
  4. A drinking fountain;
  5. A kiosk.

**B. Improvements between buildings and riverfront walk and public plazas.** The purpose of this standard is to reinforce the existing development pattern in downtown Rainier where buildings are placed close to the street. Where the ground floor of a building is housing ground floor commercial, industrial or residential uses, and the building has frontage on the riverfront walk or public plazas, the following standards must be met. Proposals required to meet this standard are exempt from the requirements of Subsection A, Building Placement and the Street.

1. A building wall that faces the riverfront walk or designated public plaza must be set back no more than 0 feet from the lot line. Where the site has two frontages that are on the riverfront walk or plaza, this standard must be met on both frontages. Where there are more than two such frontages, this standard must be met on any two frontages;
2. For ground floor residential uses, the building wall may be set back from the lot line to allow for a front porch at a main entrance. The maximum setback is 6 feet. The area between the building and an adjacent riverfront walk or plaza must be hard-surfaced for use by pedestrians as an extension of the sidewalk; and
3. For each 100 square feet of hard-surface area between the building and the lot line at least one of the following amenities must be provided. Structures

## RAINIER ZONING ORDINANCE

built within 2 feet of the street lot line are exempt from the requirements of this paragraph.

- a. A bench or other seating;
- b. A tree;
- c. A landscape planter;
- d. A drinking fountain;
- e. A kiosk.

C. **Reinforce the corner.** The purpose of this standard is to emphasize the corners of buildings at public street intersections as special places with high levels of pedestrian activity and visual interest. On structures with at least two frontages on the corner where two city walkways meet:

1. The primary structures on corner lots at the property lines or must be within 6 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;
2. At least one of the street-facing walls must be at least 40 feet long;
3. The highest point of the building's street-facing elevations at a location must be within 25 feet of the corner;
4. The location of a main building entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and
5. There is no parking within 40 feet of the corner.

D. **Residential Buffer.** The purpose of this standard is to provide a transition in scale where the Downtown Overlay Zone is adjacent to a lower density residential zone. Where a site zoned Central Business District CBD Zone abuts or is across a street from an R1, R2 or R3 zone, the following is required:

1. On sites that abut an R1, R2 or R3 zone the following must be met:
  - a. In the portion of the site within 25 feet of the lower density residential zone, the building

## RAINIER ZONING ORDINANCE

height limits are those of the adjacent residential zone; and

- b. A 10 foot deep area landscaped to at least the residential buffer standard in section C.1.b. must be provided along any lot line that abuts the lower density residential zone.
2. On sites across the street from a lower density zone the following must be met:
    - a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and
    - b. A 10 foot deep area landscaped to at least the residential buffer standard in section C.1.b. must be provided along the property line across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

**E. Building height.** The purpose of this standard is to permit taller buildings in the Downtown area consistent with a traditional mixed use building type of ground floor active uses with housing or office uses above.

1. Maximum height. Except as provided in Subsection D, above, structures may be up to 55 feet in height.
2. Minimum height. Primary buildings must be at least 16 feet in height.

**F. Main entrance.** The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.

1. Location of main entrance. The main entrance of the Primary structure must face the street lot line, riverfront walk or plaza. Where there is more than one street lot line, riverfront walk or plaza, the entrance may face either of them or to the corner. For residential developments there are the following exceptions:
  - a. For buildings that have more than one main entrance only one entrance must meet this requirement.



## RAINIER ZONING ORDINANCE

facade. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material does not extend for more than 3 feet above the finished grade level adjacent to the foundation wall.

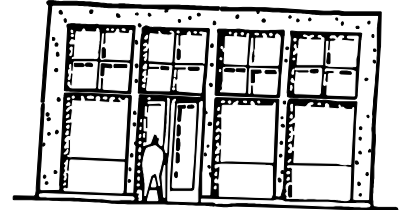
2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph H.1, above, any material that meets the standards of Paragraph H.1 may be used.

- I. **Roof-mounted equipment.** The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard.

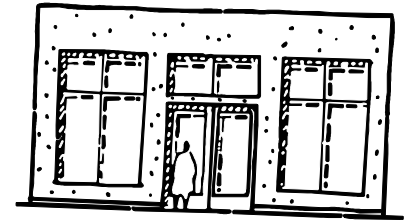
1. A parapet as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; or
3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.

- J. **Ground floor windows.** The purpose of this standard is to encourage interesting and active ground floor uses where activities within buildings have a positive connection to pedestrians in downtown Rainier. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards:

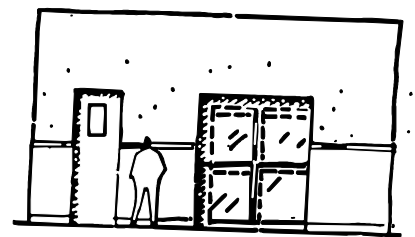
1. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential



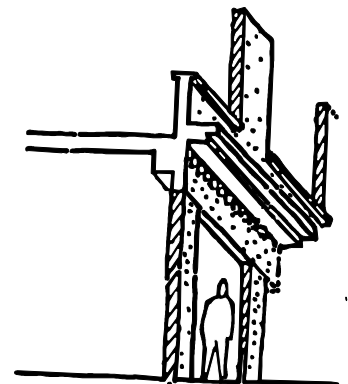
*preferred ground floor windows*



*acceptable ground floor windows*



*unacceptable ground floor windows*



*distinct cornice*

## RAINIER ZONING ORDINANCE

units or to parking structures when set back at least 5 feet and landscaped.

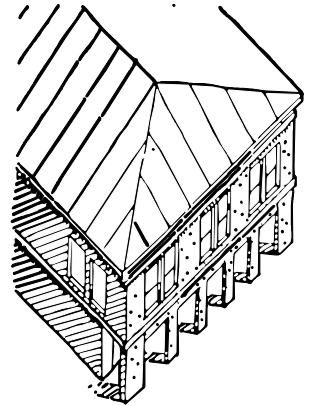
2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.

K. **Distinct ground floor.** The purpose of this standard is to emphasize the traditional development pattern in downtown Rainier where the ground floor of buildings is clearly defined. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by:

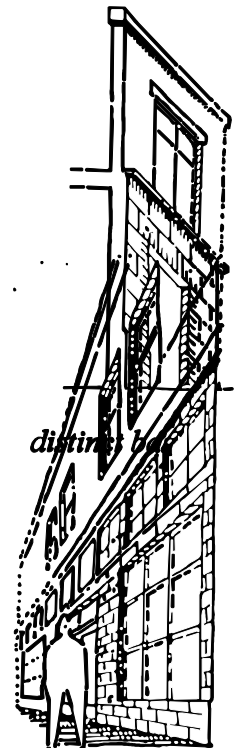
1. A cornice above the ground level;
2. An arcade;
3. Changes in material or texture; or
4. A row of clerestory windows on the building's street facing elevation.

L. **Roofs.** The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in downtown Rainier. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:

1. A sloped roof with a pitch no flatter than 6/12; or
2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
  - a. There must be two parts to the cornice or parapet. The top part must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice or parapet.
  - b. The height of the cornice or parapet is based on the height of the building as follows:
    1. Buildings 10 feet or less in height must have a cornice or parapet at least 12 inches high.



*distinct arcade*



*distinct clerestory*

## **RAINIER ZONING ORDINANCE**

2. Buildings greater than 10 feet and less than 30 feet in height must have a cornice or parapet at least 18 inches high.
3. Buildings 30 feet or greater in height must have a cornice or parapet at least 24 inches high.



# RAINIER ZONING ORDINANCE

## ARTICLE 4. OVERLAY ZONES

### SECTION 4.1 GENERAL PROVISIONS.

The provisions of the Overlay district do not change the base zoning or range of uses permitted on a property. However, the Overlay may restrict the placement of a use on a property to reflect natural constraints such as steep slopes, known geologic hazards, floodplain and creek beds, and to protect the public health, safety and welfare.

### SECTION 4.2 APPLICABILITY.

The Geologic Hazard Overlay, Flood Hazard Overlay and Creek Greenway Overlay apply to specific properties as designated on the Rainier Comprehensive Plan and Rainier Zoning Map.

- A. The Geologic Hazard Overlay includes areas of known geologic hazard and areas with slopes over twenty (20) percent.
- B. The Flood Hazard Overlay applies to the floodway and 100-year floodplain as mapped by the Federal Emergency Management Agency (FEMA).
- C. The Creek Greenway Overlay is applied to lands adjacent to Beaver Creek, Nice Creek, Fox Creek and Owl Creek.

**Development Review.** Any proposed development, on lands designated with the Geologic Hazard Overlay or Flood Hazard Overlay shall be considered through development review as required by Section 4.3 and 4.4 of this Ordinance.

**Development Defined.** Development, for the purpose of reviewing activity on any land designated with an Overlay, is a proposal which includes:

- A. The construction or siting of any significant structure (such as a shop, dwelling, garage, barn, or outbuilding), regardless of whether there is existing development on site;
- B. Any modification to an existing structure which substantially changes the structure (addition, expansion, structural modification);
- C. Any proposed earthwork which will change the existing soil, drainage, slope, or load (cutting, filling, adding load), including leveling, whether for a subdivision or a parking lot;
- D. Substantial changes in use; and/or
- E. Other proposals deemed “development” by the reviewing Staff.

## RAINIER ZONING ORDINANCE

### SECTION 4.3 GEOLOGIC HAZARD OVERLAY.

**Development Permit.** A Development Permit shall be obtained before development begins on any land designated with the Geologic Hazard Overlay (slide hazards and slopes greater than 20%). Development shall be defined as set forth in Section 4.2.

**Decision Process.** Development Permits shall be reviewed and determined by Planning and Public Works as a Type II Decision. Where, in the opinion of Planning or Public Works, the conceptual plan raises substantial questions as to its ability to be accomplished within the standards of this Ordinance, or, because of its size, location or complexity is likely to raise concern from a substantial portion of nearby property owners or citizens or from governing public agencies, Staff shall take one or both of the following actions:

- A. Submit the proposal and geotechnical report to the City Engineer for review and comment. When the proposal is submitted for engineering review and comment, Staff shall rely on the opinion of engineering in requiring further information and in making its final decision, and shall impose all recommended mitigation measures and conditions of approval on the proposal.
- B. Deem the request a Type III Decision and request review and determination at a public hearing by the Planning Commission.

**Fees.** Additional costs and fees incurred for engineering review and/or the public hearing process must be paid by the applicant before a Type III Decision process can be initiated.

**Application.** The applicant shall submit evidence from a registered professional civil engineer to demonstrate that the project can be accomplished safely and without adverse off-site impacts. Special building construction techniques and management practices may be attached to approval of a building permit to minimize the potential of slides or slope failure. The applicant may also be required to sign a waiver to hold the city harmless in the event of future damages associated with construction in the hazard overlay.

**Conceptual Plan.** A conceptual plan must be submitted to initiate either the Type II or the Type III Decision process. The plan must be to approximate scale and must include:

- A. A title page with the property owner's name and address, the applicant's name and address, and the subject property address and tax lot number;
- B. A general layout of the site and all proposed development at a scale which is appropriate for the level of development;
- C. The general location of all utilities, roads and easements; and
- D. All relevant physical features of the land, such as site contours, significant vegetation, creek beds and other natural features.

## RAINIER ZONING ORDINANCE

### Geotechnical Report.

- A. A geotechnical report must also be submitted to initiate either the Type II or Type III Decision process. The report must be prepared within three years of the date of application for review by the City and must be signed and dated by a civil engineer.
- B. The geotechnical report must demonstrate that the proposed project can be accomplished without adverse impact outside the boundary lines of the subject property. Adverse impact is any impact which will:
  - 1. Cause, aggravate, or increase runoff, erosion, landslides, or sinkholes;
  - 2. Decrease safety (such as in the creation of steep drop-offs or walls without barriers);
  - 3. Destabilize the ground; or
  - 4. Require improvements to be made by others in order to avoid impact.
- C. The geotechnical report must specifically address:
  - 1. Underlying geologic conditions;
  - 2. Water table;
  - 3. Slope stability;
  - 4. Soil strength;
  - 5. Engineered cut, fill and compaction;
  - 6. Drainage design and placement;
  - 7. Foundation design and placement; and
  - 8. Mitigation measures which will minimize the potential of slide or slope failure.

**Hold Harmless Waiver.** As a condition imposed through the public hearing process, the applicant may be required to sign a waiver to hold the City harmless in the event of future damages associated with the development.

# RAINIER ZONING ORDINANCE

## SECTION 4.4 FLOOD HAZARD OVERLAY.

**Purposes.** The purposes of the Flood Hazard Overlay are to promote public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. To remain eligible for the National Flood Insurance Program, the provisions of this section shall be required within Zone A of the Flood Hazard Boundary Map issued by the Federal Insurance Administration for the City of Rainier.

**Section 1. Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard have been identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Rainier," dated June 30, 1986. This report, with accompanying maps, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at Rainier City Hall.

**Section 2. Development Permit Required.** A Development Permit shall be obtained before development begins on any land within the flood zone. Development shall be defined as set forth in Section 4.2.

**2.1 Decision Process.** Development Permits shall be reviewed and determined by Planning and Public Works as a Type II Decision. Where, in the opinion of Planning or Public Works, the conceptual plan raises substantial questions as to its ability to be accomplished within the standards of this Ordinance, or, because of its size, location or complexity is likely to raise concern from a substantial portion of nearby property owners or citizens or from governing public agencies, Staff shall deem the request a Type III Decision and request review and determination at a public hearing by the Planning Commission.

**2.2 Application for a Development Permit.** Application for a Development Permit shall be made on forms furnished by the City Recorder. The application may include but not be limited to plans, drawn to scale, showing the nature, location, dimension, and elevations of the area in question; existing or proposed structures; fill; storage of materials; and drainage facilities. The following specific information is required with the application for a Development Permit:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed;

## **RAINIER ZONING ORDINANCE**

3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 15; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.

**Section 3. Permit Review.** Planning and Public Works shall review all Development Permits within the Flood Hazard Overlay to determine the following:

1. That the requirements of this Ordinance have been satisfied;
2. That all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required; and
3. Whether the proposed development is located in the floodway, and, if so, that the encroachment provisions of Section 17 are met.

**Section 4. Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 1, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Rainier City Recorder shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 13, SPECIFIC STANDARDS, and Section 17, FLOODWAYS.

**Section 5. Information to be Obtained and Maintained.**

1. Where base flood elevation data is provided through the Flood Insurance Study or required in Section 4, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
2. For all new or substantially improved flood proofed structures:
  - i. Verify and record the actual elevation (in relation to mean sea level), and
  - ii. Maintain the flood proofing certificates required in Section 2.2.

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### **Section 6. Alteration of Watercourses.**

1. Notify adjacent communities and the Oregon Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

## **PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **Section 7. General Standards**

In all areas of special flood hazards, the following standards are required:

### **Section 8. Anchoring.**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes must be anchored to prevent flotation, collapse or lateral movements, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

### **Section 9. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## **RAINIER ZONING ORDINANCE**

### **Section 10. Utilities.**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### **Section 11. Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Where base flood elevation has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

**Section 12. Review of Building Permits.** Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed and determined by Planning and Public Works as a Type II Decision to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and will include use of historical data, high water marks, photographs of past flooding, etc. where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

## **RAINIER ZONING ORDINANCE**

**Section 13. Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 1 or Section 4, the following provisions are required:

### **Section 14. Residential Construction.**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above flood elevation.
2. Fully enclosed areas below the lowest flood that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - ii. The bottom of all openings shall be no higher than one foot above grade; and
  - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

**Section 15. Nonresidential Construction.** New construction and substantial improvement of a commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that the base flood level of the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 5.



## RAINIER ZONING ORDINANCE

Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 14.

Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

**Section 16. Manufactured homes.** All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 8.

**Section 17. Floodways.** Located within areas of special hazard established in Section 1, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 17 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions, PROVISIONS FOR FLOOD HAZARD REDUCTION.

### SECTION 4.5 CREEK GREENWAY OVERLAY

**Purpose.** A special setback adjacent to creeks within the Rainier Urban Growth Boundary and city limits is applicable to all proposed uses. The intent of this section is to protect riparian buffers adjacent to the creeks for water quality, scenic, open space and wildlife habitat values.

**Applicability.** A fifty (50) foot setback from the center line of the creek is applicable to the following: Nice Creek, Beaver Creek, Owl Creek and Fox Creek. The approximate boundary of the four creeks is identified on the Rainier Comprehensive Plan and the Rainier Zoning Map. The setback applies to both sides of the creek.

**Relationship to Base Zone and Uses.** The creek setback does not affect the uses permitted under the base zoning applied to properties. To the extent practical, the riparian buffer shall be retained in a natural condition. Passive open space or recreational uses such as a trail are permitted.

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**Public Facilities** such as sanitary sewer and storm sewers may be placed in or cross the creeks if required for gravity flow. However, Conditional Use Permit approval is required, with special attention to minimizing impacts to water quality and the riparian corridor.

**Hardship Situations.** The City of Rainier shall provide opportunities for development flexibility to protect the riparian/creek corridors. For example, the City will allow a transfer of density from the creek buffer to adjacent upland areas. Property owners shall also have the opportunity to request a Variance if the creek setback removes opportunities for practical use of a subject property.

# **RAINIER ZONING ORDINANCE**

## **ARTICLE 5. EXCEPTIONS AND SUPPLEMENTARY REGULATIONS**

### **SECTION 5.1 EXCEPTIONS TO LOT SIZE REQUIREMENTS.**

If a lot platted before this Ordinance was adopted has an area or dimensions which does not meet the minimum requirements of this Ordinance, the lot may be put to a use permitted outright, subject to the other requirements of the zone in which it is located. Residential use shall be limited to a single family dwelling.

### **SECTION 5.2 EXCEPTIONS TO YARD REQUIREMENTS.**

The following exceptions to the front yard requirements are authorized for a lot in any zone.

- A. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting lots.
- B. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard for the lot need not exceed a depth half way between the depth of the abutting lot and the required front yard for the zone.
- C. The Planning Commission may establish a greater front yard requirement when the yard abuts a street that the City Council has designated for widening.

### **SECTION 5.3 EXCEPTIONS TO BUILDING HEIGHT LIMITS.**

The following types of structures or structural parts are not subject to the building height limits of this Ordinance: chimneys, tanks, church steeples, domes, monuments, flagpoles, radio and television towers and aerials, and similar projections.

### **SECTION 5.4 PROJECTIONS FROM BUILDINGS.**

- A. Cornices, eaves, canopies, gutters, sills, lintels and similar features shall not project more than 18 inches into a required yard.
- B. Signage shall not project more than five (5) feet or two thirds of the distance from the face of the building to the roadway, whichever is less.
- C. Awnings shall not project more than six (6) feet or two thirds of the distance from the face of the building to the roadway, whichever is less.
- D. No sign, awning, or other feature shall extend to within two (2) feet of any roadway.

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### SECTION 5.5 ACCESS.

The following access provisions apply to subdivision, partition and new development applications.

- A. Every lot shall abut a street other than an alley for at least 20 feet except for flag lots which shall be at least 15 feet.
- B. Direct access from a lot to a roadway classified as an arterial or collector in the Transportation System Plan shall be subject to approval by the Public Works Director. Direct access to Highway 30 shall be approved only after consultation with and approval by ODOT. The number and location of access points shall be governed by the need to provide reasonable access to the lot while minimizing the number of individual access points. Where a lot may take access from either of two different streets, access to the lot shall be from the street with the lower functional classification, unless access from such street precludes reasonable development of the lot according to the development standards of the applicable zone.
- C. Adjacent commercial or office uses containing over 10,000 square feet in floor area located on Highway 30 shall provide a cross access drive and pedestrian access to allow circulation between the sites.
- D. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, access ways, or similar techniques.
- E. On-site facilities shall be provided that accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Residential Developments shall include streets with sidewalks and access ways. Pedestrian Circulation through parking lots shall be provided in the form of access ways.

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### SECTION 5.6 CLEAR-VISION AREAS.

**Street and Railroad Clear-Vision Areas.** A clear-vision area shall be maintained on the corners of all properties adjacent to the intersection of any combination of rights-of-way, including public and private roads, alleys, driveways and railroad crossings. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between a height of 3 feet and 10 feet above the center line grades of the intersecting rights-of-way shall be located within the clear-vision area. No driveway or parking area shall be located in the intersection of a clear-vision area.

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

- A. A public utility pole;
- B. A tree trimmed to the trunk to a line at least eight feet above the level of the intersection;
- C. Another plant species of open growth habit that is not planted in the form of a hedge line, which is so planted and trimmed as to leave an all-season clear and unobstructed crossview;
- D. An official warning sign or signal;
- E. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective; or
- F. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.

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

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

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

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### Driveway Clear-Vision Areas.

- A. **Commercial, Industrial, Three or More Attached Dwellings, and Public/Semi-Public Uses (Figures 3 and 4).** Service drives to public streets shall have a minimum clear-vision area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between a height of 3 feet to 10 feet above the center line grade of the intersecting street shall be located within the clear-vision area. No off-street parking area shall be located in a driveway clear-vision area.
  
- B. **One- and Two-Unit Residential Developments (Figures 5 and 6).** Driveways to public streets shall have a minimum clear-vision area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points 10 feet from their intersection. No fence, wall, landscaping, sign or other structure that would impede visibility between a height of 3 feet to 10 feet above the center line grade of the intersecting street shall be located within the clear-vision area. No off-street parking area shall be located in a driveway clear-vision area.

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### SECTION 5.7 FENCES, WALLS AND HEDGES.

Fences, walls or hedges may be placed above ground along any property line, subject to the clear-vision area requirements and height standards of this Ordinance. Retaining walls, which support the land below ground level, are subject to the clear-vision area requirements of this Ordinance; however, the height requirements of Section 5.7 do not apply to retaining walls.

**Residential Uses.** Fences, walls and hedges are limited to six (6) feet in height when they are located at the sides of or behind a dwelling. Fences, walls and hedges located in the front yard or street side yard of a dwelling shall be limited to a height of three and one-half (3.5 ) feet. Fences, walls or hedges over six (6) feet in height are not permitted for residential uses.

**Commercial Uses.** Fences, walls or hedges are limited to eight (8) feet in height.

**Industrial Uses.** Fences, walls or hedges are limited to ten (10) feet in height.

**Fence Permit and Fees.** A fence permit is required for the construction of any fence or wall over three and one-half (3.5) feet in height. There is no fee for a fence permit when the fence is to be constructed within the height limitations of this Section. A fee shall be charged when the permit includes a request for fence height exception review.

**Fence Height Exception Review.** When State or Federal regulations governing the type of use require fence or wall heights to exceed the limitations of this Section, the property owner may apply to the City for an exception. The applicant must submit evidence of the required exception and the fee established by City Council to initiate height exception review. The evidence will be reviewed and a maximum height shall be established by the Director of Public Works based on the requirements set forth by the governing agency.

**Decision Process.** Fence permit applications and fence height exceptions shall be reviewed and determined by Planning and Public Works as a Type I Decision.

### SECTION 5.8 HOME OCCUPATIONS.

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

- A. No more than one person shall be employed in the home occupation other than family members residing on the premises.
- B. A home occupation shall not be conducted in an accessory building.
- C. The exterior display or storage of materials is prohibited.

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- D. Exterior signs shall be limited to those permitted in the zone in which the home occupation is located. No other exterior indication of the home occupation is permitted.
- E. A City of Rainier business license is required for all home occupations.

**Conditional Use Home Occupation Permit.** Home occupations which do not comply with the above limitations shall only be allowed if approved as a conditional use. The Planning Commission shall conduct a public hearing and shall review a conditional use home occupation permit as a Type III Decision. All of the standards and criteria for Conditional Use Permits set forth in Section 6.4 shall be applied to review of the conditional use home occupation permit.

### SECTION 5.9 MODIFICATION OR DEMOLITION OF HISTORIC STRUCTURES.

**Decision Process.** A change of use, the external modification of, or the request to demolish a historic structure designated as a significant resource in the Rainier Comprehensive Plan is a Type III Decision. The Planning Commission shall conduct a public hearing on all actions against historic structures.

#### Criteria.

- A. **Change in Use or External Modification.** The Planning Commission may allow a change in use or external modification of a historic structure when findings document that the change in use or external modification will not alter the structure or site in such a way as to destroy the historic value of the structure or the site.
- B. **Demolition.** The Planning Commission may authorize the demolition of a historic structure only upon finding that proper notification of the request has been provided, the required 120-day waiting period has expired, and there is no State or local interest in preserving the site.

**SHPO Notification.** The State of Oregon Historic Preservation Office (SHPO) must be notified of any request for a change of use, modification or demolition of a historic structure prior to a public hearing and decision. Change of use or modification of the structure shall meet the building design and materials standards imposed by SHPO. The Planning Commission may attach additional conditions relating to setbacks, screening, off-street parking and loading, and landscaping which may be deemed necessary to protect the historic character of the structure or site.



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**120-Day Waiting Period.** When a permit to demolish a designated historic structure is requested, there will be a 120-day waiting period from the time of application before the demolition permit can be issued. During this time the City, the State Historic Preservation Office (SHPO) and any interested civic group will investigate possible methods to purchase and save the historic site or structure. If an appropriate plan to save the site is developed, the demolition permit will not be issued until this plan has been pursued by all of the parties involved. In no case will a permit be withheld for more than one (1) year. If no program to save the structure is developed within 120 days, the demolition permit will be issued.

**Demolition Permit.** The demolition of any historic structure must also comply with the general demolition requirements of Section 5.10 of this Ordinance.

### 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.

**Review Standards.** The demolition permit application must be signed and submitted by the property owner(s) of record, and must include a demolition plan which clearly addresses all of the following:

- A. The reason for demolishing the structure.
- B. A detailed plan of intent for the property after demolition which demonstrates that the intentions are consistent with current zoning restrictions and allowances.
- C. The method of demolition, including measures to ensure that no surrounding roadways, properties or buildings are disturbed in the process.
- D. The method of disposal for all demolition debris, especially hazardous materials.
- E. If the property is to remain vacant, a detailed listing of all utilities to the property and the method for properly disconnecting, securing or capping the utility connections, as appropriate.

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### SECTION 5.11 MANUFACTURED HOME STANDARDS.

Manufactured homes are allowed on an individual lot in any residential zone subject to the following standards and requirements.

#### Eligibility.

- A. The manufactured home shall contain at least 1,000 square feet of enclosed floor area and be multi-sectional. It must meet the construction standards established by the State of Oregon. A tip-out unit is not considered a multi-sectional home.
- B. To qualify as a manufactured home, the unit must have been built with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act as amended and meet the State of Oregon definition of "Manufactured Housing."

**Construction of Unit.** The manufactured home shall be certified by the manufacturer to have exterior thermal envelopes meeting the performance standards specified by state law for single-family dwellings constructed under the State Building Code.

**Foundation and Skirting.** The manufactured home shall be placed and secured on a backfilled style foundation or skirting of pressure treated wood, masonry, or continuous concrete which is enclosed at the perimeter. All foundations or skirting shall be completed prior to the issuance of a certificate of occupancy. Skirting shall be of a non-permeable material.

**Exterior Siding.** The manufactured home shall have exterior siding consisting of painted or stained wood, aluminum, or fiber glass with lapped siding, board and bat, or board and board motif. Manufactured homes may not have slick metal siding.

**Roof and Drainage.** The roof shall have a minimum slope of three (3) feet in height for each twelve (12) feet in width with a composition wood (shingle or shake) or tile roof. Wood (shingle or shake) roofs are recommended to have a minimum slope of four (4) feet in height for each twelve (12) feet in width. Roofs and under floor drainage shall be in conformance with construction standards established by the State of Oregon.

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### **Garage, Carports, and Attachments.**

- A. The manufactured home must have a garage.
- B. Additions for living areas constructed onto any manufactured home shall be of the same design and materials as the original unit.
- C. Construction of attached garages, carports, attached awnings, patios, patio cover, porches, or storage facilities shall be constructed of the same building materials as the manufactured home and in accordance with the Uniform Building Code. Detached construction should be similar materials and aesthetically appropriate.

**Historic Locations.** Manufactured homes shall be prohibited within or adjacent to or across a public right-of-way from a historic zone, or adjacent to or across a public right-of-way from a historic landmark, or a structure identified as a Primary or Secondary Historic Resource.

**Lot Regulations.** Manufactured homes on individual lots are subject to the lot size, setback and other requirements and standards of the zone in which they are to be located.

**Design Features.** All single family dwellings or manufactured housing units developed in accordance with this section shall utilize at least two (2) of the following design features to provide visual relief along the front of the dwelling:

- A. Dormer: A window set in a small gable projecting from the roof.
- B. Gable: The triangular wall section formed by the two slopes of a roof.
- C. Recessed Entry: An indentation, as in a wall, at a natural place for entry.
- D. Covered Porch Entry: Porch - 1. A roofed platform forming the entrance to a house. 2. A veranda.
- E. Cupola: A small structure, usually a dome, on top of a roof or building.
- F. Pillar or Post: An upright support, usually wooden or metal.
- G. Bay Window: A large window that projects from the outer wall of a building and forms a bay.
- H. Bow Window: A bay window built in a curve.
- I. Eaves with minimum 6 inch projections: Eaves - The overhanging lower edge of a roof.
- J. Off-sets on building face or roof (minimum 16 inches)

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### SECTION 5.12 OFF-STREET PARKING AND LOADING.

**General Provisions.** This section contains parking standards which are applicable to uses in all zones. At the time of construction of a new building, or an addition to an existing building or land which results in intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this section.

**Continuing Obligation.** The provision for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner.

#### **Use of Space.**

- A. Required parking spaces shall be available for the parking of vehicles of customers, occupants and employees.
- B. Required loading spaces shall be available for the loading and unloading of vehicles associated with the transportation of goods or service.

**Joint Use of Facilities.** The minimum parking requirements for two or more uses, structures or parcels of land that share access may be reduced by the Planning Commission from those stated in this section, where the peak parking demands do not occur at the same time periods. Satisfactory legal evidence must be presented to the Planning Commission in the form of deeds, leases, or contracts to document shared use and full access to such parking and loading areas.

**Location.** Spaces required by this Section shall be provided on the site of the primary use, unless existing conditions such as building location, topography or existing improvements, precludes the addition of off-street parking, particularly in developed portions of the downtown area. However, the Planning Commission may permit parking to be located within three hundred (300) feet from the site or may permit the use of on street parking to meet a portion of the parking needs when a hardship can be shown.

**Change of Use.** In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

**Design Standards.** The design standards shall apply to all parking loading and maneuvering areas, except those for single and two-family residential dwellings on individual lots.

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### **Loading Spaces.**

- A. Commercial: each required space shall be at least twelve (12) feet in width and thirty-five (35) feet in length.
- B. Industrial: each required space shall be at least twelve (12) feet in width and sixty (60) feet in length.
- C. Clearance: the height of each required loading space shall provided a minimum vertical clearance of thirteen (14) feet.

### **Parking Space Dimensions.**

- A. The standard size of a parking space shall be nine (9) feet in width by eighteen (18) feet in length.
- B. Up to 20% of required parking spaces may be designed for compact car dimensions of seven and one-half (7.5) feet in width by fifteen (15) feet in length.
- C. Handicapped parking spaces shall be twelve (12) feet in width by eighteen (18) feet in length.
- D. For parallel parking the length of the parking space shall be increased to twenty-two (22) feet.

### **Aisles.** Aisles shall not be less than:

- A. 25 feet in width for 90 degree parking
- B. 20 feet in width for 60 degree parking
- C. 20 feet in width for 45 degree parking
- D. 12 feet in width for parallel parking

**Access.** There shall be no more than one (1) forty-five (45) foot wide curb cut driveway per one hundred and fifty (150) feet of frontage, or fraction thereof, permitted per site. However, where the property abuts an arterial or collector street, the number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage.

If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one way connection. For two-way access, each lane shall have a minimum width of 10 feet.

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Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

**Surfacing and Marking.** The surface of each parking area shall be concrete or asphalt and meet minimum City standards to handle the weight of the vehicles which will use the parking areas. All areas used for parking shall be marked and continuously maintained. Handicapped parking spaces shall be marked with a wheelchair symbol.

**Drainage and Lighting.** Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface areas of the parking lot. The drainage system shall function so it will not adversely affect adjoining property. Lighting shall be provided in such a manner as to insure the safety of the parking area without interfering with adjoining properties or creating traffic hazards on adjoining streets.

### Design of Parking Areas.

- A. **Handicapped Parking.** All parking areas of less than twenty (20) spaces shall have a minimum of one (1) handicapped parking space. Parking areas with more than twenty (20) spaces shall provide a minimum of one (1) handicapped parking space for every fifty (50) standard parking spaces. The design of handicapped parking stalls shall comply with state standards.
- B. **Parking Bays.** All parking areas shall be divided into bays of not more than twenty (20) parking spaces. Between and at the end of each parking bay there shall be planters with minimum dimensions of five (5) feet by seventeen (17) feet. Each planter shall contain one major tree and ground cover. Truck loading areas are not subject to the requirement for parking bays.
- C. **Landscape Strip.** Parking areas shall be separated from the exterior wall of a structure, exclusive of paved pedestrian ways, by a five (5) foot wide landscaping strip.
- D. **Setback and Screening from Residential Districts.** Parking areas which abut a residential district shall meet the building setback of the most restrictive adjoining district. A parking area abutting a residential district shall be screened by a sight obscuring planting.
- E. **Setback from Street.** Parking areas shall be setback from a lot line adjoining a street. The setback area shall be landscaped.

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- F. **Landscaping.** A minimum of ten (10) percent of all parking areas shall be landscaped and the maintenance of the landscaping shall be the owner's responsibility.

### **MINIMUM PARKING REQUIREMENTS**

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

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<b>Residential Uses</b>	<b>Spaces Required</b>
Single Family Dwelling	2 spaces per dwelling unit, one of which must be in a garage
Two Family Dwelling	2 spaces per dwelling unit, one of which must be in a garage
Multi Family Dwelling Studio Apt. 1-2 bedroom unit 3 or more bedrooms	1 visitor space for every 5 units plus 1 space per unit 1.5 spaces per unit 2 spaces per unit
Motel or Hotel	1 space per guest room
Mobile Home Park	2 spaces per mobile home Per Section 3.12
Nursing/Convalescent Home	1 space for every 4 – 3 beds or units, plus 1 space for every 2 employees
<b>Public and Semi-Public Buildings and Uses</b>	<b>Spaces Required</b>
Auditorium/Meeting Room	1 space per 60 feet of floor area
Churches	1 space per 3 seats
Hospital	1 space for every 2 beds
Library	1 space per 400 sq ft of floor area plus 1 per 2 employees
High School	1 space for every 10 classroom seats
Elementary/Junior High Schools	1 space for every 12 classroom seats
Kindergarten, Day Care	2.5 spaces per 1,000 sq. ft. of gross floor area
Boat Launch	40 spaces per launch (50% @ 9' x 20' & 50% @ 10' x 40')
<b>Commercial Uses</b>	<b>Spaces Required</b>
Grocery, Department Store	1 space per 300 square feet Gross Leasable Area (GLA)
Service & Repair Shop	1 space per 500 square feet GLA
Bulk Merchandise Retail	1 space per 600 square feet GLA
Bank or Office (includes medical/dental)	1 space per 300 square feet GLA plus a 3-car reservoir for bank drive-thru
Restaurant, Tavern or Bar	1 space per 100 square feet GLA
Drive thru restaurant	1 space per 100 sq ft GLA, plus 10-car reservoir for drive thru
Movie Theater	1 space per 4 seats
Commercial recreation of Sports Club	2 spaces per 1,000 sq ft
Kennel	1.5 spaces per employee



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Veterinarian	1 space per 3,000 square feet
Loading Space for Commercial Uses	1 space per 25,000 square feet GLA
Mini-Warehouse storage	1 space per 200 sq ft GLA plus 2 for caretaker

Industrial Uses	Spaces Required
Manufacturing	1 space for every 2 employees on largest shift
Wholesale/Storage	1 space per 5,000 square feet GLA
Loading Space for Industrial Uses	1 space per 40,000 square feet GLA

### Unspecified Uses

Any use not specifically listed shall provide the requirements deemed equivalent or appropriate by the Planning Commission.

### Bicycle Parking Spaces

Bicycle parking spaces shall be provided in accordance with the following:

- A. **Multi-Family Residences.** Every residential use of four (4) or more dwelling units shall provide at least one sheltered bicycle parking space for every 2 units. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.
- B. **Parking Lots.** All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
- C. **Schools.** Elementary and Middle Schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
- D. **Colleges.** Colleges, Universities, and Trade Schools shall provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
- E. **Downtown Area.** In downtown areas with on-street parking, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Spaces may be clustered to serve up to six (6) bicycles; at least one cluster per block shall be provided. Bicycle parking spaces shall be located in front of the

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stores along the street, either on the sidewalks in specially constructed areas such as pedestrian curb extensions. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 5 feet. Customer spaces are not required to be sheltered.

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## SECTION 5.13 SIGNS.

### GENERAL PROVISIONS

**Effective Date of This Ordinance.** The effective date of this Ordinance is the date of adoption, unless otherwise specifically stated in an ordinance revision.

**Purpose.** The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the City, to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions. This Ordinance is adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the Zoning Ordinance.

**Scope.** This Ordinance regulates signs within Rainier City limits which can be viewed from any public right-of-way by prescribing standards and restrictions for such signs. It provides for administration, requires permits and prescribes fees therefore, and provides for enforcement and remedies.

The signage covered within these regulations includes, but is not limited to all industrial and commercial signs and wall graphics, all professional and business signs, all home business and home occupation signs, portable signs and other temporary signage, and any other signage that is intended to advertise or otherwise convey a commercial message.

**Adoption Of Uniform Sign Code.** There is hereby adopted by reference, the Uniform Sign Code, published by the International Conference of Building Officials, which provides for minimum standards to safeguard life, health, property and public welfare by regulating and controlling the quality of materials, construction, locations, electrification, and maintenance of all signs and sign structures not located within a building.

### DEFINITIONS

The following definitions are to be used in interpreting the requirements of Section 5.13. Words and phrases not defined in this section but defined elsewhere in the Zoning Ordinance are to be given the meanings set forth in those sections of the Ordinance. Other words and phrases defined in this section may hold special meaning when referring to signage, and may differ slightly from definitions found elsewhere within the Zoning Ordinance. Where different and when applied to signage, the definitions set forth in Section 5.13 take precedence over definitions found elsewhere in the Zoning Ordinance.

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**animated** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**awning/canopy** Any sign that is part of or attached to a fabric or plastic awning, canopy or other structural protective cover over a door, entrance, window, or outdoor service area. Awnings may not project more than six (6) feet or two thirds of the distance from the face of the building to the roadway, whichever is less, and awnings may not extend to within two (2) feet of any roadway.

**balloon** An inflated object, generally helium-filled and tethered, which may or may not bear a commercial message or logo and which may or may not be shaped or colored to represent the logo or character of an advertiser, but which is more than three (3) feet in circumference at the smallest point.

**banner** A sign which is normally constructed of cloth, canvas, plastic, or similar material, and which does not have a rigid frame, the intent of which is for advertisement and not for decoration.

**beacon** A light with one or more beams, whether stable or rotating, directed into the atmosphere or directed at one or more points not on the same premises as the light source, used for the purpose of conveying a commercial message.

**billboard** An off-premise sign, regardless of size, which is visible to a state highway and is, therefore, regulated by the State of Oregon Motorist Information Act and Administrative Rules and Regulations. State law prohibited the issuance of permits for new off-premise (billboard) signs in 1975.

**business identification, State defined "B.ID."** An off-premise sign intended to direct the public toward a single business that is not visible from a state highway. Business identification signs require a State-issued permit and are limited to the name of a single business and the distance or direction to that business only. The sign must be located within three (3) road miles of the business, cannot be located adjacent to an interstate or fully controlled access highway, and may not exceed sixteen (16) square feet on each side with no one panel dimension exceeding six (6) feet. (ORS 377.726 and OAR 734-60-005) City approval of the sign is required prior to application for a State business identification sign permit.

**Changeable copy** A sign or portion of sign with letters, characters or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign, such as pricing signs at gas stations.

**Commercial message** Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

## RAINIER ZONING ORDINANCE

**Directional** A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which or on which the public is directed.

**Electronic message center** A sign on which information such as the time, date and temperature changes automatically, or on which on-premise activities or advertisements are changed at intermittent intervals by electronic process or remote control.

**Flag** Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

**Freestanding** Any sign supported by structures or supports that are placed on or anchored in the ground and that are not attached to or forming part of a building.

**Home occupation** A single, unlighted sign, not to exceed six (6) square feet per side, which is mounted at the doorway of the home or hangs from the home's eaves, porch or mailbox, and which is limited to the business name, address and number.

**Identification** A single, unlighted sign, not to exceed two (2) square feet, which is mounted at the doorway of the building and is limited to the name, address and number of the building, institution or person, and to the activity carried on in the building or institution, or the occupancy of the person. (Separate from a "business identification sign," as defined by the State of Oregon.)

**Illegal** Any sign for which: 1) there is no valid permit (where required); 2) the permit has expired and has not been renewed; 3) the permit has been revoked by the City; 4) the sign is in violation of the provisions of this Ordinance; or 5) where the business activity on the premises is discontinued for a period of ninety (90) days or more.

**Incidental** A single sign, not to exceed six (6) square feet, that is generally informational and that has a purpose secondary to the use of the premises on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

**Lawn** A single, unlighted, freestanding sign not to exceed eight (8) square feet on one side, displayed for purposes such as privately endorsed political, social or religious statements or other noncommercial messages, which is placed on private property with the express consent of the property owner and which is of a temporary nature.

**Marker** A single, unlighted sign, not to exceed four (4) square feet per face (two faces may round a corner), indicating the name of a building and date or other incidental information about its construction, generally cut into the masonry surface of the building or made of bronze or other permanent materials.

## RAINIER ZONING ORDINANCE

**Measurable area** The area within the outer boundaries of standard geometrical shapes (primarily squares, rectangles and circles) containing and defined by the extreme reaches of informational or graphic parts of the sign.

**Monument** A sign and supporting structure that has similar top and bottom dimensions and is attached to the ground or to its base on grade by a solid structure to give the appearance of a continuous mass, separated from any buildings or structures.

**Mounted** A sign that is affixed flush with a structural wall or other building surface.

**Murals/graphics** Flat images painted or tiled directly on the wall of a building or other structural surface for the purpose of decoration or art.

**Noncommercial** Bearing no form of commercial message.

**Nonconforming** A sign which was erected legally, but was erected prior to the effective date of this Ordinance, or at a later date, prior to the premises being annexed to the City, and which was constructed in accordance with the applicable laws in effect at the time of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this Ordinance.

**Off-premise** A sign that advertises goods, products, services or facilities, or the direction to any commercial entity, product, or person, not available at the location of the sign.

**On-premise** A sign that is located on some portion of the property actually occupied or used by the activity advertised on the sign (i.e., on the buildings, parking areas, storage areas and landscaped areas used for the activity); includes signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm, or corporation occupying the premises.

**Painted** A sign that is painted directly on and flush with a structural wall or other building surface.

**Pennant** Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

**Permanent** Set on a foundation, sunk into the ground, fastened or painted in a manner of permanence.

**Pole** A freestanding sign that is supported by one or more poles and is otherwise separated from the building and the ground by air.

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**Portable** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs converted to A- or T-Frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal, everyday operations of the business.

**Projecting or suspended** Any sign affixed to a building overhang or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall. Signage may not project more than five (5) feet or two thirds of the distance from the face of the building to the roadway, whichever is less, and signs may not extend to within two (2) feet of any roadway. Signs extending over sidewalks, walkways or other spaces accessible to pedestrians must provide at least eight (8) feet of clearance above the grade. Signs extending over driveways must provide at least fifteen (15) feet of clearance above the grade.

**Premises** A: 1) legal lot; 2) combination of contiguous legal lots under one ownership; or 3) group of legal lots with common access, parking and signage. If more than one definition applies to a group of lots, the choice of which definition applies shall be that of the owner(s) of the lots or the applicant representing the owner(s). Only one definition may be applied at one time to a group of lots.

**Principal structure** The structure or building where the principal use of the premises is conducted. While a premises may have multiple principal uses and multiple principal structures (such as in a business park or complex), storage buildings, garages and other clearly accessory buildings are not considered to be principal structures.

**Roof, integral** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**Roof, mounted** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Sale/lease/rent** A sign which temporarily advertises the sale, lease or rent of property or possessions, and which is located on the premises where the property or possession is available. Sale/lease/rent signs may not exceed the maximum square footage allowed for other types of signs for the premises.

**Sign** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

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**Snipe** A notice or advertisement posted on public property, such as telephone poles, trees and fences, or on private property, without the express consent of the property owner.

**Special event** A sign which announces or advertises an event or occurrence that will take place at and for a specified time, including: 1) a fair, expo, or rodeo; 2) a civic event; or 3) a commercial event.

**Street frontage** The distance, in linear feet, of the lot line or lines which abut the street or streets along which the main entrances to the primary structure of the premises are located. In determining allowable signage, the street frontage(s) most visible to the public will be used.

**Temporary** Any sign which is not permanently mounted, installed or affixed to any sign structure or building, and is not displayed for longer than ninety (90) days. In cases of construction project signs, they may be maintained for the duration of construction. In cases of sale/lease/rent signs, they may be maintained until the transaction is complete.

**Wall** Any sign attached parallel to, but within six (6) inches of, a wall, including a sign that is painted on the wall surface, and which is erected and confined within the limits of an outside wall of any building or structure.

**Window/door** Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Includes both permanent (paint or decal) and removable (paper) signage.

### EXEMPT SIGNS

The following types of signs are exempt from regulation under this Ordinance when calculating total square footage and total number of signs per premises. The terms under which exempt signs may be placed are set forth under Section 5.13, Definitions:

- A. Signs that are clearly directional, flag, identification, incidental, lawn, marker, or sale/lease/rent signs;
- B. Signs temporarily placed inside the window or door of a commercial or industrial building to display pricing or products;
- C. Any sign inside a building, not attached to a window or door, not legible from a distance of three (3) feet beyond the public right-of-way nearest the premises on which it is located;



## **RAINIER ZONING ORDINANCE**

- D. Temporary balloons (of less than three (3) feet in circumference), streamers or pennants;
- E. Temporary holiday lights and other types of decorations bearing no commercial message;
- F. Any sign, public notice or warning required by a valid and applicable federal, state or local law, regulation or Ordinance, including that portion of a sign which conveys gas station pricing and lottery signs;
- G. Traffic control signs on private property, the face of which meet ODOT standards and which contain no commercial message of any sort.

### **PROHIBITED SIGNS**

All signs not expressly permitted or listed as exempt under this Ordinance are prohibited within City limits. The following types of signs are prohibited at all times, with words and terms interpreted as set forth under Section 5.13, Definitions:

- A. Beacons, strobe lights or reflectors;
- B. External strings of lights not intended for temporary decoration;
- C. Strings of pennants, streamers or balloons not intended for temporary decoration;
- D. Off-premise signs, except for billboard and business identification signs which bear valid State and City sign permits;
- E. Flashing or moving signs, except for electronic message centers;
- F. Signs that emit any audible sound, odor or visible matter;
- G. Snipe signs;
- H. Signs that obstruct free and clear vision of pedestrian or auto travel;
- I. Signs that block other signs or premises;
- J. Signs containing statements, words, pictures or symbols of an obscene or offensive nature, or which depict or advertise illegal activities;
- K. Signs which do not conform with all of the provisions of this Ordinance.

## RAINIER ZONING ORDINANCE

### PERMISSIBLE SIGNS

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

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

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

- A. Table 2A sets forth sign standards for Residential (R-3) and all Institutional properties.
- B. Table 2B sets forth sign standards for all Commercial and Industrial properties.

**Signs on or Visible to State Highway 30 (Table 3).** Signs which are located on or visible to travelers on State Highway 30 are subject to the regulations and permit requirements of the Oregon Department of Transportation (ODOT). Where the regulations of the State and City differ, the more restrictive regulations shall apply. State Highway 30 standards and restrictions are set forth in the 1993 Motorist Information Act, ORS 377.700-377.992, and are summarized in Table 3.

## RAINIER ZONING ORDINANCE PERMISSIBLE SIGNS BY TYPE AND DISTRICT

**TABLE 1:**

SIGN TYPE:	West Rainier wr	Downtown dt	Highway 30	Residential District				Institutional
	Commercial/Industrial C2/M1/M2 Zones	Commercial District C2/WC/WM Zones	Frontage All /C/M//W Zones	SR	R1	R2	R3	Properties All Zones
<b>Freestanding</b>								
Monument	P	P	P	N	N	N	P	P
Pole	P		P	N	N	N	N	P
<b>Roof <sup>1</sup></b>								
Integral	P	P	P	N	N	N	N	N
Mounted	P	P	P	N	N	N	N	N
<b>Wall</b>								
Awning/Canopy	P	P	P	N	N	N	P	P
Banner	N	N	N	N	N	N	N	N
Mounted	P	P	P	N	N	N	P	P
Painted	P	P	P	N	N	N	P	P
Projecting/Suspended	P	P	P	N	N	N	P	P
<b>Miscellaneous</b>								
Billboard	N	N	N	N	N	N	N	N
Business Identification	-	-	P	-	-	-	-	-
Directional	Y	Y	Y	Y	Y	Y	Y	Y
Flag	Y	Y	Y	Y	Y	Y	Y	Y
Home Occupation	-	-	Y	Y	Y	Y	Y	Y
Identification	Y	Y	Y	Y	Y	Y	Y	Y
Incidental	Y	Y	Y	Y	Y	Y	Y	Y
Marker	Y	Y	Y	Y	Y	Y	Y	Y
Murals/Graphics	P	P	P	N	N	N	N	P
Pennant	N	N	N	N	N	N	N	N
Portable	N	N	N	N	N	N	N	N
Window/Door	Y	Y	Y	N	N	N	P	N
<b>All Types</b>								
Balloon	P	P	P	N	N	N	N	N
Banner	P	P	P	N	N	N	P	P
Lawn	Y	Y	Y	Y	Y	Y	Y	Y
Pennant	Y	Y	Y	N	N	N	Y	Y
Portable	P	P	P	N	N	N	N	P
Sales/Lease/Rent	Y	Y	Y	Y	Y	Y	Y	Y
Snipe	N	N	N	N	N	N	N	N
Special Event	P	P	P	N	N	N	P	P

**KEY**

Y = Allowed Without Permit; Must Meet Other Criteria  
P = Allowed Without Permit; Must Meet Other Criteria  
N = Not Allowed

<sup>wr</sup> West Rainier = West of 13th Street W

<sup>dt</sup> Downtown = East of 13th Street W

<sup>1</sup> Roof signs are permissible in Commercial and Industrial zones (C2/WC/WM/M1/M2) only

# RAINIER ZONING ORDINANCE

**TABLE 2A:**

MAXIMUM NUMBER OF PERMANENT SIGNS PER PREMISES, TOTAL SIGN AREA, HEIGHT AND SIGN LOCATION  
CATEGORIZED BY SIGN TYPE AND DISTRICT <sup>1</sup>

RESIDENTIAL (R3) AND INSTITUTIONAL PROPERTIES, Including highway 30 frontage areas

Residential District R3 Zone	Institutional Properties <sup>2</sup> All Zones	Highway 30 Frontage <sup>3</sup> All R3 and Institutional Properties
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**Freestanding**

Maximum Number of Signs <sup>4</sup>	One (1) freestanding sign per street frontage		
Maximum SF per Sign:			
Single Use of Tenant	30 SF per face	30 SF per face	35 SF per face
Shared Sign ( 2 tenants ) s	35 SF per face	35 SF per face	No additional bonus
Directory or Business Complex <sup>5</sup>	Max 40% of sign face for complex ID + 5 SF per tenant to a Max of 40 SF per face	Max 40% of sign face for complex ID + 5 SF per tenant to a Max of 40 SF per face	No additional bonus
Maximum Sign Height	4 FT	4 FT	5 FT
Minimum Frontage Setback	All signs must be set back a minimum of eight (8) feet behind the right-of-way, measured from the centerline of the street, and must conform to clear vision standards		

**Roof <sup>6</sup>**

Maximum Number of Signs	-	-	-
Maximum SF per Sign	-	-	-
Maximum Sign Height	-	-	-

**Wall**

Maximum Number of Signs <sup>4</sup>	Two (2) wall signs per street frontage		
Maximum SF of wall signs per frontage:			
Single Use or Tenant	10% of wall SF, up to 30 SF	10% of wall SF, up to 30 SF	12% of wall SF, up to 35 SF
Shared Sign (2 tenants) <sup>5</sup>	10% of wall SF, up to 35 SF	10% of wall SF, up to 35 SF	No additional bonus
Directory or Business Complex <sup>5</sup>	Max 40% of sign face for complex ID + 5 SF per tenant to a Max 12% of wall, up to 40 SF	Max 40% of sign face for complex ID + 5 SF per tenant to a Max 12% of wall, up to 40 SF	No additional bonus
Maximum Sign Height	Not to exceed eaves line		
Minimum Vertical Clearance	All signs must provide a minimum of (8) feet above sidewalks and fifteen (15) feet above driveways		

Maximum Number of Signs per Street Frontage, per Premises	Two (2) wall signs, or one (1) wall sign and one freestanding sign or one (1) common sign w/one (1) wall sign per tenant in business complex <sup>5</sup>		
Maximum SF of Sign Area on all Faces, per Street Frontage, per Premises	90 SF total unless common signage permit is issued	90 SF total unless common signage permit is issued	105 SF total unless common signage permit is issued

KEY: SF = Square Feet LF = Linear Feet FT = Feet

1. Signs that do not require a permit are not subject to the standards of Table 2, but must conform to the requirements outlined elsewhere within Section 5.13. This table is not intended to be all-inclusive; refer to individual sections of 5.13 for additional requirements.
2. Institutional properties are subject to Institutional sign standards in lieu of standards that apply to other properties within the Zoning District where they are located.
3. Properties on Highway 30 must comply with State Highway 30 signage restrictions
4. Premises which front on two or more streets are allowed sign area for each street frontage: however, the total sign area for any one street frontage may not exceed the allocation that is derived from the premises, building, or wall area frontage on that street. Sign area cannot be "borrowed from one street frontage to increase the allowable area on a second frontage.
5. Common Signage Plan and Permit required.
6. Roof signs are permissible in Commercial and Industrial zones (C2/WC/WM/M1/M2) only.

# RAINIER ZONING ORDINANCE

**TABLE 2B:**

MAXIMUM NUMBER OF PERMANENT SIGNS PER PREMISES, TOTAL SIGN AREA, HEIGHT AND SIGN LOCATION CATEGORIZED BY SIGN TYPE AND DISTRICT 1

**COMMERCIAL AND INDUSTRIAL DISTRICTS, INCLUDING HIGHWAY 30 FRONTAGE AREAS**

West Rainier <sup>wr</sup> Commercial/Industrial C2/M1/M2 Zones	West Rainier <sup>wr</sup> Highway 30 Frontage <sup>2</sup> C2/M1 Zones	Downtown <sup>dt</sup> Commercial District C2/WC/M2 Zones	Downtown <sup>dt</sup> Highway 30 Frontage <sup>2</sup> C2/WM Zones
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**Freestanding**

Maximum Number of Signs <sup>3</sup>	1 per 250 LF of street frontage	1 per 300 LF of street frontage	1 per 300 LF of street frontage	1 per 350 LF of street frontage
Maximum SF per Sign:				
Single Use of Tenant	1.0 SF per face per LF of frontage, up to 100 SF per face	20% bonus in SF	1.0 SF per face per LF of frontage, up to 60 SF per face	
Shared Sign (2 tenants) <sup>4</sup>	1.15 SF per face per LF of frontage, up to 110 SF per face	No additional bonus	1.15 SF per face per LF of frontage, up to 70 SF per face	No additional bonus
Directory or Business Complex <sup>4</sup>	Max 50% of face for complex ID. Max 1.25 SF per face per LF of frontage, up to 125 SF per face	No additional bonus	Max 50% of face for complex ID. Max 1.25 SF per face per LF of frontage, up to 85 SF per face	No additional bonus
Maximum Sign Height	30 FT	30 FT	20 FT	20 FT
Minimum Vertical Clearance	All signs must provide a minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways.			
Minimum Frontage Setback	All signs must be set back a minimum of eight (8) feet behind the right-of-way, measured from the centerline of the street, and must conform with clear vision setback standards.			

**Roof<sup>5</sup>**

Maximum Number of Signs	One (1) roof sign premises	One (1) roof sign premises
Maximum SF per Sign	15% of wall SF, up to 100 SF per face	12% of wall SF, up to 60 SF per face
Maximum Sign Height	Not to exceed 3 FT above highest point of roof line.	

**Wall**

Maximum Number of Signs <sup>3</sup>	Two (2) wall signs per street frontage			
Maximum SF of all wall signs, per frontage:				
Single Use or Tenant	12% of wall SF, up to 100 SF	20% bonus in SF	10% of wall SF, up to 60 SF	20% bonus in SF
Shared Sign (2 tenants) <sup>4</sup>	12% of wall SF, up to 110 SF	No additional bonus	10% of wall SF, up to 70 SF	No additional bonus
Directory of Business Complex <sup>4</sup>	Max 50% of sign face for complex ID. Max 15% of wall SF, up to 125 SF	No additional bonus	Max 50% of sign face for complex ID. Max 12% of wall SF, up to 85 SF	No additional bonus
Maximum Sign Height	Not to exceed eaves line			
Minimum Vertical Clearance	All signs must provide a minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways			
Maximum Number of Signs per Street Frontage per Premises	Two (2) wall signs and one (1) freestanding sign, or two (2) wall signs and one (1) roof sign, or one (1) common sign w/one (1) wall sign per tenant in business complex <sup>4</sup>			
Maximum SF of Sign Area on All Faces, per Street Frontage, per Premises	300 SF total unless common signage permit is issued	20% bonus in SF unless common signage permit is issued	180 SF total unless common signage permit is issued	20% bonus in SF unless common signage permit is issued

KEY: SF = Square Feet    <sup>wr</sup> West Rainier = West of 13th Street W  
 LF = Linear Feet    <sup>dt</sup> West Rainier = West of 13th Street W  
 FT = Feet

<sup>1</sup> Signs that do not require a permit are not subject to the standards of Table 2, but must conform to the requirements outlined elsewhere within Section 5.13. This table is not intended to be all-inclusive; refer to individual sections of 5.13 for additional requirements.

<sup>2</sup> Properties on Highway 30 must comply with State Highway 30 signage restrictions.

<sup>3</sup> Premises which front on two or more streets are allowed sign area for each street frontage, however, the total sign area for any one street may not exceed the allocation that is derived from the premises, building or wall area frontage on that street. Sign area cannot be "borrowed" from one street to increase the allowable area on a second frontage.

<sup>4</sup> Common Signage Plan and Permit required

<sup>5</sup> Roof signs are permissible in Commercial and Industrial zones (C2/WC/WM/M1/M2) only.

## RAINIER ZONING ORDINANCE

**TABLE 3:**

SIGNS ON OR VISIBLE TO STATE HIGHWAY 30  
1993 Motorist Information Act, ORS 377.700 thru 377.992

**ON-PREMISE SIGNS**

Commercial Advertisement	Must advertise: 1) goods, products or services which are sold, manufactured or distributed on or from the premises; or 2) a facility that is located on the premises.
Governmental Unit Signs	For official public purposes; maximum 200 SF on a single panel (no fragmented signs); maximum two (2) signs for each governmental unit.
Memorial Signs or Tablets	To note a site of importance; maximum 10-feet high by 15-feet long; maximum of one (1) sign per site.
Property for Sale Signs	Maximum of 10-feet high by 15' long; maximum one (1) sign visible to each direction of travel; must be removed on completion of sale.
Residential Directional Signs	To indicate the location of a residence, farm or ranch, but not to indicate a professional , commercial or business activity at that residence, farm or ranch; maximum 2-feet high by 4-feet long; maximum one (1) sign per residence.
Temporary Agricultural Directional Signs	To advertise products harvested/produced on premises; maximum 4-feet high by 8-feet long on a single panel (no fragmented signs); maximum two (2) signs in any one direction; signs must be removed on completion of sale.

**OFF-PREMISE SIGNS**

Billboards	On private property; maximum 14-feet by 48-feet; must have been on location in a commercial or industrial zone and under State permit on June 12, 1975; no new permits are issued by the State.
Business Identification Signs	On private property; to advertise the name of and direction to a single business not visible to but located within three (3) road miles of Highway 30; 16 SF; must be under City and State permit.
Church and Civic Organization Signs	On private property; erected and maintained by the City; place and time of church services and civic meetings; maximum 8-feet high by 4-feet long with 6-inch by 4-foot panels; maximum of two (2) signs from any one direction.
Church Directional Signs	On private property; must be located within one (1) mile of the church or nearest point where travelers must leave the highway for access to the church; maximum 6 SF; one (1) sign visible in each direction.
Expo, Fair and Rodeo Signs	On private property or public property; maximum 10-feet high by 15-feet long on a single panel (no fragmented signs); maximum two (2) signs from any one direction; may be displayed a maximum of six (6) weeks; must be removed 24 hours after event.
Public Convenience Signs	For the direction, instruction of convenience of the public; maximum 4 SF.
Temporary Civic Signs	On private property; maximum 4-feet high by 8-feet long; maximum one (1) sign from each direction of travel for any one activity; posted for a maximum of two weeks; must be removed 24 hours after the event.
Temporary Political Signs	On private property; maximum 32 SF on a single panel (no fragmented signs); must be removed within 30 days after the election.

## RAINIER ZONING ORDINANCE

### DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS

All signs are to be designed, constructed and maintained in accordance with the provisions of this Ordinance and with the applicable provisions of the Uniform Building Code and the City's building and electrical codes.

**Design Review.** Signs requiring a permit will be subject to Design Review when the construction or erection of the sign is associated with new multifamily, commercial, institutional or industrial construction, as required under Section 6.7 of the Zoning Ordinance. Design Review will be for the purpose of ensuring that all signage being proposed fully complies with the provisions of this sign ordinance.

**Sign Construction.** With the exception of temporary signage and other signs normally constructed of lesser materials, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or some other permanent structure, by direct attachment to a rigid wall, frame, or other solid structure.

**Computation of Sign Area and Height.** The following standards control the computation of sign area and sign height:

- A. **Maximum Total Sign Area.** Standards for the maximum total area of all signs on one premises are outlined on Tables 2A and 2B. Signs which do not require a permit are not subject to the total sign area standards shown on the Tables, but must conform with the size requirements outlined elsewhere within Section 5.13.
- B. **Individual Sign Area.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) is computed by means of the smallest square, circle, rectangle, triangle or combination of geometrics that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the sign itself.
- C. **Multifaced Sign Area.** The sign area for a sign with more than one face is computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area is computed by the measurement of one of the faces.

## RAINIER ZONING ORDINANCE

- D. **Height.** The height of a sign is computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is the lower of the existing grade prior to construction or the newly established grade after construction, excluding any filling, berming, mounding or excavating solely for the purpose of locating the sign.

**Lighting.** The light intensity of an illuminated sign must conform to or be less than the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

Lighting, when permitted, may never:

- A. Be of such intensity that it interferes with or impairs the vision of the driver of a motor vehicle, or otherwise interferes with any driver's operation of a motor vehicle;
- B. Attempt or appear to attempt to direct the movement of traffic by interfering with, imitating or resembling any official traffic sign, signal or device;
- C. Blink, flash, flutter, revolve, or move in any manner (except for lights on electronic message centers, as long as the display does not blink, flash or flutter);
- D. Be placed in a manner which causes a nuisance to any residents or future residents of adjacent residentially zoned property within two hundred (200) feet of the sign, nuisance being defined as lights of such intensity that they may interfere with the peaceful occupancy of the home; or
- E. Reflect glare or unwanted illumination to adjacent properties or roadways.

**Maintenance.** All signs, including the supports, braces, guys and anchors for a sign, must be maintained in good structural and aesthetic condition at all times, in compliance with all building and electrical codes and in conformance with the provisions of this Ordinance. Signs must be kept free from rust, corrosion, peeling paint, or other surface deterioration and must be maintained in a safe condition. Display surfaces must be kept neatly painted or posted, with all intended lettering or symbols clearly visible and unbroken at all times.



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Illuminated signs must be maintained at all times to ensure that:

- A. Bare light bulbs are not visible due to broken sign coverings or other materials intended to shield the bulbs from direct view;
- B. Electrical wiring and bulb fixtures are safely installed and maintained and protected from exposure or general access;
- C. All sockets contain light bulbs or other lighting fixtures and there are no burned-out bulbs or fixtures.

### **SIGN PLACEMENT**

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

No sign is allowed within the public right-of-way, except for: public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes or facilities; and awnings, projecting signs or suspended signs which extend into the air space of the public right-of-way, but which leave a minimum of eight (8) feet of vertical clearance over that right-of-way.

No sign may be placed in a manner which: 1) prevents the driver of a vehicle from having a clear and unobstructed view of traffic or directional signs, merging traffic, or pedestrians; 2) obstructs the vision of any pedestrian; or 3) interferes with clear vision onto another premises or its property, including legal signage placed on the other premises.

No sign may interfere with the safe and efficient use of off-street parking and loading areas, including aiseways and access driveways.

**ADA Clear Sidewalk Standards.** No sign may violate the clear sidewalk standards of the Oregon Department of Transportation in regard to the minimum requirements of the Americans With Disabilities Act (ADA) to ensure safe, attractive and convenient pedestrian facilities:

- A. The standard width for sidewalks without obstructions is six (6) feet. This is the total clear distance, exclusive of curb.
- B. Sidewalks must be clear of all obstructions: street furniture, sign posts, utility poles, mailboxes, parking meters, fire hydrants, and trees. If obstructions are present, a full six (6) foot sidewalk clear width is required around the obstruction.

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- C. An additional two (2) foot shy distance is required from vertical barriers such as buildings in commercial areas, sound walls, retaining walls and fences.

**Minimum Distance Between Signs.** Freestanding and projecting/suspended signs must be spaced an adequate distance from each other to allow for each sign to be read by passing travelers with relative ease, free from distraction or obstruction.

- A. **West Rainier<sup>wr</sup>.** Freestanding signs must be a minimum of one-hundred (100) feet apart from each other; projecting or suspended signs must be a minimum of fifty (50) feet apart from each other.
- B. **Downtown<sup>dt</sup>.** Freestanding signs <sup>must</sup> be a minimum of fifty (50) feet apart from each other; projecting or suspended signs must be a minimum of twenty-five (25) feet apart from each other.

### COMMON SIGNAGE

The design and erection of any sign must be done in consideration of the need to provide signage which is harmonious in appearance and legibility, and signage which provides the maximum opportunity for each use or tenant to be advertised. There are generally three types of common signage: Directories, Business Complex Signs, and Shared Signs.

- A. **Directories.** Directories are generally for separate businesses which are in very close proximity to one another, such as a row of businesses accessible from one alley, walkway or parking area.
- B. **Business Complex Signs.** Business complex signs are for the identification of a named business park or center where there are three (3) or more uses or tenants on one parcel who will jointly advertise on a sign.
- C. **Shared Signs.** Shared signs are for two (2) uses or tenants who share an area, such as an upper and lower floor of the same building or separate sides of a double storefront.

Where more than one use or tenant occupies the same parcel, a business complex sign or directory must be erected to advertise all uses and tenants on the parcel.

Where uses or tenants are on closely adjoining parcels, or where businesses share a common wall on adjoining parcels, directories, business complex signs and shared signs are strongly encouraged to minimize the number of signs erected and to ensure clear visibility between adjoining signs.

A directory, business complex sign or shared sign may be granted additional square footage in sign area when its presence eliminates the need for one or more individual signs, as shown on Tables 2A and 2B. Tenants advertising on a common sign may

## **RAINIER ZONING ORDINANCE**

also advertise on a wall, door or awning at the immediate entrance to their businesses up to the allowable square footage shown on Tables 2A and 2B. Under no circumstances can the use of a common sign increase the total square footage that would be allowed for all participating businesses had they advertised on individual signs. Additional sign height is not allowed for common signage.

A Common Signage Plan must be submitted to and approved by the City for all directories, business complex signs and shared signs. Upon approval, the businesses will be issued a Common Signage Permit which is the master permit for signage for those businesses. Each new business replacing or adding to copy on a sign under a Common Signage Permit must update the Signage Plan and pay the fee for a face change only. Ownership and financial arrangements for sharing the costs to construct the sign, obtain permits, maintain or change the sign are the sole responsibility of the owner of the business complex and/or those businesses who will advertise on the sign.

### **SIGN PERMITS**

Sign Permits are required for all signs so designated by City or State regulation, as defined in this Ordinance and as indicated in Section 5.13, Table 1. If any sign requiring a permit is to be erected, placed, constructed, modified, moved or replaced, the owner or agent of the premises on which the sign is located must apply for and obtain a valid permit in accordance with the procedures outlined in this Section.

A Sign Permit must be obtained for all signs required to have a permit when no permit for the sign has been previously issued. A sign permit application and site plan must be filed with the City at no cost to the owner to obtain a valid permit for permanent and temporary signage which is in place at the time this Ordinance is adopted. Permits for existing signage may be obtained at the time of, or prior to, but no later than, the first business license renewal following adoption of this Ordinance.

When required by the Uniform Building Code or the Building Inspector, a separate building permit must be obtained for the erection, construction, modification, relocation, replacement, change or sign face, or alteration of a sign or sign structure.

When required by the State Electrical Code or the Building Inspector, an electrical permit must be obtained from the issuing authority before connecting an electrical sign to a source of electricity. The electrical components of any sign must meet applicable electrical standards.

All required permits may be applied for at the same time; however, building permits and electrical permits may not be issued until a sign permit has been issued.

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**Permanent Sign Permits.** A Permanent Sign Permit must be applied for and obtained for all new and existing permanent signs requiring a permit, as indicated in Section 5.13, Table 1. Permanent sign permits will be recertified, at no additional cost, with the annual business license. Once issued, a permit becomes null and void if: 1) the terms under which it was issued change and the sign is in violation of this Ordinance; or 2) the approved work is not substantially underway and in full compliance with the terms under which it was approved within ninety (90) days from the date of the permit. If a permit is voided under either of the above circumstances, the permit must be renewed. The fee to renew a permit is one-half (1/2) of the original fee, provided that no changes have been made to the original plans.

**Common Signage Permits.** A Common Signage Plan and Permit is required (in lieu of other permits) when more than one business, tenant or use will be displayed on a single sign. The terms for a common signage permit are the same as those for permanent signs.

**Sign Modification, Replacement or Relocation Permits.** A new, Permanent Sign Permit is required for a sign required to have a permit which is intended to be substantially modified, replaced or relocated. In an emergency, where health or safety is threatened, repairs may begin without first applying for a new permit; however, a new permit must be applied for within forty-eight (48) hours of the first working day of repairs.

**Temporary Sign Permits.** A Temporary Sign Permit must be applied for and obtained for all new and existing temporary signs requiring a permit, as indicated in Section 5.13, Table 1. Temporary permits are valid for a maximum of ninety (90) days. If the sign is fully removed from public view at the end of the ninety (90) day period, the applicant may apply for and receive reimbursement of a portion of the permit deposit. Only one temporary sign permit will be issued to the same business license holder on the same premises in any one calendar year.

**Special Event Sign Permits.** A Special Event Sign Permit must be applied for and obtained before any signs, posters or banners may be displayed announcing a special event. In compliance with the standards for signs on or visible to State Highway 30:

- A. A special event permit for an expo, fair or rodeo is valid for a maximum of six (6) weeks.
- B. A special event permit for a civic or commercial event is valid for a maximum of two (2) weeks.
- C. All display materials must be removed twenty-four (24) hours after the last day of the event.

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Special event permits expire at the close of the last day of the event. When all materials are fully removed within twenty-four (24) hours after the last day of the event, the applicant may apply for and receive reimbursement of the permit deposit.

**Political Campaign Sign Permits.** A Political Campaign Sign Permit must be applied for and obtained before any campaign signs can be placed within City limits. Campaign signs are subject to Highway 30 restrictions. If all campaign signs are removed within ten (10) days after the election, the applicant may apply for and receive reimbursement of the permit deposit.

### **Sign Permit Application and Approval Procedures.**

A. **Application and Approval Process.** A sign permit application must be obtained from the City, completed in full, signed and returned with the required fee and all required information before processing will begin. Sign permit applications will be reviewed and approved, approved with conditions, or denied by the City within thirty (30) days of submission.

Approved permits are valid for six (6) months. If authorized work is not completed within six (6) months of the signed permit, the permit will expire and a new application and fee must be submitted to the City. In cases where the delay is caused by circumstances over which the sign owner has no control, the Planning Commission may authorize up to one (1), six (6) month extension of the permit. A permit may be revoked by Planning where there has been a violation of the provisions of this Ordinance or a misrepresentation of fact on the permit application materials.

B. **Application Requirements for Permanent Signs.** Applications for permanent signs must be accompanied by:

1. The appropriate fee, as adopted by Ordinance;
2. Clear photographs of all existing signage;
3. An accurate plot plan of the premises, at a scale that is appropriate for the plan and which indicates:
  - a. The location of all principal structures, parking lots, driveways, main entrance(s) to the premises, and landscaping;
  - b. The number, type and location of each existing sign on the premises and on properties adjoining at all property lines; and
  - c. The number, type and location of each proposed new or modified sign;
4. A proposed sign plan, which includes:

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- a. The dimensions of each sign, including the sign area in square feet, the height of each sign, and the total square footage of all signage combined;
  - b. The lot frontage and wall dimensions used in determining allowable sign area;
  - c. A description of the color, materials, lettering or graphic style, source and intensity of lighting (if any), and any other prominent features of all signs;
  - d. Sign wording, symbols, logos or other graphics; and
  - e. Construction drawings indicating the size of footings, anchorages and welds;
5. Proof of a current City business license; and
  6. Information about the sign contractor, electrical contractor, or other party who will construct the sign.

**Sign Permit Fees.** Fees for sign permits are set forth within the current Fee Schedule adopted by City Ordinance. All fees must be paid in full before the City will issue any sign permit.

**Permit fees are doubled if any sign is erected (including excavation) or changed prior to issue of required permit.**

### **SIGN INSPECTIONS**

Signs subject to structural permits and electrical permits will be inspected upon construction in accordance with standard building and electrical inspection procedures.

The City Public Works Superintendent will inspect all newly permitted signs within the first six months after issuance of a sign permit, and at any time deemed necessary by the City for verification of: 1) a valid permit; 2) full compliance with the terms of sign approval; and 3) reported violations of the provisions of this Ordinance. Inspection findings will be written directly on or attached to the City's copy of the sign permit, and will become a part of the City's permanent record.

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### **ILLEGAL SIGNS**

Any sign for which one or more of the following circumstances are present shall be deemed an illegal sign:

- A. There is no valid permit (where required);
- B. The permit has expired and has not been renewed;
- C. The permit has been revoked by the City;
- D. The sign is in violation of the provisions of this Ordinance; or
- E. The business activity on the premises has been vacated or discontinued for a period of thirty (30) days or more.

Illegal signs must be removed or made valid by the sign's owner within ten (10) days of written notice by the City, or the sign will be forfeited.

### **NONCONFORMING SIGNS**

Any sign which was erected legally, but was erected prior to the effective date of this Ordinance, or at a later date, when the premises was annexed to the City, and which was constructed in accordance with the applicable laws in effect at the time of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this Ordinance, shall be deemed a nonconforming sign.

A nonconforming sign may remain in place and be maintained for a period ending no later than five (5) years from the effective date of this Ordinance, provided that no action is taken which increases the degree or extent of the nonconformity. A nonconforming sign will either be eliminated or made to conform with the provisions of this Ordinance when:

- A. A new use occupies the premises;
- B. Any proposed change, repair or maintenance would constitute an expense of more than 25% of the lesser of the original value or replacement value of the sign;
- C. The sign is to be replaced or relocated; or
- D. The five-year amortization period has ended.

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**Extension of The Amortization Period.** The Planning Commission may approve a two- to five-year extension of the amortization period when a hardship is clearly demonstrated by the sign owner. To apply for an extension, the sign owner must present written evidence that the following criteria is met:

- A. The sign must have been erected legally and constructed in accordance with the applicable laws in effect at the time of its construction.
- B. It must be clearly shown that elimination or renovation of the sign to bring it into compliance within the five (5) year amortization period will cause extreme hardship or substantial loss to the owner due to the age of the sign, the cost of the sign, or the type of sign; or
- C. Other circumstances are present, which the Planning Commission deem sufficient hardship to justify a reasonable extension of the amortization period.

Generally, signs which are less than fifteen (15) years old on the effective date of this Ordinance and which would require a disproportionate capital expenditure to replace or renovate may be eligible for an extension. Under no circumstances will the amortization period for a nonconforming sign be extended more than ten (10) years beyond the effective date of this Ordinance.

**Sign Variances.** Signs of historic significance or signs which may otherwise qualify for a variance from the provisions of this Ordinance must be reviewed through the formal Public Hearing process, in accordance with the Variance procedures outlined in Section 6.5 of the Zoning Ordinance.

An Administrative Variance may be granted by the Planning Director for the relief of up to 10% from one standard without the need for the formal Variance process.

### **SIGN ORDINANCE VIOLATIONS, ENFORCEMENT AND REMEDIES**

Any sign found to be in violation with the provisions of this Ordinance will be forfeited to the City and subject to confiscation. In addition to other remedies described within Article 8 of the Zoning Ordinance, the City will have the right to recover from the responsible party the full cost of removing and disposing a confiscated sign. If a valid permit is in effect at the time of violation, the City reserves the right to revoke the permit and to deny renewal unless and until the sign is brought into full compliance with the provisions of this Ordinance.



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### SECTION 5.14 ZERO LOT LINE PROVISIONS

**Purpose.** This section provides for zero lot line development to encourage flexibility in housing type, reduction of lot costs, and opportunities for solar orientation. Zero lot line dwellings may be approved in the R-2 or R-3 zones. The density provisions of the base zones are applicable to zero lot line development.

**Decision Process.** Zero lot line development shall be reviewed and determined by Planning and Public Works as a Type II Decision. The Design Review procedures set forth in Section 6.7 shall be followed.

**Information Required.** The applicant for zero lot line development shall submit the following information with the Design Review application:

- A. A plot plan showing the location of all proposed structures and the type of structures proposed.
- B. Restrictive covenant to limit the type and location of the dwelling on the site.
- C. Solar easement for each lot, if appropriate.

**Redivision Plan.** A redivision plan for existing lots may be considered in the R-2 and R-3 zones provided that none of the lots to be created are smaller than 3,000 square feet. The plan shall be reviewed and determined by Planning and Public Works as a Type I Decision.

**Setbacks.** With the exception of the zero lot line boundary, all other setbacks and height limits of the R-2 and R-3 zone shall apply.

### SECTION 5.15: APPROVAL REQUIREMENTS FOR TRANSPORTATION IMPROVEMENTS

**Uses Permitted Outright.** Except where otherwise specifically regulated by this ordinance, the following transportation improvements are permitted outright in all zones:

- A. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- B. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- C. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- D. Landscaping as part of a transportation facility.

## **RAINIER ZONING ORDINANCE**

- E. Emergency measures necessary for the safety and protection of property.
- F. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
- G. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

### **Conditional Uses**

The following transportation improvements are permitted when approved as Conditional Uses according to the criteria contained in this section.

- A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
  - 1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety and zoning.
  - 2. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - 3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - 4. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- B. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
- C. Authorization of a conditional use shall be void after a period specified by the City as reasonable and necessary based on season, right- of-way acquisition, and other pertinent factors. This period shall not exceed three years.

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### SECTION 5.16 ACCESSORY DWELLING UNITS

**Purpose.** The purpose of allowing Accessory Dwelling Units (ADU's) is to:

- A. Provide homeowners with a means of obtaining rental income, companionship, security and services through tenant occupancy of an ADU.
- B. Add affordable units to the existing housing supply.
- C. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the City.
- D. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the lifecycle.
- E. Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by assuring that ADU's are installed under the conditions of this Code.

**Requirements for all Accessory Dwelling Units.** ADU's are only permitted as a conditional use on a single-family parcel in the Medium Density Residential Zone (R-2). ADU's are a Type I planning approval procedure. In addition to the standards of the State Uniform Building Code, all accessory dwelling units must meet the following:

- A. **Creation.** One accessory dwelling unit per single family residence may be created through the following methods only:
  - 1. Converting existing living area, attic, basement or garage of a single-family unit;
  - 2. Adding floor area to a single family unit;
  - 3. Constructing a detached ADU on a single-family site;
  - 4. Constructing a new house or detached house with an internal or detached ADU.
- B. **Owner Occupancy.** The property owner, which shall include the holders and contract purchasers, must occupy either the principle unit or the ADU as their permanent residence for at least six months out of the year, and at no time receive rent for the owner-occupied unit.
- C. **Number of Residents.** The total number of individuals that reside in both units may not exceed the number that is allowed for the household.
- D. **Location of Entrances.** If a separate entrance is provided, the primary entrance to the ADU shall be located in such a manner as to be visually secondary to the main entrance of the principle unit.

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- E. **Parking.** In addition to the single-family parking requirement, there shall be one additional parking stall provided for the ADU.
- F. **Floor Area.** The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 800 square feet GHFA.
- G. **Setbacks and Dimensional Requirements.** The ADU shall comply with the setback and dimensional requirements of the underlying zone.
- H. **Design and Appearance.** The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building conforms to the original design characteristics of the primary building.

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## ARTICLE 6. PROCEDURES AND REVIEW CRITERIA

### SECTION 6.1 AMENDMENTS TO THE TEXT OF THE COMPREHENSIVE PLAN OR IMPLEMENTING ORDINANCES.

Amendments to the text of the Comprehensive Plan, Zoning Ordinance, or Land Division Ordinance may be initiated by the City Council, Planning Commission or other person.

**Decision Process.** Text Amendments are Type IV Decisions. Public hearings shall be held by the Planning Commission and the City Council on the proposed amendment. Any amendments to the text shall be adopted by ordinance of the City Council.

**Criteria.** Text Amendments shall be consistent with the following criteria:

- A. Applicable provisions of the Rainier Comprehensive Plan, as established by the Oregon Highway Plan, and the Columbia County or Rainier Transportation System Plans; and
- B. Applicable statewide planning goals and/or administrative rules as adopted by the Land Conservation and Development Commission.

### SECTION 6.2 LEGISLATIVE AMENDMENTS TO THE COMPREHENSIVE PLAN MAP OR ZONING MAP.

Legislative Amendments to the Comprehensive Plan Map or Zoning Map (changes of such size, diversity of ownership or interest as to be legislative in nature) may be initiated by the City Council, Planning Commission, or other interested person.

**Decision Process.** Legislative Map Amendments are Type IV Decisions. Public hearings shall be held by the Planning Commission and the City Council on the proposed amendment. Any amendments to the map shall be adopted by ordinance of the City Council.

**Criteria for Legislative Map Amendments.** In order to grant a legislative amendment to the Comprehensive Plan Map or Zoning Map, City Council shall find that:

- A. The amendment must be consistent with all applicable provisions of the Rainier Comprehensive Plan, the Oregon Highway Plan, and the Columbia County or Rainier Transportation System Plans.
- B. The amendment must be consistent with all applicable statewide planning goals and/or administrative rules as adopted by the Land Conservation and Development District (LCDC);

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- C. The amendment must comply with all statutory and ordinance requirements and regulations;
- D. There must be a demonstrated public need for the proposed amendment and this need will be best served by redesignating the property in question as compared with other available property; and
- E. It must be demonstrated that the public interest is best carried out by approving the proposed amendment at this time.

### **SECTION 6.3 QUASI-JUDICIAL AMENDMENTS TO THE COMPREHENSIVE PLAN MAP OR ZONING MAP.**

Quasi-judicial amendments to the Comprehensive Plan Map or Zoning Map (generally small in size, single ownership or single interest in changing the zoning map) may be initiated by the City Council, the Planning Commission, or by application of an owner of property or the owner's authorized agent within the area for which the amendment is proposed.

**Decision Process.** 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.

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

- A. 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.

**Criteria for Zoning Map Amendments.** Quasi-judicial amendments to the Zoning Map shall be consistent with the following criteria:

- A. The proposal conforms with applicable provisions of the City's Comprehensive Plan. As such 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:

## RAINIER ZONING ORDINANCE

- 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 as established by the Oregon Highway Plan and the Columbia County or Rainier Transportation System Plans.
- 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 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.
- B. The proposal complies with all applicable statutory and ordinance requirements and regulations;
- 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
- A. The public interest is best carried out by approving the proposal at this time.

Quasi-judicial amendments to the Comprehensive Plan Map or Zoning Map shall be considered at a public hearing before the Planning Commission. Notice and appeal procedures set forth in Article 7 shall apply. Quasi-judicial amendments shall be approved by the City Council by ordinance following a public hearing.

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### 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.

**Application.** An application for a Conditional Use Permit shall be made by the owner of the affected property, or authorized agent, on a form prescribed by the City. The application shall be accompanied by the appropriate fee and information required by the application form.

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

**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;
- 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;
- C. The proposed conditional use is adequately served by public facilities.;
- D. The proposed conditional use will comply with applicable policies of the Rainier Comprehensive Plan; the Oregon Highway Plan, and the Columbia County or Rainier Transportation System Plans; and,
- E. The proposed conditional use will not create any hazardous or adverse conditions.

**Termination of Approval.** A Conditional Use Permit shall become void two years after the date of final approval unless prior to that time a building permit has been issued for the project and substantial construction has taken place.



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**Concurrent Hearings.** An application for a Conditional Use Permit may be made at the same time as an application for a rezone. In such a case the Planning Commission may hold one public hearing and consider the applications concurrently.

**Modification.** A request to modify an existing Conditional Use Permit shall be processed in the same manner as a request for a Conditional Use Permit.

**Special Conditions.** The permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit.

### SECTION 6.5 VARIANCES.

**Purpose.** The Planning Commission may authorize a variance from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the requirements of this Ordinance would cause an undue hardship.

**Limitations.** No variance shall be granted which will permit a use not permitted in the zone applicable to the property or to alter any procedural requirement of this Ordinance. No variance shall be granted to further reduce in size a substandard lot.

**Application.** An application for a variance shall be made by the owner of the affected property, or authorized agent, on a form prescribed by the City. The application shall be accompanied by the appropriate fee and information required by the application form.

**Decision Process.** Variance Permits are Type III Decisions. The Planning Commission shall conduct a public hearing on the application and may approve, approve with conditions, or deny the application for a variance. In approving a variance, the Planning Commission may impose conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the City as a whole.

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

- A. That special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings, or structures in the same district;
- B. That strict interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
- C. That the special conditions or circumstances do not result from the actions of the applicant and do not merely constitute inconvenience;

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- D. That granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- E. That any variance granted shall be the minimum that will make possible a reasonable use of land, building and structures.

**Termination of Approval.** A variance shall become void two years after the date of final approval unless prior to that time a building permit has been issued for the project and substantial construction has taken place.

**Special Conditions.** The permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit.

**Administrative Variances.** The Planning Director shall have the authority to grant administrative relief of up to 20% on one site development requirement without the need for a variance. Administrative Variances shall be reviewed and determined as Type I Decisions, and may be approved only after finding that approval shall result in:

- A. More effective use of the site;
- B. The preservation of natural features, where appropriate;
- C. The adequate provision of light, air and privacy to adjacent properties; and/or
- D. Adequate access.

### **SECTION 6.6 NONCONFORMING USES.**

**Purpose.** The purpose of this section is to recognize lots, structures, and uses of land and structures which were lawful before the effective date of this Ordinance, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue or be modified, subject to strict review criteria.

**Normal Maintenance and Repairs.** Normal maintenance of a nonconforming building or structure containing a nonconforming use is permitted, including structural alterations to the bearing walls, foundations, columns, beams or girders, provided that:

- A. No change in the basic use of the building occurs that would make the use less conforming to the zoning district; and
- B. No alterations would enlarge the exterior footprint of the structure.

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**Discontinuance of a Nonconforming Use.** If a nonconforming use is discontinued for more than six (6) months, the building or land shall, thereafter, be occupied and used only for a use conforming to the zoning applied to the property.

**Rebuilding.** When a nonconforming use or structure is damaged by fire or any other cause beyond the control of the owner, it may be rebuilt within one year, provided the cost of the damage does not exceed 100% of the value of the prior improvements on the property, using new materials.

**Application for Modification or Expansion of Nonconforming Use.** An application for a modification or expansion of a nonconforming use shall be made by the owner of the affected property, or authorized agent, on a form prescribed by the City. The application shall be accompanied by the appropriate fee and information required by the application form.

**Decision Process.** Nonconforming Use Permits are Type III Decisions. The Planning Commission shall conduct a public hearing and may approve, approve with conditions, or deny a request for modification or expansion of a nonconforming use. In permitting a modification or expansion of a nonconforming use, the Planning Commission may impose conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the City as a whole.

**Criteria for Modification of a Nonconforming Use.** In order to grant a Nonconforming Use Modification, the Planning Commission shall make findings of fact to support the following conclusions:

- A. That such modifications are necessary because of practical difficulties or public need;
- B. That such modifications are no greater than are necessary to overcome the practical difficulties or meet the public need;
- C. That such modifications will not significantly interfere with the use and enjoyment of other land in the vicinity, nor detract from property values; and
- D. That such modifications will not endanger the public health, safety, and general welfare.

**Criteria for Expansion of a Nonconforming Use.**

- A. Expansion of a nonconforming structure shall be limited to 25 percent of the floor area of the original structure.
- B. Expansion of a nonconforming use shall be limited to 10 percent of the land area currently occupied by the nonconforming use.

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In order to grant a permit for a Nonconforming Use Expansion, the Planning Commission shall make findings of fact to support the following conclusions:

- A. That the expansion of the nonconforming use or structure will not result in greater adverse impact upon the adjoining properties; and
- B. That the proposed expansion of the nonconforming use or structure is necessary for the continued efficient operation of the use or structure.

### **SECTION 6.7 DESIGN REVIEW.**

The Planning Commission shall conduct design review hearings for new multi-family construction and new commercial, institutional, and industrial construction.

Single family dwellings and duplexes are not subject to Design Review.

**Purpose.** The purposes and objectives of the Design Review process are to:

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

**Application.** The applicant shall submit a completed application form and required fee, together with the following information, to initiate the Design Review process:

- A. A site plan, drawn to scale, indicating the location of all existing and proposed structures, public and private streets, driveways, natural features, landscaping, parking and loading spaces, fencing/screening, and proposed plans for lighting and signs; and
- B. Architectural drawings or sketches, drawn to scale, showing all elevations and exterior materials of the proposed structures.
- C. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a

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traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system.

**Decision Process.** Design Review applications shall be reviewed and determined by Planning and Public Works as a Type II Decision. Staff may approve, approve with conditions, or deny the application for Design Review. In approving a Design Review application, Staff may impose conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the City as a whole.

**Type III Decision Requirement.** Where, in the opinion of Planning or Public Works, the conceptual plan raises substantial questions as to its ability to be accomplished within the standards of this Ordinance, or, because of its size, location or complexity is likely to raise concern from a substantial portion of nearby property owners or citizens or from governing public agencies, Staff shall determine that the application is a Type III Decision and shall request review at a public hearing by the Planning Commission.

**Criteria.** In order to grant Design Review approval, Staff or the Planning Commission shall make findings of fact to support the following conclusions:

- A. That the public and private facilities and services provided by the development are adequate to serve the residents or establishments and meet City standards;
- B. That adequate right-of-way and improvements to streets and pedestrian ways are provided by the development in order to promote safety and reduce congestion; (This determination of impact or effect should be coordinated with the provider of the affected transportation facility, if such provider is not the City of Rainier.)
- C. That there is a safe and efficient circulation pattern within the boundaries of the site and adequate off-street parking and loading facilities provided in a safe, well designed and efficient manner;
- D. That adequate means are provided to ensure continued maintenance of private common areas;
- E. That there is a desirable, efficient and workable interrelationship among buildings, parking, loading areas, circulation, open spaces, landscaping and related activities and uses on the site;
- F. That grading and contouring of the site will minimize the possible adverse effect of grading and contouring on the natural vegetation and physical appearance of the site; and
- G. That the proposed location and design of walls, fences, berms, signs, and lighting does not adversely impact surrounding properties.

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**Termination of Approval.** Design review approval shall become void two years after the date of final approval unless prior to that time a building permit has been issued for the project and substantial construction has taken place. The applicant may request an extension from the Planning Commission of a prior approval that has expired. An extension may be granted for up to two years.

**Concurrent Hearings.** An application for Design Review may be made at the same time as another land use application. In such a case the Planning Commission may hold one public hearing and consider the applications concurrently.

### **SECTION 6.8 SIMILAR USES.**

The Planning Commission may authorize a use which is not specifically listed as a permitted use, but is of the same general type and is similar in nature and impact to the uses permitted in the zone. The Planning Commission may not authorize a similar use if it is specifically listed as a permitted use in another zone.

**Decision Process.** Similar Use Permits are Type III Decisions. The application shall be reviewed and determined at a public hearing by the Planning Commission. The applicant must provide information necessary to make a proper determination, including information as to clientele, number and working hours of employees, expected traffic generation and characteristics of the use's activities. The Planning Commission may approve, approve with conditions or deny the request for a similar use.

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

- A. That the use is not specifically listed as a permitted use in another zone;
- B. That the use is consistent with the purpose of the zone;
- C. That the use conforms with the applicable standards and limitations of the underlying zoning district; and
- D. That the type of use is similar in function, nature, character and impact to a permitted use in the zone.

**Record of Determination.** A similar use authorized by the Planning Commission shall not be personal to the applicant and shall run with the land. Unlisted uses which the Planning Commission has determined to be similar to the permitted uses in the underlying zoning district shall no longer require a similar use permit and shall be considered as permitted uses in the applicable zoning district. A similar use determination does not carry to another zone.

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### SECTION 6.9 TEMPORARY USES.

A Temporary Use Permit may be issued for structures or uses temporary in nature, such as:

- A. Real estate office used for the sale of lots or housing in subdivisions.
- B. Temporary storage of structures or equipment, including boats and trailers.
- C. Sheds used in conjunction with the building of a structure.
- D. Temporary housing.
- E. Other uses of a temporary nature when approved by the reviewing Staff.

**Decision Process.** Temporary Use Permits shall be reviewed and determined by Planning and Public Works as a Type II Decision.

**Standards and Requirements.** The following minimum requirements shall apply to Temporary Use Permits:

- A. A structure for which a temporary permit is issued shall be subject to all standards and limitations of the zoning district in which it is located.
- B. The structure shall meet all applicable health and safety codes.
- C. Temporary uses shall comply with all applicable local, State and Federal regulations and requirements.
- D. A structure for which a temporary permit is issued shall be removed upon expiration of the permit unless the permit is renewed through a new application and review process.
- E. In no case shall a Temporary Use Permit be renewed to allow the use to continue for more than one (1) year.

**Conditions of Approval.** In issuing a Temporary Use Permit, Staff may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required yard dimensions.
- B. Requiring fencing, screening, or landscaping to protect adjacent or nearby property.

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- C. Limiting the number, size, location or lighting of signs.
- D. Limiting the time for certain activities.
- E. Limiting the total duration of the use.
- F. Posting bonds or other financial assurances to guarantee compliance with conditions of approval.

### **Termination or Non-Renewal.**

- A. If the applicant for a temporary activity or use fails to maintain compliance with the conditions of approval, or if the activity or use is determined, upon appeal of the Staff decision, to be inconsistent with the provisions of the zoning district, such use shall, upon 15 days notice by the Planning Director, be terminated. Such an appeal may be made at any time during the duration of permit approval, and is not subject to other time limitations.
- B. If the temporary use is determined to be incompatible with other uses in the vicinity or otherwise unsatisfactory, and such conditions cannot be mitigated, the temporary use or activity shall be denied renewal.
- C. If, at any time, reviewing Staff determines that a temporary use is more permanent than temporary in nature, such use shall comply with all standards and permanent review provisions of this Ordinance.



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## **ARTICLE 7. ADMINISTRATION**

### **SECTION 7.1 DUTIES OF THE CITY RECORDER.**

The City Recorder shall have the duty and authority to maintain the Comprehensive Plan, Land Division Ordinance and Zoning Ordinance and any amendments to the text or map of the Plan and Ordinances. All Plan, Ordinance and Map amendments shall be maintained by the City Recorder at City Hall. The City Recorder shall also have the responsibility to prepare and provide notice of public hearings and notice of decisions and appeals.

### **SECTION 7.2 DUTIES OF THE PLANNING COMMISSION.**

The Planning Commission has the duty and authority to and shall conduct public hearings and act on the following land use applications:

- A. The change in use, modification or demolition of a Historic Structure;
- B. Conditional Use Permit or the modification of such;
- C. Variance Permit;
- D. Nonconforming Use modification or expansion,;
- E. Similar Use Permit and
- F. Approval or material modification of a Subdivision Plan.

The Planning Commission has the authority to conduct public hearings and act on the following applications when referred for a hearing by Staff or City Council:

- A. Development within the Geologic Hazard Overlay Zone or Flood Zone;
- B. Property Line Adjustment;
- C. Partition Plan; and
- D. Design Review.

The Planning Commission shall conduct public hearings and provide recommendations to the City Council for final action on the following land use applications:

- A. Amendments to the text of the Comprehensive Plan, Land Division Ordinance or Zoning Ordinance; and

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- B. Amendments to the Comprehensive Plan Map or Zoning Map.

### SECTION 7.3 DUTIES OF THE CITY COUNCIL.

The City Council has the duty and authority to and shall conduct public hearings and take final action on the following land use applications:

- A. Amendments to the text of the Comprehensive Plan, Land Division Ordinance or Zoning Ordinance; and
- B. Amendments to the Comprehensive Plan Map or Zoning Map.

The City Council shall also conduct hearings and consider appeals of a Planning Commission decision on any land use application. In considering such proposals and appeals the City Council shall follow the policies and guidelines in the Comprehensive Plan.

The City Council has the authority to conduct public hearings on the approval of subdivisions either at its own discretion or at the request of an applicant for the purpose of considering modifications to the Planning Commission recommendation.

The City Council shall administratively review and approve, approve with conditions, or deny requests for forestry operations in the Watershed Zone

### SECTION 7.4 FORMS.

All applications and appeals provided for within this ordinance shall be made on forms provided by the City.

**Content.** Application forms must be fully completed with all requested information, and must be signed and dated by all property owners of record for all land included in the land use proposal. Applications shall be accompanied by any required fee, plans and specifications, drawn to scale, showing the dimensions of the lot or lots, the size and location of existing and proposed buildings and other structures, the existing and proposed use of each building or structure, and such additional information as may be required to explain the nature of the application or appeal and its relationship to the Comprehensive Plan and implementing ordinances. When applicable, the application shall include a brief narrative demonstrating how the proposal meets the criteria for approval.

**Timing.** Application materials for Type III and Type IV Decisions must be received by the City a minimum of forty-five (45) days prior to the next regularly scheduled public hearing date before the Planning Commission. A public hearing shall not be scheduled until the application has been deemed complete and accepted by the City, in writing.

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**Completion Period.** An application shall be deemed complete when the City has received all information necessary to approve or deny the application. The City shall determine whether an application is complete within thirty (30) days from the date of its submission, and shall notify the applicant, in writing, of acceptance or of exactly what information is missing. If the applicant fails to submit the missing information, the application is deemed complete on the thirty-first (31st) day after the City first received the application.

### **SECTION 7.5 FEES.**

The City Council shall adopt a fee schedule by resolution to identify all land use application and appeal fees. Upon filing an application or appeal with the City, the appropriate fee shall be paid.

### **SECTION 7.6 DECISION PROCESSES.**

The following chart shall control the processes to be followed for decisions and actions related to the use and development of land:

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## DECISION PROCESS CHART

REQUEST	DECISION TYPE				
	I	II	III	IV	ELD
Sign Permit	✓				
Building Permit	✓				
Fence Permit	✓				
Public Works Permit	✓				
Historic Structure: Change in Use, Modification, or Demolition			✓		
Demolition Permit (other than Historic Structure)	✓				
Commercial Timber Harvest Plan	✓				
Development Permit within Geologic Hazard Overlay and Flood Hazard Overlay		✓	R		
Property Line Adjustment		✓	R		
• Survey Map	✓				
Partition Plan		✓	R		O
• Approval of Final Plat	✓				
• Modification	✓				
Subdivision Plan			✓	D	O
• Approval of Final Plat	✓				
• Immaterial Modification	✓				
• Material Modification			✓		
Design Review /Site Review		✓	R		
Zero Lot Line Development		✓			
Redivision Plan for Large Lots	✓				
Variance Permit			✓		
• Administrative Variance	✓				
Similar Use Permit			✓		
Temporary Use Permit		✓			
Conditional Use Permit (or Modification of)			✓		
Nonconforming Use Permit (Modification or Expansion of)			✓		
Text Amendment (Comprehensive Plan, Land Division Ordinance, or Zoning Ordinance)				✓	
Zoning Map Amendment				✓	
Comprehensive Plan Map Amendment				✓	
Forestry Operations within the Watershed Zone	✓				

✓ Decision Process

R Hearing May Be Requested by Staff Due to Complexity, Size or Location

O Developer has Option under ORS 197.360-.380 on qualified applications

D May be brought to a hearing at the discretion of the applicant or City Council

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### SECTION 7.7 TYPE I: ADMINISTRATIVE DECISIONS.

**Definition.** An administrative decision is one that requires no interpretation or exercise of policy or legal judgment in evaluating approval criteria. Because the decision is made according to specific criteria where no discretion is involved, administrative decisions do not qualify as land use or limited land use decisions as defined by ORS 197.015.

**Policy.** All administrative decisions shall be processed as Type I Decisions. Type I Decisions include: Sign Permits; Building Permits (not in an overlay zone); Fence Permits (not needing an exception); Public Works Permits; Demolition Permits (not for historic structures); Commercial Timber Harvest Plans; Survey Maps for Property Line Adjustments; Final Plat Approval or Modification on Partitions and Subdivisions (not material modifications); Redivision Plans for Large Lots; and Administrative Variances.

**Notice.** A Type I Decision requires no notice to any party other than the applicant.

**Decision Authority.** Type I Decisions shall be determined by designated members of Staff. Staff may approve, approve with conditions, or deny the application.

**Appeals.** Type I Decisions are final and are not appealable by any party through the normal land use process. Type I Decisions may only be appealed through a writ of review proceeding to circuit court.

### SECTION 7.8 TYPE II: LIMITED LAND USE DECISIONS.

**Statutory Definition.** A limited land use decision, as defined in ORS 197.015(12), is “a final decision or determination made by a local government pertaining to a site within an urban growth boundary which concerns (a) the approval or denial of a subdivision or partition, as described in ORS chapter 92, and (b) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.”

In general, a limited land use decision involves the exercise of limited interpretation and discretion in evaluating approval criteria, where approval or denial is based on discretionary standards that regulate the physical characteristics of an outright use. The review typically focuses on what form the use will take or how it will look.

**Policy.** All limited land use decisions shall be processed as Type II Decisions. The City shall also process as Type II Decisions, those applications deemed to be more discretionary than administrative, but not so discretionary as to qualify as a land use decision under ORS 197.015(10). Type II Decisions include: Development Permits within the Geologic Hazard Overlay or Flood Overlay; Property Line Adjustments; Partition Plans; Design Review/Site Review; Zero Lot Line Development; and Temporary Use Permits.

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**Type III Referral.** Should a conceptual plan raise substantial questions as to its ability to be accomplished within the City's standards, or, because of its size, location or complexity be likely to raise concern from a substantial portion of nearby property owners or citizens or from governing public agencies, Staff shall deem such an application as a Type III Decision and shall refer the application to the Planning Commission for a public hearing and final decision.

**Notice.** Notice for Type II Decisions shall be provided in accordance with the provisions of ORS 197.195 and as follows:

- A. A Notice of Application and an invitation to comment shall be mailed to property owners within 250 feet of the site and to any recognized neighborhood or community organizations whose boundaries include the site or whose resources may be impacted by the proposal (such as Friends of Fox Creek or the Rainier Diking District). Based upon unforeseeable and special issues particular to the subject property, the City Council may at the time of scheduling the public hearing increase the public hearing notification area beyond the area specified by the code section being considered.
- B. Notice shall also be provided to the Rainier Rural Fire District (RRFD), Rainier Police Department, and ODOT.
- C. Notice should be provided to any other public agency or utility whose property, services or facilities may be affected, such as Columbia County, the Port of St. Helens, DSL, DEQ, the State Marine Board, Oregon Parks, Columbia River PUD, and PGE. The reviewing Staff shall determine the extent of notice to the additional public agencies or utilities based on perceived interest or impact.

### **Notice Content.**

- A. The Notice of Application shall state that issues for appeal must be specific and raised in writing prior to the expiration of the comment period;
- B. The Notice shall briefly summarize the local decision making process; and
- C. The Notice shall minimally include the following information:
  - 1. The criteria to be used in the decision;
  - 2. A brief description of the proposal, including the street address of the subject property and the action that would occur upon approval;
  - 3. A specific place, date and time that comments are due;
  - 4. Information as to where and when the application and supporting documents may be reviewed; and

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1. The name and number of the City contact person.

**14-Day Comment Period.** A 14-day period shall be provided during which any party may submit written comments before a decision is made. Staff shall consider all comments and recommendations in the final decision and shall have the authority to impose any conditions deemed necessary to approve the application.

**Decision Authority.** Type II Decisions shall be determined by designated members of Staff. Staff may approve, approve with conditions, or deny the application. Decisions shall be based on standards and criteria set forth within the City's land use regulations and shall be accompanied by brief findings and a notice of decision.

**Notice of Decision.** The Notice of Decision shall be provided, in writing, to the applicant and all parties who submitted comments. The Notice shall include:

- A. A brief statement explaining the criteria and standards considered relevant to the decision;
- B. A statement of the facts relied upon in rendering the decision;
- C. Findings or justifications for the decision based on the criteria, standards and facts set forth; and
- D. An explanation of the appeal rights.

**Timing of Decision.** Final action on an application for a permit, limited land use decision or zone change, including resolution of all local appeals, shall be taken within 120 days after the application is deemed complete.

**Appeals.** A Type II Decision may be appealed to the Planning Commission by any party with standing (the applicant and any party who submitted comments during the 14-day period), provided that a written petition to appeal the decision and the required fee is submitted to the City within ten (10) days of written notice of the decision. The Planning Commission shall conduct an appeal hearing and shall review all evidence used in Staff's decision. No new information may be raised to the Planning Commission on appeal. Notice of the appeal hearing shall be provided as required for quasi-judicial (Type III) public hearings. The Planning Commission decision on an appeal is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one (21) days of written notice of the decision.

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### SECTION 7.9 TYPE III: QUASI-JUDICIAL LAND USE DECISIONS.

**Statutory Definition.** A land use decision, as defined in ORS 197.015(10), includes final decisions or determinations concerning the adoption, amendment or application of the goals, a comprehensive plan provision, a land use regulation, or a new land use regulation. A land use decision does *not* include decisions that are made under land use standards which do not require interpretation or the exercise of policy or legal judgment, or limited land use decisions and expedited land divisions.

In general, land use decisions require the greatest amount of discretion and the evaluation of subjective approval standards, and can be legislative or quasi-judicial decisions.

**Policy.** Quasi-judicial land use decisions (except quasi-judicial map amendments) shall be processed as Type III Decisions. Type III Decisions include: the Change in Use, Modification or Demolition of a Historic Structure; Subdivision Plans and material modifications of approved plans; Variance Permits; Similar Use Permits; Conditional Use Permits; Nonconforming Use Permits, and certain applications deemed by Staff to be Type III Decisions, such as Development Permits within Geologic Hazard and Flood Overlays, Property Line Adjustments, Partition Plans, and Design Review.

**Notice.** Notice for Type III Decisions shall be provided in accordance with the provisions of ORS 197.763 and as follows:

- A. Notice shall be published in a newspaper of general circulation at least ten (10) days before the hearing. Based upon unforeseeable and special issues particular to the subject property, the City Council may at the time of scheduling the public hearing increase the public hearing notification area beyond the area specified by the code section being considered.
- B. Notice shall be posted in three (3) conspicuous public places in the City at least twenty (20) days before the hearing;
- C. Notice shall be sent by mail at least twenty (20) days before the hearing to:
  1. The applicant or representative;
  2. All property owners of record within two hundred fifty (250) feet of the boundaries of the subject property;
  3. Any recognized neighborhood or community organizations whose boundaries include the site or whose resources may be impacted by the proposal (such as Friends of Fox Creek or the Rainier Diking District);



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4. The Rainier Rural Fire District (RRFD), Rainier Police Department, and ODOT; and
  5. Any other public agency or utility whose property, services or facilities may be affected, such as Columbia County, the Port of St. Helens, DSL, DEQ, the State Marine Board, Oregon Parks, Columbia River PUD, and PGE. The reviewing Staff shall determine the extent of notice to the additional public agencies or utilities based on perceived interest or impact.
- D. Notice shall be sent by mail to the Department of Land Conservation and Development (DLCD) at least 45 days prior to the final local hearing on any proposed amendment to the Comprehensive Plan Map or Zoning Map (legislative and quasi-judicial amendments).

**Notice Content.** The public notice shall contain:

- A. The name of the applicant or representative and City case file number;
- B. A description of the subject property to inform the reader of its location;
- C. A concise description of the proposed development action and a listing of review standards;
- D. A statement that the complete application, standards and other such information are available at City Hall for review, and the phone number of a City contact person;
- E. Designation of the Review Authority and the time, date and place of the hearing;
- F. A statement that all interested persons may appear and provide testimony and that only those making an appearance of record shall be entitled to appeal; and
- G. A statement that a copy of the staff report will be available for inspection at least seven (7) days prior to the hearing.

**Decision Authority.** The Planning Commission shall conduct a public hearing and shall decide on all Type III Decisions. After review of all evidence submitted into the record the Planning Commission may:

- A. Approve or deny all or part of the application;
- B. Approve all or part with modifications or conditions of approval; or
- C. Continue the public hearing and defer a decision to a time and date certain.

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**Announcement of Decision.** No decision is final for the purposes of appeal until it has been reduced to writing and signed by the Planning Commission or its designee. The Planning Commission may announce a tentative decision at the close of the public hearing.

**Basis for Decision.** The approval or denial of any land use decision shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth within the City's land use regulations.

**Findings and Conclusions.** The Planning Commission shall provide brief and concise findings of fact conclusions and an order for all development approvals, conditional approvals or denials. The findings shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decisions.

**Notice of Decision.** Written notice of the decision shall be provided to the applicant and all parties who submitted comments orally or in writing. The notice of the decision shall clearly set forth deadlines, criteria and fees for filing an appeal.

**Timing of Decision.** Final action on an application for a permit, limited land use decision or zone change, including resolution of all local appeals, shall be taken within 120 days after the application is deemed complete.

**Appeals.** A decision of the Planning Commission may be appealed only if, within fourteen (14) calendar days after written notice of the decision is provided to the parties:

- A. A party files an appeal petition and pays the required fee; or
- B. The City Council directs that an appeal be initiated.

The City Council shall consider appeals of Planning Commission decisions by conducting an appeal hearing on the record. Only issues in the record before the Planning Commission, whether raised in writing or orally, shall be raised before the City Council. Notice of the appeal hearing shall be provided in the same manner and to the same parties as for the initial hearing. Notice of the City Council decision on the appeal, describing further appeal options, shall be provided to all parties to the proceeding within seven (7) days of the decision. The decision of the City Council shall be final unless an appeal is filed with the Land Use Board of Appeals within twenty-one (21) calendar days of the notice of decision.

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### SECTION 7.10 TYPE IV: LEGISLATIVE LAND USE DECISIONS.

**Definition.** Legislative land use decisions are those land use decisions that apply to the general population and prescribe policy.

**Policy.** Legislative land use decisions shall be processed as Type IV Decisions. Type IV Decisions include: Amendments to the Text of the Comprehensive Plan, Land Division Ordinance or Zoning Ordinance; and Amendments to the Comprehensive Plan Map or the Zoning Map (whether for an individual property or for many properties).

**Notice for Text Amendments.** Notice of the Planning Commission hearing on a proposed amendment to the text of the Comprehensive Plan, Land Division Ordinance or Zoning Ordinance, shall be provided as follows:

- A. By publication of a notice giving the time, date, place, and purpose of the hearing in a newspaper of general circulation within the City not less than 20 days prior to the date of the hearing. Based upon unforeseeable and special issues particular to the subject property, the City Council may at the time of scheduling the public hearing increase the public hearing notification area beyond the area specified by the code section being considered.
- B. By posting a notice in three (3) conspicuous public places in the City not less than 20 days prior to the date of the hearing;
- C. By mail to the Department of Land Conservation and Development (DLCD) at least 45 days prior to the final local hearing; and
- D. By such other notice as the Planning Commission may deem desirable.

**Notice for Map Amendments.** Notice on quasi-judicial amendments to the Comprehensive Plan Map or Zoning Map shall be provided in accordance with the notice provisions for Type III Decisions. Notice of the Planning Commission hearing on legislative amendments to the Comprehensive Plan Map or Zoning Map shall be provided as follows:

- A. By publication of a notice giving the time, date, place, nature of the proposed change and purpose of the hearing in a newspaper of general circulation within the City not less than 20 days prior to the date of the hearing;
- B. By posting notice in three (3) conspicuous public places in the City not less than 20 days prior to the date of the hearing;
- C. By mail to the owners of any property that is included in the proposed amendment and property within 250 feet of the proposed map amendment not less than 20 days prior to the date of the hearing. Based upon unforeseeable and special issues particular to the subject property, the City Council may at the

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time of scheduling the public hearing increase the public hearing notification area beyond the area specified by the code section being considered.

- D. By mail to the Department of Land Conservation and Development (DLCD) at least 45 days prior to the final local hearing; and
- E. By such other notice as the Planning Commission may deem desirable.

**Notice Content.** The public notice shall contain:

- A. The City case file number;
- B. A description of the proposed amendment, including the specific text to be changed or, in the case of a map amendment, the specific properties to be rezoned or redesignated;
- C. A listing of review standards;
- D. A statement that the complete application, standards and other such information are available at City Hall for review, and the phone number of a City contact person;
- E. Designation of the Review Authority and the time, date and place of the hearing;
- F. A statement that all interested persons may appear and provide testimony and that only those making an appearance of record shall be entitled to appeal; and
- G. A statement that a copy of the staff report will be available for inspection at least fourteen (14) seven (7) days prior to the hearing.

**Decision Authority.** The Planning Commission shall conduct an initial public hearing on all Type IV Decisions and shall make a recommendation to City Council to approve, approve with conditions, or deny the application. The City Council shall conduct a final public hearing and shall make a decision on all Type IV Decisions.

**Announcement of Decision.** No decision is final for the purposes of appeal until it has been reduced to writing and signed by the City Council or its designee. The Planning Commission and City Council may announce a tentative decision at the close of the each public hearing.

**Basis for Decision.** The approval or denial of any land use decision shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth within the City's land use regulations.

**Findings and Conclusions.** The decision shall include brief and concise findings of fact, conclusions and an order for all development approvals, conditional approvals or denials.

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The findings shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision.

**Notice of Decision.** Written notice of the decision shall be provided to the applicant and all parties who submitted comments orally or in writing. The notice of the decision shall clearly set forth deadlines, criteria and fees for filing an appeal.

**Timing of Decision.** Final action on an application for a permit, limited land use decision or zone change, including resolution of all local appeals, shall be taken within 120 days after the application is deemed complete. Decisions to amend the comprehensive plan or land use regulations, or to adopt a new land use regulation, are not subject to the 120-day rule when notice was provided to DLCDC within 45 days of the final local hearing as required under ORS 197.610(1).

**Appeals.** The decision of the City Council shall be final unless an appeal is filed with the Land Use Board of Appeals within twenty-one (21) calendar days of the notice of decision. A decision not to adopt a legislative amendment or new land use regulation is not subject to appeal, unless the amendment is necessary to address the requirements of a new or amended goal, rule or statute.

### **SECTION 7.11 EXPEDITED LAND DIVISIONS.**

**Policy.** Certain land use applications shall, at the request of the applicant, be processed as expedited land divisions under the provisions of ORS 197.360-.380. In general, the expedited land division process shall be available as a more expedient means of processing applications for Property Line Adjustments, Partitions, Subdivisions, and Planned Unit Developments. The provisions of ORS 197.360 shall be followed in determining the eligibility of an application for the expedited land division process.

**Notice and Comment Period.** Notice and 14-day comment procedures are similar to those required for limited land use decisions; however, statute prohibits a public hearing on any qualifying expedited land division application. The notice and comment provisions of ORS 197.365 shall apply to all expedited land division applications.

**Approval Criteria.** While the decision making process is strictly controlled by statute, the approval standards and criteria shall be the same as those provided within the City's land use regulations for the type of permit requested.

**Decision Authority.** Expedited land division applications shall be reviewed and determined by the Directors of Planning and Public Works.

**Timing of Decision.** A decision on an expedited land division application must be reached within 63 days of the application being deemed complete. Decisions on expedited land division applications shall be made in accordance with the rules and exceptions on timing as provided in ORS 197.370.

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**Appeals.** A decision on an expedited land division application shall be appealed to a hearings referee in accordance with the procedures established under ORS 197.375. The decision of the hearings referee is appealable to the court of appeals.

### **SECTION 7.12 GENERAL NOTICE PROVISIONS.**

Notice of a land use application, public hearing or decision shall be provided in accordance with the procedures for each type of decision, as set forth in Section 7.7 through Section 7.11.

**General Notice Provisions.** The following general provisions are applicable to all public notices:

- A. All public notices shall be deemed to have been provided upon the date the notice is deposited in the mail.
- B. The records of the Department of Assessment and Taxation shall be used for determining the property owner(s) of record.
- C. Failure to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. A sworn certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the certificate.
- D. For notice purposes, the boundary of the subject property shall be the property which is the subject of the application, together with all contiguous property under identical ownership.

### **SECTION 7.13 PUBLIC HEARING PROCEDURES.**

Public hearings before the Planning Commission and City Council on all land use decisions shall be conducted in accordance with this section.

**Rules of Procedure.** Public hearings shall be conducted in accordance with the Rules of Procedure adopted by the Planning Commission and City Council.

At the beginning of the hearing for an application, a statement shall be made to those in attendance that:

- A. Lists the applicable review criteria;
- B. States that testimony and evidence must be directed toward the review criteria;
- C. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes appeal to the Land Use Board of Appeals on that issue.

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**Parties.** Only parties who submitted written or oral comments at or prior to the hearing shall be considered parties and entitled to appeal a decision.

**Record.** A taped record of all public hearings shall be made. In addition, written minutes giving a reflection of the matters discussed and the views of the participants may be taken.

**Procedural Rights.** The following procedural rights shall be provided at the public hearing:

- A. A reasonable opportunity for parties to present evidence;
- B. A reasonable opportunity to cross-examine witnesses, including Staff;
- C. A reasonable opportunity for rebuttal of new material;
- D. An impartial review authority as free from potential conflicts of interest and pre-hearing contacts as reasonably possible.

**Presentations.**

- A. The Review Authority may set reasonable time limits for oral presentations.
- B. No testimony shall be accepted after the close of the public hearing unless the Review Authority sets a deadline for such testimony and provides an opportunity for review and rebuttal prior to making a decision.

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## **ARTICLE 8. ENFORCEMENT**

### **SECTION 8.1 PENALTY.**

A violation of any of the provisions of this Ordinance is unlawful and a civil infraction.

### **SECTION 8.2 AUTHORITY.**

The Planning Director shall have the authority to enforce the provisions of this Ordinance.