

City of Rainier
Regular City Council Meeting
June 5, 2023
6 p.m.
Rainier City Hall

Mayor Jerry Cole called the council meeting to order at 6:01 p.m.

Council Present: Connie Budge, Scott Cooper, Robert duPlessis, Jeremy Howell, Mike Kreger, Paul Langner and Denise Watson

Council Absent: None

City Attorney Present: No

City Staff Present: Sarah Blodgett, City Recorder; Gregg Griffith, Police Chief; W. Scott Jorgensen, City Administrator

Flag Salute

OPEN BUDGET HEARING – ACCEPT PUBLIC COMMENT – CLOSE BUDGET HEARING

Mayor Jerry Cole opened the hearing on the budget resolution and state revenue sharing at 6:02 p.m. No public comment was given. The hearing was closed at 6:03 p.m.

Additions/Deletions from the Agenda: City Administrator W. Scott Jorgensen asked that West Rainier Urban Growth Management Committee be added as an agenda item. Council President Mike Kreger moved to add it to the agenda. That motion was seconded by Councilor Scott Cooper and adopted unanimously. Cooper said he wanted to add senior center expansion to the agenda and moved to do so. That motion was seconded by Councilor Connie Budge and adopted unanimously.

Mayor's Address: Mayor Jerry Cole announced that Rainier Days will be taking place July 7, 8 and 9.

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

Consider Approval of the Consent Agenda

Consider Approval of the May 3, 2023 Regular Council Meeting Minutes, May 8, 2023 Budget Committee Meeting Minutes and Monthly Financial Statements—Kreger moved to approve the consent agenda. That motion was seconded by Cooper and adopted unanimously.

New Business

- a. Easement Request for 604 East E Street—Jorgensen and Cole explained the nature of the request. Councilor Paul Langner said that if there is future development, the street should be brought up to city standards. Jorgensen said he could pass that on to the city attorney, who is putting together the easement and its related agreement.
- b. Resolution 23-06-01-Adoption of the 2023-25 Biennial Budget—Budge moved to

- approve the resolution. That motion was seconded by Kreger and adopted unanimously.
- c. Resolution 23-06-02-Declaring the City's Election to Receive State Revenues for the Fiscal Year 2023-24 and 2024-25—Kreger moved to approve the resolution. That motion was seconded by Councilor Jeremy Howell and adopted unanimously.
 - d. Renewal of Library Services Contract—Cooper moved to approve the contract renewal. That motion was seconded by Langner and adopted unanimously.
 - e. Renewal of Forestry Contract—Kreger moved to approve the contract renewal. That motion was seconded by Councilor Denise Watson and adopted unanimously.
 - f. First Reading of Ordinance 1092—To Allow for the Regulation of Vehicles for Hire
 - g. West Rainier Urban Growth Management Committee—Jorgensen said that Councilor Robert duPlessis was appointed to the committee at the last council meeting, but won't be able to participate. He asked if anyone else on council would like to represent the city's interests on the committee. Budge volunteered to do so. Council agreed by consensus to have Budge replace duPlessis on the committee.
 - h. Senior Center Expansion—Cooper said that a grant cycle opens June 30 for funds that could be used to expand the center. The center is requesting a letter of support from the city so it can be included in the grant application. Budge moved to approve. That motion was seconded by Watson and adopted unanimously.

Unfinished Business

- a. Fox Creek Update

Staff Report—Jorgensen said he attended the Mayor's prayer breakfast May 2 and the League of Oregon Cities meeting May 5 at the Masonic Lodge. He and Cole toured Jack Falls, along with Duane Bernard from the Rainier Oregon Historical Museum. Travel Oregon held a meeting in Clatskanie May 18 about how to market downtown areas as destinations and he attended that, along with the ribbon cutting ceremony for Cherry Bomb's Café May 26.

Council Reports—duPlessis said he, Cole and Jorgensen toured the city's disc golf course to look at improvements that could be made there and also went to the potential dog park property under the C Street bridge. Cooper said he and Jorgensen will be working on recommended improvements to the city's website and will report back at the August meeting.

City Calendar/Announcements—Cole said the groundbreaking for the museum property is scheduled for June 30 at 3 p.m. The next council meeting will be August 7, unless time sensitive items come up between now and then.

Cole adjourned the meeting at 6:29 p.m.

Date: July 27, 2023

To: Rainier City Council

From: Skip Urling, City Council

Re: Proposed Ordinance 1091

Attached is proposed Ordinance 1091 which would amend various chapters of Rainier Municipal Code (RMC) Titles 17 and 18, Subdivisions and Zoning, respectively, as well as amending Chapter 2.15 regarding the Planning Commission meeting schedule. A summary of the amendments is presented in the May 15 staff report to the Planning Commission, which held a public hearing on May 22nd, and took action to forward the ordinance to the City Council with a recommendation to adopt. The May 15 Planning Commission memo also addresses the consistency of the proposed amendments with the criteria of RMC 18.125.010.C.

Staff has made one additional modification to the ordinance post Planning Commission review. Since the zoning code was adopted, the state modified the Department of Land Conservation and Development (DLCD) notice requirements on legislative land use actions. Presently, the RMC calls for notice to DLCD 45 days prior to the last evidentiary hearing; the Planning Commission approved changing the notice to 35 days, however, we recently found that the state requires notice at least 35 days prior to the **first** evidentiary hearing. We have that change to the proposed ordinance. Because we followed the current code guidance in noticing DLCD of the proposed amendments, that agency has suggested continuing the August 7 hearing to September 4th, and leaving the record open until the September hearing to allow ample opportunity for additional public comment. Because the city requires two readings for new ordinances, this additional time for the open record will have no effect on the ultimate ordinance effective date, barring any substantive comments that will require additional consideration.

With the action of the Planning Commission in mind and the discussion above, staff recommends the following motion:

Based on the recommendation of the Planning Commission to adopt Ordinance 1091 and the desire to provide additional opportunity for public comment, I move to approve the first reading of the ordinance and continue the public hearing to September 4, leaving the record open for additional comment prior to the second reading and adoption.

Enclosures

Cc: Scott Jorgensen
Sarah Blodgett

May 15, 2023

To: Rainier Planning Commission

From: Skip Urling, City Planner

Re: Proposed Ordinance 1091

Attached is draft Ordinance 1091 that would amend Rainier Municipal Code (RMC) regarding the Planning Commission's regular monthly meeting day. All other proposed amendments are in RMC Title 17 Subdivisions and Title 18 Zoning. The Planning Commission reviewed the proposed changes at its April meeting and granted consent for staff to put the changes in ordinance form.

Most of the proposed amendments are housekeeping measures. They shift administrative responsibility for leading the review of development applications from the public works supervisor to the city planner and city recorder. There also are language changes moving from subdivision and partition plan preliminary and final plats. A more substantive amendment would grant authority to approve preliminary subdivision plats to the planning commission rather than the city council to shorten and simplify the review process. The city council would hear appeals of the planning commission decision provided the appellant had standing. Similarly, the city planner would be granted authority to make decisions on preliminary partition plats, rather a recommendation, with appeals heard by the planning commission. Applications for property line adjustments would become Type 1 decisions by the city planner rather than a Type 2 decision, eliminating the public notice requirement and shortening the review process.

Within Title 17 Zoning, many of the proposed amendments are similarly intended to simplify review processes and add certainty to uses not explicitly identified as permitted. Proposed changes to Chapter 18.05 Definitions add three: increasing the minimum floor area for garages from 120 square feet to 240 square feet, an area slightly larger than a standard 90° parking space; and two definitions for adult group homes based on the number of residents.

All residential zoning districts include proposed amendments to the list of permitted uses to add Residential Care Facility and Residential Home (the group homes). Similar use applications would shift from a Type 3 process to a Type 2 process, maintaining public notice of the application, but authorizing staff to make the decision. Appeals would be heard by the planning commission.

Finally, Type 4 application notice to the Department of Land Conservation and Development would be reduced from 45 days prior to the last hearing to 35 days, consistent with state law.

Pursuant to RMC 18.125.010, amendments to the text of the comprehensive plan or RMC Titles 17 and 18, such as in this instance, shall be reviewed via a Type IV process, with public hearings conducted by first, the planning commission, and subsequently by the city council. RMC 18.125.010.C provide two criteria as guidance:

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

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

RAINIER COMPREHENSIVE PLAN

The Rainier Comprehensive Plan contains 14 goals with associated policies. Three of the goals and their policies apply to this proposed code amendment. Those sets of policies are presented below together with an analysis of these proposed code amendments' consistency.

GOAL 1: CITIZEN PARTICIPATION

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS:

1. The City of Rainier depends on the efforts of its citizens to achieve its land use goals. Good faith, good communication and mutual trust and respect between the City of Rainier and its citizens are critical if Rainier is to grow and remain livable.
2. The Planning Commission has traditionally encouraged and supported public participation and can most appropriately continue to lead the City's citizen participation efforts.

POLICIES:

1. The Planning Commission is designated as the Committee for Citizen Involvement for Rainier. The Planning Commission has the responsibility for gathering citizen input and information concerning any proposed changes to the Rainier Comprehensive Plan. The Planning Commission may, upon approval from the City Council, form ad hoc committees which include members of the community to study special problems faced by the City.
2. The City will provide as much financial support as possible to the Citizen Involvement process through the Planning Commission. However, volunteers will, of necessity, continue to be the mainstay of the process.
3. The City shall ensure its citizens an adequate opportunity to review and comment on all planning and zoning decisions through public hearing and notice procedures established in state statute and set forth in the Rainier Comprehensive Plan and Zoning Ordinance.

Staff finding: The fact that the planning commission is conducting a public hearing shows that the public has been offered the opportunity to participate. The city council's hearing will reinforce that opportunity. RMC 18.160.050 spells out the public notice requirements for Type IV actions. Following the code requirements, notice for the planning commission's hearing was published in the Clatskanie *The Chief* April 27, at least 20 days in advance of the planning commission hearing and notice also was posted in three conspicuous public places. This goal and policy set is satisfied.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land, and to assure an adequate factual basis for such decisions and actions.

FINDINGS:

1. Oregon's land use planning system requires that local government comprehensive plans and implementing ordinances conform to the statewide planning goals.
2. The City of Rainier uses the Comprehensive Plan document to state findings and policies and the Zoning Ordinance, Land Division Ordinance and other regulations to govern the use and development of land within the city.
3. The City has prepared an inventory of land within the Urban Growth Boundary and has determined which areas of Rainier are most appropriate for residential, commercial, industrial and other land uses.

POLICIES:

1. The City shall ensure that this comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission.
2. The Comprehensive Plan and any future amendments to the Plan will be adopted by ordinance after adequate public hearings.
3. The Zoning Ordinance, the Land Division Ordinance and any amendments to these ordinances shall conform to the Comprehensive Plan and shall be adopted by ordinance.
4. The City shall maintain a Comprehensive Plan Inventory. This document provides the factual basis for the Comprehensive Plan. The inventory may be updated by the adoption of appendices or by revision of the entire document.
5. To ensure that the Comprehensive Plan and implementing ordinances are kept current with the needs of the community, this plan shall be reviewed and updated every five to seven years, consistent with periodic review requirements established in state statute.
6. The City shall coordinate its planning programs and activities with affected public agencies and utilities. At a minimum, the City of Rainier coordination program will involve the following agencies:
 - a. Columbia County
 - b. Longview-Kelso Council of Governments
 - c. Port of St. Helens
 - d. State Agencies (Dept. of Land Conservation & Development, Economic Development Department, Division of State Lands, Department of Transportation, State Marine Board, Oregon Parks Department, Department of Environmental Quality)
 - e. Rainier School District and other affected school districts
 - f. West Rainier Diking District, Columbia River Peoples Utility District, Portland General Electric and other utilities
 - g. Rainier Rural Fire District and Rainier City Police Department
7. The Comprehensive Plan Map and the Zoning Map will reflect the plan policies and apply land use categories in the following manner: (Author's note: the remainder of the policy merely describes the various plan map designations and zoning districts, and is not included here in effort to save paper and ink.)

Staff finding: Policies 3 and 5 apply to this amendment. The proposed amendments are primarily procedural except for the addition of group homes to the list of permitted uses in all residential zoning districts. No changes to the plan or zoning map are proposed, so there is no non-conformity with the plan. An ordinance has been drafted and presented to the planning commission, and if approved, with or without changes, will be forwarded to the city council. This goal is met.

GOAL 10: HOUSING

To provide for the housing needs of the citizens of the State.

FINDINGS:

1. The population of Rainier has remained relatively unchanged over the last twenty-five years. The 1970 census population was 1,731; the 1994 population estimate is 1,700. Housing development has been similarly stagnant, with 635 total housing units in 1970 and 672 in 1990.
2. Households in Rainier tend to be family households with household sizes similar to the average for the State. Housing in Rainier primarily has been for family housing in single family detached homes, including mobile homes. In 1990, 77% of Rainier's housing units were single family (attached or detached).
3. Over time and as Rainier is influenced more by demographic trends in the Portland Metropolitan Area, its housing needs will likely shift toward housing for smaller and non-family households.

POLICIES:

1. Land with slopes in excess of 20 percent, in known slide hazard areas and in designated floodplains and drainage ways has been considered unbuildable for the purposes of the buildable lands inventory. Very limited development will be allowed in these areas subject to engineering documentation that the proposed project can be constructed safely and will not result in a future hazard.
 2. The Comprehensive Plan Map includes a range of designations to accommodate construction of a variety of housing types and densities.
 3. The Zoning Ordinance will include provisions to allow zero-lot-line construction in specific zones to reduce lot and housing costs.
 5. The City will cooperate with the Columbia County Housing Authority, the Community Action Team and any other appropriate group or individual that wishes to construct low income housing within the Rainier Urban Growth Boundary. Affordable housing strategies in the City will be considered in the context of the Comprehensive Housing Affordability Strategy (CHAS) developed for the region including Columbia, Clatsop, Tillamook and Lincoln Counties.
- RAINIER COMPREHENSIVE PLAN POLICIES**
6. The City will review Zoning Ordinance procedures and standards to ensure that they do not preclude the development of needed housing types in Rainier. The City will use land use standards and procedures which are clear and objective.

Staff finding: The stated goal here is to provide the housing needs of the citizens of the state (and the Rainier community.) Policy 6 directs the city to review the zoning ordinance procedures and standards to ensure that they do not preclude the development of needed housing types in Rainier. The city will use land use standards and procedures which are clear and objective. The inclusion of definitions and making adult group homes uses permitted outright in all residential zoning districts adds a facet for facilitating special housing needs. Such action satisfies this goal.

OREGON STATEWIDE PLANNING GOALS

There are 19 statewide planning goals in the state of Oregon to provide guidance to local governments in their efforts to plan for and use land. The 19 goals cover a variety of topics from citizen involvement to agricultural and forest lands, open space, environmental quality, natural disasters, recreation needs, the economy of the state, housing, public facilities, transportation, energy, urbanization, Willamette greenway, estuarine resources, coastal shorelands, beaches and dunes, and ocean resources. Of these, the same statewide goals have applicability to the proposed code amendments as those identified above in the city's comprehensive plan. The applicable goals are summarized below followed by a staff finding of how the proposal satisfies each one.

1. **CITIZEN INVOLVEMENT** Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Staff finding: The comprehensive plan goal for citizen participation explicitly identifies the planning commission as the committee for citizen involvement. Public notice requirements are included in the zoning code and are consistent with state laws. Notice for the planning commission hearing followed the code requirements, which alerts the public of a pending action and provides the opportunity for the public to participate. The proposal satisfies this goal.

2. **LAND USE PLANNING** Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Staff finding: The city is in compliance with this goal with the subdivision and zoning codes having been in effect for 25 years. As discussed above, most of the proposed amendments are “housekeeping” measures and more procedural in nature than substantive. There are no map changes proposed. The addition of making adult group homes uses permitted outright in all residential zoning districts corrects a deficiency of facilitating housing opportunities for adults who need supervision and/or training. These factors satisfy this state goal.

10. HOUSING This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Staff finding: As discussed above and in the analysis of the comprehensive plan housing goal, the proposed addition of adult group homes to the list of permitted uses in all residential zoning districts will provide the opportunity for persons who need supervision and/or training to pursue housing opportunities more easily. It will also eliminate the potential for institutional discrimination for that class of housing.

Conclusion and Recommendation

The proposed amendments meet the criteria of RMC 18.125.010Mendments to the text of the comprehensive plan or implementing ordinances. They conform to the applicable and pertinent portions of the comprehensive plan and the statewide planning goals. These amendments are intended to make review of development applications more efficient for applicants, while maintaining crucial and appropriate standards. They clarify code language and bring the codes up to current standards. The proposed ordinance will also facilitate housing opportunities for a segment of the population that has heretofore been unnecessarily difficult. Therefor, staff recommends affirming the ordinance and sending it to the city council for adoption.

Recommended motion

“Based on the findings and other information in the May 15, 2023 staff report, I move to endorse draft Ordinance 1091 and forward it to the city council for adoption.”

Cc: Scott Jorgensen
Sarah Blodgett

ORDINANCE NO. 1091

**AN ORDINANCE OF THE CITY OF RAINIER
TO AMEND THE RAINIER MUNICIPAL CODE CHAPTERS 2.15, 17.10, 17.15, 17.20,
18.05, 18.15, 18.20, 18.25, 18.30, and 18.150**

WHEREAS, city staff has determined that several sections of the Rainier Municipal Code regarding subdivision and zoning are outdated and do not adequately meet the city's needs; and

WHEREAS, the city seeks to streamline some of its processes to better facilitate the development of much-needed housing; and

WHEREAS, it was determined by city staff that amending the code text regarding administration and personnel would be in the City's best interest, and

WHEREAS, the City Planning Commission held a duly notified meeting on _____ at 6 p.m. in the Rainier City Hall, and

WHEREAS, the City of Rainier Planning Commission held a duly noticed public hearing on XXX and concluded to recommend approval of the text amendments to the Rainier City Council; and

WHEREAS, the Rainier City Council held a duly noticed public hearing on XX and found that after due consideration of all the evidence in the record, that they agreed with the recommendation forwarded by the Rainier Planning Commission; and

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

For the amendments below, *new language is in italic font*; ~~deleted language is struck through~~.

Section 1. Rainier Municipal Code (RMC) Chapter 2.15 is hereby amended as follows;:

2.15.110 Meetings

B. Regular meetings shall be held monthly *for the current year as established by the Planning Commission at the first meeting of the year.* ~~second Tuesday of each month at 6:00 p.m.~~ for the primary purpose of conducting formal public hearings on applications and petitions properly presented to the city, *and for considering and developing land use and development standards and criteria.*

Section 2. RMC Chapter 17.10 Procedure for Subdividing is hereby amended as follows:

17.10.020 Applications and filing fee.

A. The applicant shall discuss the preliminary plans with the *city planner*, public works superintendent, fire district and other affected public agencies in a pre-application conference prior to submitting an application. Following the preapplication conference, the applicant shall prepare and submit a city of Rainier development application, available from the *city recorder*. ~~public works superintendent.~~

B. The application shall contain:

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

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

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

D. The following general information shall be shown on the *preliminary plat*. 1. Appropriate identification clearly stating the map is a subdivision plan;

2. Proposed plat name, approved by the county surveyor;
3. The name(s), address(es) and telephone number(s) of the property owner(s) and applicant(s), and when applicable, the name and address of the design engineer or surveyor;
4. The date the *preliminary plat* ~~plan~~ was prepared;
5. North arrow;
6. Scale of drawing;

7. Location of the subdivision by one-quarter section, township and range;
8. Existing streets (public and private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;
9. Proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within 300 feet of the site;
10. An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the preliminary plat ~~subdivision plan~~, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;
11. Easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;
12. Public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of on-site and off-site storm drainage lines, and the approximate location and size of water lines;
13. Flood areas, including the location of any floodplain, drainage hazard areas and other areas subject to flooding or ponding;
14. Natural resources, including the location of natural features, such as rock outcroppings, wetlands, watercourses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;
15. Approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;
16. Approximate area of each lot;
17. Proposed lot numbers;
18. Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all city-designated historic landmarks;
19. All lots and tracts of land intended to be dedicated or reserved for public use;

20. A vicinity map showing a minimum one-mile radius;
21. Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and
22. Other information required by the **city planner**, ~~public works superintendent~~, including, but not limited to, a traffic impact study and/or a geotechnical study.

17.10.030 Phasing.

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

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

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

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

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

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

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

17.10.040 Review process.

A. Before approval may be granted on a subdivision application, it shall first be established that the subdivision proposal conforms to the Rainier comprehensive plan, RMC Title [18](#), the public improvements requirements contained in Chapter [17.30](#) RMC, the public works design standards

and other applicable city ordinances and regulations. Failure to conform is sufficient reason to deny the application.

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

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

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

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

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

F. The approval of a **preliminary plat** ~~subdivision application~~ shall not automatically grant any other approvals which may be required by city ordinances or regulations.

17.10.050 Notice of public hearing before planning commission to consider the preliminary plat ~~subdivision plan~~

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

B. Notice of and the procedures for the conduct of the hearing shall be given in accordance with provisions of RMC Title [18](#) for quasi-judicial evidentiary hearings

17.10.060 Planning commission *decision recommendation* for *preliminary plat* ~~subdivision plan~~ approval.

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

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

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

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

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

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

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

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

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

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

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

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

~~3. Further the implementation of the requirements of the Rainier comprehensive plan and RMC Title [18](#).~~

Section 3. RMC Section 17.15 Procedure for Partitioning is hereby amended as follows:

17.15.020 Applications and filing fee.

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

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

D. The following general information shall be shown on the *preliminary* partition *plat*: ~~plan~~:

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

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

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

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

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

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

b. The required fees have not been submitted; and

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

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

J. The *city planner* ~~public works superintendent~~ shall prepare the standard form of development application for *preliminary* partition *plats*, ~~plans~~, including provisions which will best accomplish the intent of this section.

17.15.030 Review process.

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

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

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

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

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

F. Where, in the opinion of the *city planner* ~~public works superintendent~~, the partition plan raises substantial questions over the requirements of this title, the Rainier comprehensive plan or RMC Title [18](#), or because of its size, location or complexity is likely to raise concern from a substantial portion of nearby property owners or citizens, the *city planner* ~~public works superintendent~~,

without reaching a ~~recommended~~ decision on the application, may, after determining the application is complete, request a review by the planning commission. Such planning commission review shall then be conducted in accordance with the requirements for quasi-judicial decisions under RMC Title [18](#). The *city planner* ~~public works superintendent~~ shall prepare a report for presentation to the planning commission, which may include recommendations on the partition application. (Ord. 974 § 4 (Exh. A.2 § 330), 1998)

17.15.040 ~~Recommended decision and final~~ Decision.

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

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

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

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

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

17.15.050 Modifications to final decision.

A. After the *preliminary* partition *plat* application has received final approval, whether or not subject to conditions, but before the *final* partition plat has been approved, any proposed modifications to the *preliminary* partition *plat* ~~plan~~ shall be submitted to the *city planner* ~~public works superintendent~~ for approval. The *city planner* ~~public works superintendent~~ shall determine if the proposed modifications are material or immaterial in nature. the decision shall be filed with the city recorder, and mailed to the applicant *and parties of record*.

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

C. The nonrefundable fee for modification of the final decision, as established by resolution of the city council, shall be submitted along with the request for modification. ~~or the partition plan approval.~~

17.15.060 Requests for review.

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

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

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

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

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

17.15.070 Partition plat.

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

B. If the applicant has not submitted the *final* partition plat and all supplemental information to ~~the city recorder the public works superintendent~~ not less than 30 days before such 12-month period expires, the final decision shall expire at the end of said 12 months, unless the applicant requests an extension of the final decision.

17.15.080 Information on *final* partition plat.

B. Supplemental information with the *final* partition plat shall include:

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

17.15.090 Approval of *final* partition plat by city.

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

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

17.15.100 Recording of partition plat.

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

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

C. No building permits shall be issued until the applicant obtains and delivers to the *city recorder* ~~public works superintendent~~ a mylar copy of the partition plat showing that it has been officially approved by the county surveyor and recorded.

Section 4. RMC 17.20 Procedures for Property Line Adjustments is hereby amended as follows:

17.20.020 Applications and filing fee.

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

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

H. The *city recorder* ~~public works superintendent~~ shall prepare the standard form of development application for property line adjustments, including provisions which will best accomplish the intent of this section.

17.20.030 Review process.

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

17.20.040 Decision Process ~~Recommended decision.~~

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

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

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

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

17.20.050 ~~Requests for review.~~

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

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

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

~~D. The decision shall be written and at a minimum shall identify the property line adjustment application, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, and any conditions to which the decision is subject.~~

17.20.070 Final approval.

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

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

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

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

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

17.20.080 Recording of survey map by county surveyor.

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

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

C. No building permits shall be issued until the applicant obtains and delivers to the city recorder ~~public works superintendent~~ a copy of the survey map as officially approved by the county surveyor and recorded.

Section 5. Title 18 Zoning is hereby amended as follows:

Chapter 18.05 Introduction 18.05.030 Definitions.

The following definitions shall be added to this section:

“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 minimum one-car garage shall be **240** ~~120~~ square feet.

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

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

Section 6. Chapter 18.15 SUBURBAN RESIDENTIAL ZONE (SR) is hereby amended as follows.

18.15.020 Permitted uses.

The following uses are permitted outright in the SR zone:

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

F. Residential Care Facility

G. Residential Home

Section 7 Chapter 18.20 LOW DENSITY RESIDENTIAL ZONE (R-1) is hereby amended.

18.20.010 Permitted uses.

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

- A. Single-family dwelling.
- B. Manufactured home on an individual lot, subject to standards of Chapter [18.100](#) RMC.
- C. Accessory buildings incidental to the primary residential use.
- D. Agricultural or horticultural uses. No poultry or livestock, other than household pets, shall be permitted within 100 feet of any residence on an adjacent lot.
- E. Home occupation which meets the restrictions of Chapter [18.90](#) RMC.

F. Residential Care Facility

G. Residential Home

Section 8. Chapter 18.25 MEDIUM DENSITY RESIDENTIAL ZONE (R-2) is hereby amended as follows:

18.25.010 Permitted uses.

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

- A. All uses in the R-2 zone are subject to determination of possible compliance with Chapters [18.75](#) (Geologic Hazard Overlay) and [18.145](#) RMC (Design Review).
- B. Single-family dwelling (detached).
- C. Single-family, attached.
- D. Townhouses. Maximum of three units together on one parcel. Structures made up of more than three attached houses are prohibited unless approved by the city planning commission.
- E. Manufactured home on an individual lot, subject to standards of Chapter [18.100](#) RMC.

F. Two-family dwelling (duplex).

G. Accessory buildings incidental to primary residential use.

H. Home occupation which meets the restrictions of Chapter [18.90](#) RMC.

I. Residential Care Facility

J. Residential Home

Section 9. Chapter 18.30 HIGH DENSITY RESIDENTIAL ZONE (R-3) is hereby amended as follows:

18.30.010 Permitted uses.

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

A. Single-family dwelling (detached).

B. Single-family – attached (see Exhibit 2 in RMC [18.05.030](#), Definitions).

C. Townhouses. Maximum of six units together (see Exhibit 3 in RMC [18.05.030](#), Definitions).

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

E. Two-family dwelling (duplex).

F. Multifamily dwelling (apartments and condominiums).

G. Accessory buildings incidental to primary residential use.

H. Home occupation which meets the restrictions of Chapter [18.90](#) RMC.

I. Residential Care Facilities

J. Residential Home

Section 10. Chapter 18.150 Similar Uses is hereby amended as follows:

18.150.020 Decision process.

Similar use permits are ~~Type III~~ ***Type II*** decisions ***and applications shall be reviewed pursuant***

to RMC 18.160.030. The application shall be reviewed and determined at a public hearing by the planning commission. Type II decisions shall be determined by designated members of staff. The applicant must provide information necessary to make a proper determination, including information as to clientele, number and working hours of employees, expected traffic generation and characteristics of the use's activities. *Staff may approve, approve with conditions, or deny the application. The planning commission may approve, approve with conditions or deny the request for a similar use. Appeals shall be reviewed by the planning commission following the procedures spelled out in RMC 18.160.030.J.*

Section 11. RMC 18.160.050 is hereby amended as follows;

18.160.050 Type IV – Legislative land use decisions.



A. Definition. Legislative land use decisions are those land use decisions that apply to the general population and prescribe policy.

B. Policy. Legislative land use decisions shall be processed as Type IV decisions. Type IV decisions include amendments to the text of the comprehensive plan or RMC Title [17](#) or [18](#); and amendments to the comprehensive plan map or the zoning map (whether for an individual property or for many properties).

C. Notice for Text Amendments. Notice of the planning commission hearing on a proposed amendment to the text of the comprehensive plan or RMC Title [17](#) or [18](#) shall be provided as follows:

1. 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;
2. By posting a notice in three conspicuous public places in the city not less than 20 days prior to the date of the hearing;
3. By mail to the Department of Land Conservation and Development (DLCD) at least ~~35~~ 45 days prior to the ~~final~~ first local *evidentiary* hearing; and
4. By such other notice as the planning commission may deem desirable.

NOW, THEREFORE, the City of Rainier ordains as follows:

1. The above recitations are true and correct and incorporated herein by this reference.
2. The City of Rainier Municipal Code Text is amended for Chapters 2.15, 17.10, 17.15, 17.20, 18.15, 18.18.20, 18.25, 18.30 and 18.150.
3. In support of the above amendments to the Municipal Code Text, the Rainier City Council hereby adopts the Findings of Facts and Conclusions of Law in the (date) City Planner Staff Report, together with its attached addendums and correspondence, dated ----
4. The effective date of this Ordinance shall be thirty (30) dates after approval, in accordance with the City Charter and other applicable laws.

Passed by the City of Rainier council and approved by the mayor on the ____ date of ____, 2023.

Attested:

BY: _____
Jerry Cole, Mayor

BY: _____
Scott Jorgensen, City Administrator

AGREEMENT FOR LOCAL TELEVISION SERVICES

This AGREEMENT was made and entered into this 7th date of June, 2021 between THE CITY OF RAINIER, a municipal corporation (hereafter "City") and KELSO LONGVIEW TELEVISION, INC. (hereafter "KLTV").

KLTV shall broadcast and record the monthly meetings of the Rainier City Council at the rates listed in the Commercial Production Rate Card, attached as Exhibit "B".

KLTV shall provide the professional staffing necessary to carry out the terms of this agreement.

KLTV agrees to live stream the contents of those meetings on its website, <http://www.kltv.org/>, and maintain the online archives of those meetings on the website for a two-year period. Upon the expiration of that two-year period, DVD copies of those recordings shall be made available to the City upon request.

KLTV shall provide a monthly invoice to the City in order to receive payment for those services.

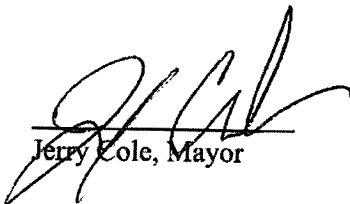
This agreement shall be in place for the regular council meetings taking place during the 2021-22 fiscal year beginning on July 1, 2021 and ending on June 30, 2022.

A. General Conditions.

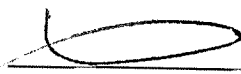
1. Independent Contractor. Nothing in this agreement shall be construed so as to appoint or recognize KLTV as an agent or legal representative of the City for any purpose whatsoever. KLTV is not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of or in the name of the City or to bind the City in any manner or thing whatsoever.
2. Subcontracting and Assignments. KLTV shall not subcontract any portion or the required services without the City's prior written consent. KLTV likewise shall not assign all or any portion of this agreement without the City's prior written consent. Any purported assignment without this consent shall be void. Any consent granted by the City under this paragraph may be subject to such conditions as the City deems appropriate.
3. Entire Agreement. This agreement, including the exhibits that are attached hereto and incorporated herein by reference, represents all of the covenants, promises, agreements and conditions, both oral and written, between the parties. However, the City reserves the right to waive any of these provisions of this agreement without affecting the applicability of other provisions not so specifically waived. Waiver of any conditions by the City shall be in writing in order to be effective.
4. Amendments. No provision of this agreement may be amended or modified except by a further written document signed by the City and KLTV.
5. Successors or Assigns. This Agreement, including all addenda, shall be binding on KLTV, its heirs, successors and signs.

6. Effective Date. This agreement shall take effect immediately upon signature by the City and shall continue until terminated by either party upon not less than 30 days written notice.
7. Severability. Each section, subsection or other portion of this agreement shall be severable and the invalidity of any section, or other portion shall not invalidate the remainder.
8. Notice. Written notices shall be deemed to have been duly served if delivered in via email to the City Administrator or the Station Manager/CEO of KTLV.
9. Compliance with Laws. Throughout the duration of this agreement, KLTV shall comply with all applicable federal, state and local laws, regulations and orders.

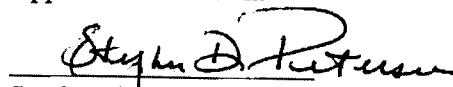
CITY OF RAINIER


Jerry Cole, Mayor


Attest:


W. Scott Jorgensen,
City Administrator

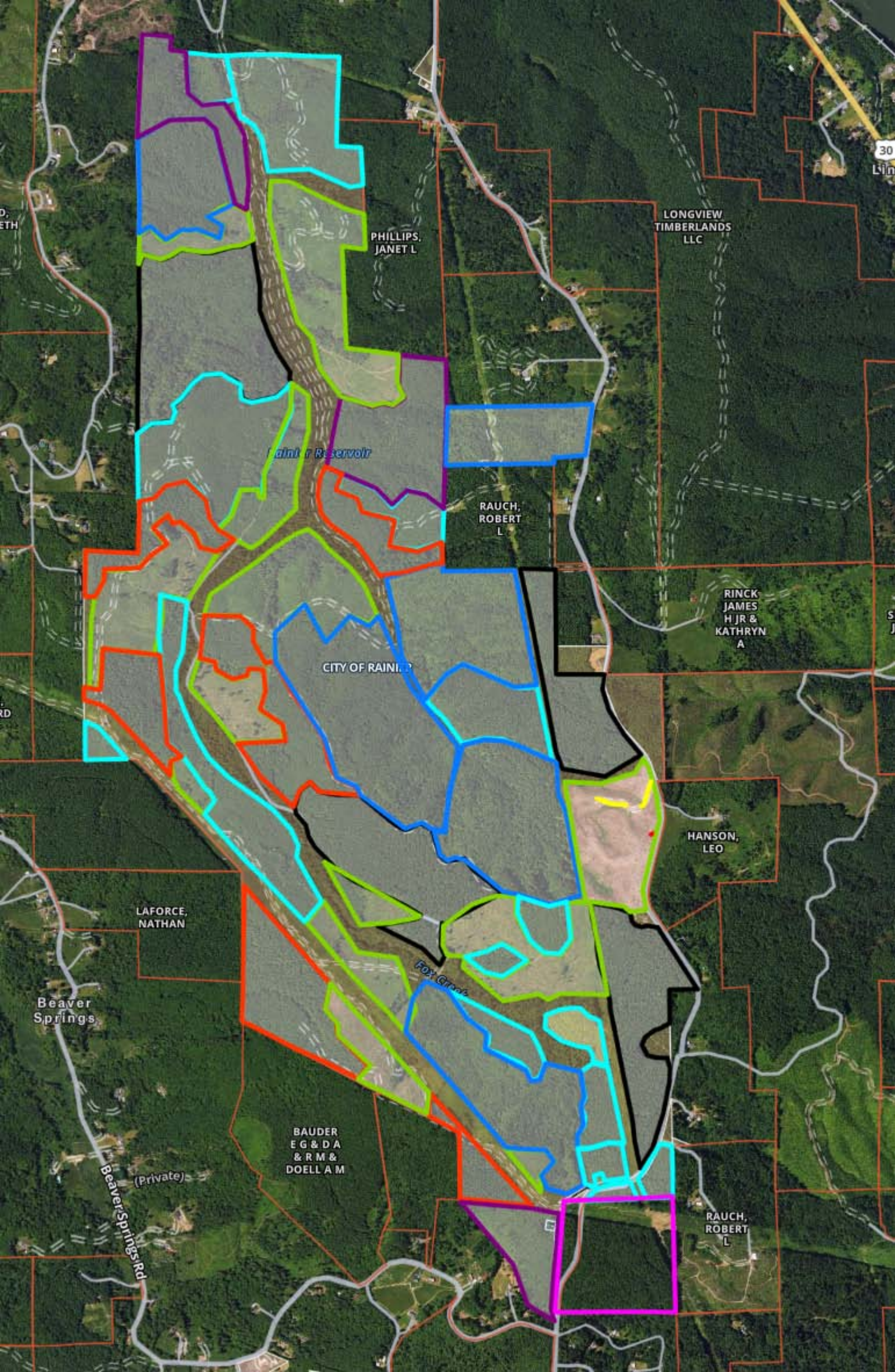
Approved as to Form:

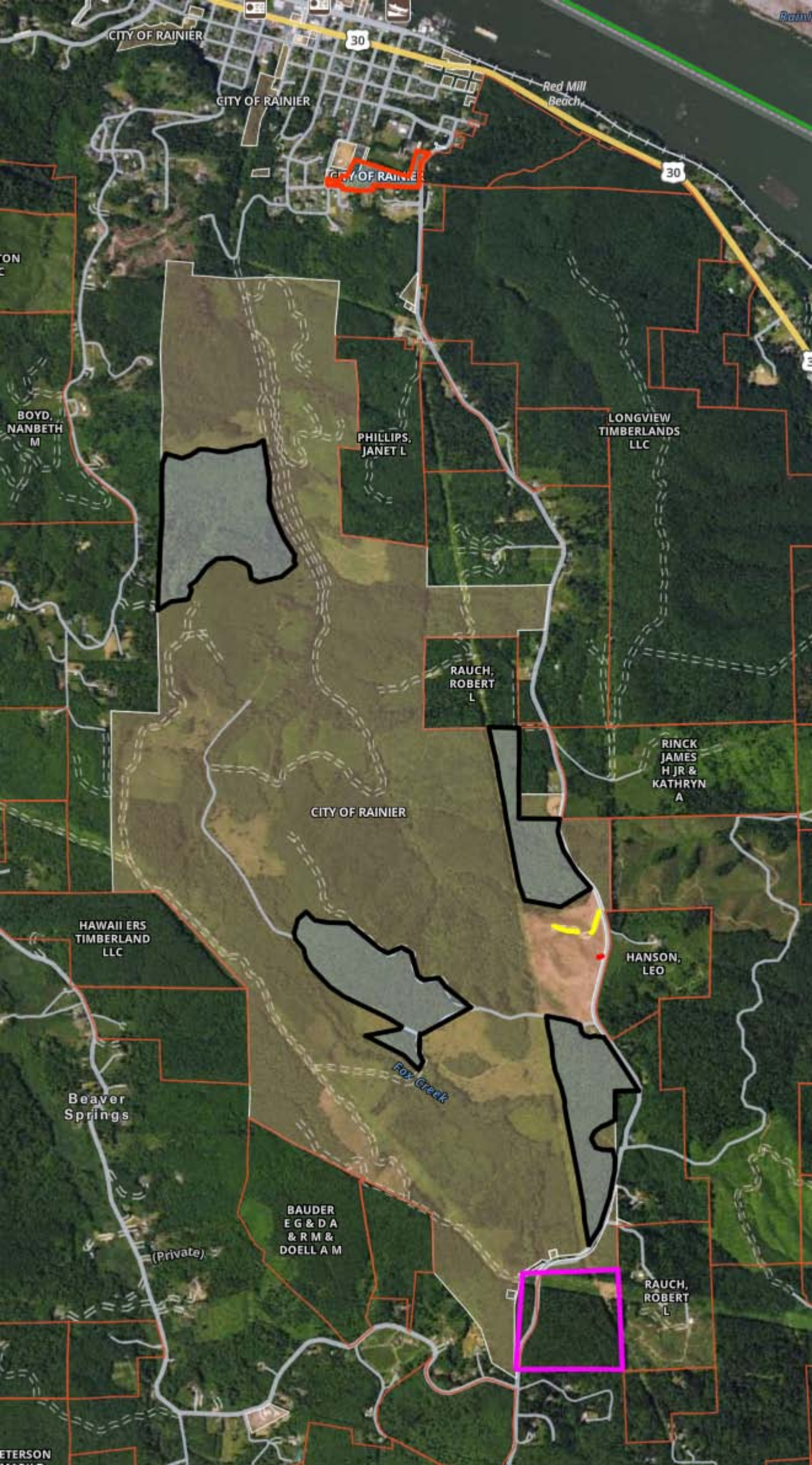

Stephen Petersen
City Attorney

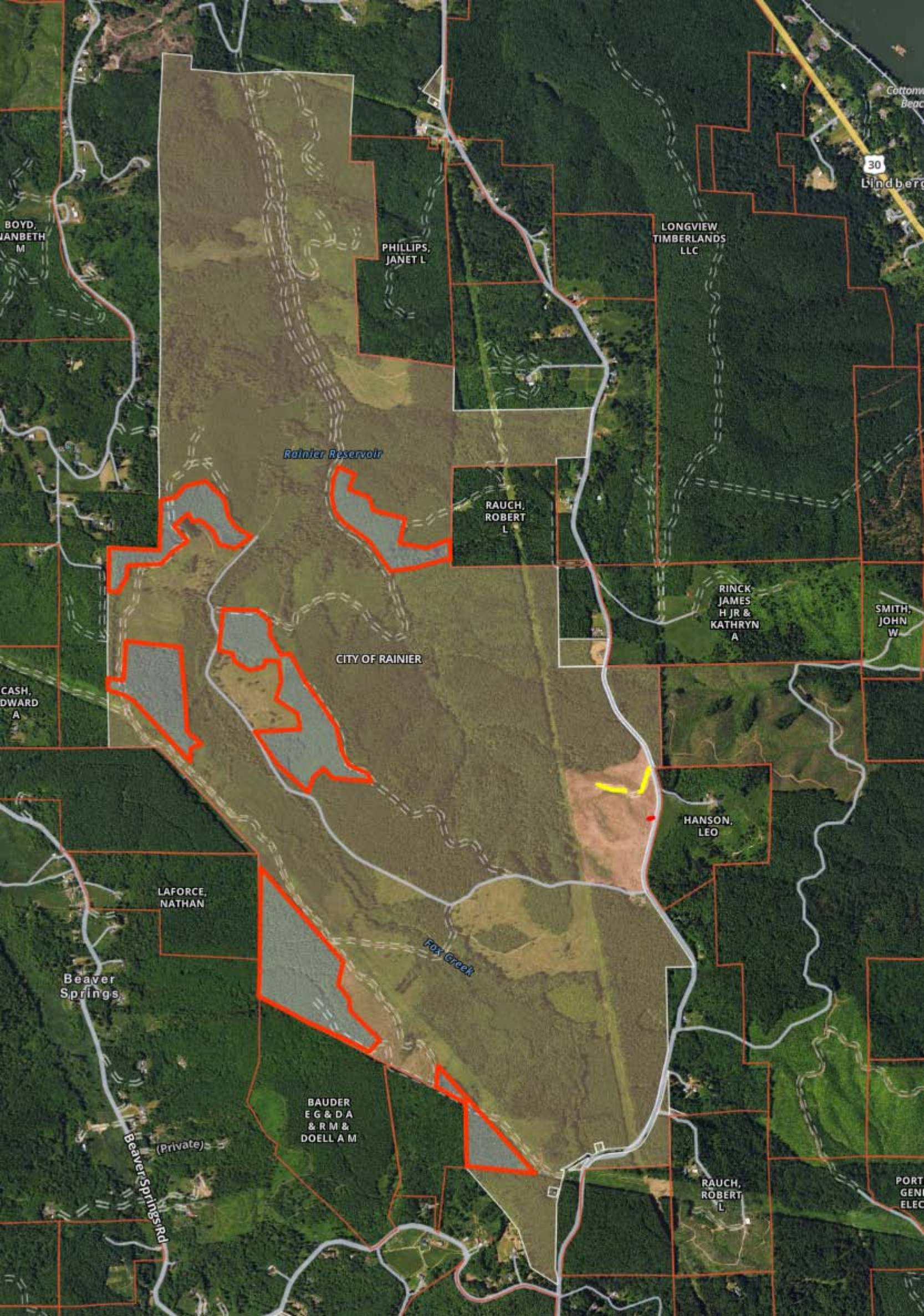
KLTV KELSO, LONGVIEW TELEVISION


Barry Verrill
Station Manager/CEO

6/24/21
Date







30

Lindberg

BOYD,
JANBETH
M

PHILLIPS,
JANET L

LONGVIEW
TIMBERLANDS
LLC

Rainier Reservoir

RAUCH,
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SMITH,
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CASH,
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CITY OF RAINIER

HANSON,
LEO

LAFORCE,
NATHAN

Beaver
Springs

Fox Creek

BAUDER
EG & DA
& RM &
DOELL A M

(Private)

Beaver Springs Rd

RAUCH,
ROBERT
L

PORT
GENE
ELEC

PERSONAL SERVICES AGREEMENT

This PERSONAL SERVICES AGREEMENT (this “Agreement”) is made and entered into by and between the **City of Rainier** (the “City”), an Oregon municipal corporation, and **Cynthia Phillips** (“Contractor”).

RECITALS

A. The City is in need of **judicial services**, and Contractor is qualified and prepared to provide such services.

B. The purpose of this Agreement is to establish the services to be provided by Contractor and the compensation and terms for such services.

AGREEMENT

1. Engagement. The City hereby engages Contractor to provide services (“Services”) related to **Municipal Court Judge**, and Contractor accepts such engagement. The principal contact for Contractor shall be **Cynthia Phillips**.

2. Scope of Work. The duties and responsibilities of Contractor, including a schedule of performance, shall be as described in Attachment A attached hereto and incorporated herein by reference.

3. Term. This agreement shall commence once executed by both parties and shall continue subject to the Termination provision of Paragraph 10 of this Agreement.

4. Compensation. The terms of compensation for the initial term shall be as provided in Attachment A.

5. Payment.

5.1 The City agrees to pay Contractor for and in consideration of the faithful performance of the Services, and Contractor agrees to accept from the City as and for compensation for the faithful performance of the Services, the fees outlined in Attachment A, except that the fees shall include all travel, telephone expense, computer expense, and routine document copying. Contractor shall make and keep reasonable records of work performed pursuant to this Agreement and shall provide detailed monthly billings to the City. Following approval by the City Administrator, invoices shall be paid in full within thirty (30) days of receipt thereof. The City shall notify Contractor of any disputed amount within fifteen (15) days from receipt of the invoice, give reasons for the objection, and promptly pay the undisputed amount. Disputed amounts may be withheld without penalty or interest pending resolution of the dispute.

5.2 The City may suspend or withhold payments if Contractor fails to comply with requirements of this Agreement.

5.3 Contractor is engaged by the City as an independent contractor in accordance with the standards prescribed in ORS 670.600. Contractor shall not be entitled to any benefits that are provided by the City to City employees.

5.4 Any provision of this Agreement that is held by a court to create an obligation that violates the debt limitation provision of Article XI, Section 9 of the Oregon Constitution shall be void. The City's obligation to make payments under this Agreement is conditioned upon appropriation of funds pursuant to ORS 294.305 through 294.565.

6. Document Ownership. Upon acceptance of the Services and payment for such Services by the City, all work products, including, but not limited to, documents, drawings, papers, computer programs and photographs, performed or produced by Contractor for the benefit of the City under this Agreement shall become the property of the City. Any reuse or alteration of any work produced under this Agreement, except as contemplated herein, shall be at the City's sole risk.

7. Notices. All notices, bills and payments shall be made in writing and may be given by personal delivery or by mail. Notices, bills and payments sent by mail should be addressed as follows:

CITY: W. Scott Jorgensen, City Administrator
City of Rainier
PO Box 100
Rainier OR 97048

CONTRACTOR: Cynthia Phillips
[REDACTED]

When so addressed, such notices, bills and payments shall be deemed given upon deposit in the United States mail, postage-prepaid.

8. Standard of Care. Contractor shall comply with applicable standards of professional care in the performance of the Services. Contractor shall prepare materials and deliverables in accordance with generally accepted standards of professional practice for the intended use of the project.

9. Consequential Damages. Neither party shall be liable to the other for consequential damages, including, without limitation, loss of use or loss of profits incurred by one another or their subsidiaries or successors, regardless of whether such damages are caused by either party's breach of contract, willful misconduct, negligent act or omission, or other wrongful act.

10. Termination. The City may terminate this agreement with 10 days' written notice and Contractor may terminate this agreement with 60 days' written notice.

11. No Third-Party Rights. This Agreement shall not create any rights in or inure to the benefit of any parties other than the City and Contractor.

12. Modification. Any modification of the provisions of this Agreement shall be set forth in writing and signed by the parties.

13. Waiver. A waiver by a party of any breach by the other shall not be deemed to be a waiver of any subsequent breach.

14. Indemnification. Contractor is not an agent of the City, as that term is used in ORS 30.265. Contractor shall defend, indemnify and hold harmless the City and its officers, employees, elected officials, volunteers and agents from any and all claims for injury to any person or damage to property caused by the negligence or other wrongful acts, omissions, or willful misconduct of Contractor. Contractor shall not be responsible for claims caused by the negligence or other wrongful acts or omissions of the City or the City's officers, employees, or agents.

15. Governing Laws. This Agreement shall be governed by the laws of the State of Oregon. Venue shall be in the Circuit Court for Columbia County, Oregon.

16. Compliance with Law. Contractor shall comply with all applicable federal, state and local statutes, ordinances, administrative rules, regulations and other legal requirements in performance of this Agreement.

17. Confidentiality. Contractor shall maintain the confidentiality, both external and internal, of that confidential information to which it is exposed by reason of this Agreement. Contractor warrants that its employees assigned to this Agreement shall maintain necessary confidentiality.

18. Publicity. Contractor shall not use any data, pictures, or other representations of the City in its external advertising, marketing programs, or other promotional efforts except with prior specific written authorization from the City.

19. Succession. This Agreement shall inure to the benefit of and shall be binding upon each of the parties hereto and such parties' partners, successors, executors, administrators and assigns.

20. Assignment. This Agreement shall not be assigned by Contractor without the express written consent of the City. Contractor shall not assign Contractor's interest in this Agreement or enter into subcontracts for any part of the Services without the prior written consent of the City.

21. Default.

21.1 A party will be in default under this Agreement if that party fails to comply with any provision of this Agreement within ten (10) days after the other party gives written notice specifying the breach. If the breach specified in the notice cannot be completely cured within the ten (10)-day period, a default will not occur if the party receiving the notice diligently begins

curative action within the ten (10)-day period and proceeds to cure the breach as soon as practicable.

21.2 Notwithstanding Subsection 21.1, the City may declare a default immediately by written notice to Contractor if Contractor intentionally or repeatedly breaches material provisions of this Agreement or if Contractor's breach of contract creates unreasonable risk of injury to any person or damage to property.

21.3 If a default occurs, the party injured by the default may terminate this Agreement and enforce any remedies available under Oregon law. Litigation shall be conducted in the Circuit Court of the State of Oregon for Columbia County. Litigation initiated by the City must be authorized by the Rainier City Council.

22. Attorney Fees. If legal action is commenced in connection with this Agreement, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred herein at trial and on appeal.

23. Inspection and Audit by the City.

23.1 Services provided by Contractor and Contractor's performance data, financial records, and other similar documents and records of Contractor that pertain, or may pertain, to the Services under this Agreement shall be open for inspection by the City or its agents at any reasonable time during business hours. Upon request, copies of records or documents shall be provided to the City free of charge.

23.2 The City shall have the right to inspect and audit Contractor's financial records pertaining to the Services under this Agreement at any time during the term of this Agreement or within two (2) years following the termination of this Agreement.

23.3 This Section 23 is not intended to limit the right of the City to make inspections or audits as provided by law or administrative rule.

24. Entire Agreement. This Agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the Services described herein.

25. Severance. If any provision of this Agreement is held to be invalid, it will not affect the validity of any other provision. This Agreement will be construed as if the invalid provision had never been included.

IN WITNESS WHEREOF, the City has caused this Agreement to be executed in duplicate originals by its duly authorized undersigned agents, and Contractor has executed this Agreement on the date written below.

CITY:

CITY OF RAINIER

By: _____

Name: _____

Its: _____

Date: _____

CONTRACTOR:

Cynthia Phillips

By: _____

Name: _____

Its: _____

Date: _____

APPROVED AS TO FORM:

By: _____

City Attorney

ATTACHMENT A

SCOPE OF WORK

Upon execution of this contract by both parties, Ms. Phillips will provide judicial services to the City of Rainier consisting of the following:

- Preside in court at all times court is scheduled unless excused by prior written or oral permission from the City Administrator or designee (hereinafter “City Administrator”) for that particular court day;
- Be generally available, subject to reasonable notice, for meetings with the City Administrator pertaining to the conduct of the Court’s business, budget, performance evaluations, etc., as required by the City Administrator;
- Submit all requested reports pertaining to the functioning of the Courts as required by the City Administrator or the City Council, as requested; and
- Such other judicial functions as may be necessary or advisable under the circumstances.

EXPECTATIONS:

It is expected that Ms. Phillips will provide judicial services to the City of Rainier on mutually agreed upon and scheduled dates, generally from the hours of 8:30 a.m. to 5 p.m. (or later, as need be), except that Ms. Phillips will not be required to perform judicial services on any day designated as a city holiday. In lieu thereof, Ms. Phillips agrees to substitute another weekday during the affected month to perform judicial services. If additional time is needed, Ms. Phillips will provide sufficient time to conduct the Court’s business on a mutually agreed upon schedule.

COMPENSATION:

Ms. Phillips will provide such services as an independent contractor and not as an employee. She shall be entitled to receive \$50 per hour and \$25 per hour for travel time.

As an independent contractor, Ms. Phillips will not be entitled to any benefits generally provided to employees of City of Rainier, nor will she be entitled to any reimbursement for mileage or long distance calls but may be entitled to reimbursement for such costs for events such as continuing legal education for judges, upon requesting permission for such reimbursement in writing before the event and providing documentation of expense related to such reimbursement after the event, but only as agreed upon by the City Administrator in advance of the event. If such event falls on a Court day or if such event requires travel on a Court day, Ms. Phillips will be excused from presiding over the court on that day and will substitute another week day therefor at the Court day rate.

This contract shall not be deemed to prevent Ms. Phillips from entering into other or additional contracts not inconsistent with providing judicial services to City of Rainier.

Upon execution of this agreement by both parties, Ms. Phillips will perform such judicial services as are requested of her at the prices outlined above.

**BEFORE THE CITY COUNCIL OF
THE CITY OF RAINIER**

RESOLUTION #23-08-01

**A RESOLUTION OF SUPPORT FOR THE CITY'S DLCD 2023-25 HOUSING
PLANNING ASSISTANCE GRANT APPLICATION**

WHEREAS, there is much land within the City of Rainier's Urban Growth Boundary (UGB) that is unbuildable; and

WHEREAS, there is land outside of the UGB that is more suitable for future growth; and

WHEREAS, the City's Housing Committee and Planning Commission have both recommended that a land exchange be pursued; and

WHEREAS, City staff has applied for a Department of Land Conservation and Development (DLCD) 2023-25 Housing Planning Assistance grant to facilitate the land exchange process; and

WHEREAS, a resolution of support from council is required as part of the grant application;

NOW THEREFORE, IT IS HEREBY RESOLVED that the Rainier City Council pass this resolution in support of the City's application for the DLCD 2023-25 Housing Planning Assistance grant.

Passed and approved this 7th day of August, 2023.

Jerry Cole, Mayor

ATTESTED:

W. Scott Jorgensen
City Administrator

Attachment A

Scope of Services

City of Rainier, Oregon

Wastewater Collection System Master Plan

Rainier, Oregon is a community with an approximate population of 2,000 located in Northwest Oregon, near the Columbia River. The City of Rainier (City) owns manages its wastewater collection and treatment systems. The collection system is comprised of approximately 80,000 linear feet of gravity pipeline of 8-inches or larger, one pump station and approximately 2500 linear feet of force main. During the wet season, at times, the influent flows exceed the treatment plant's capacity and overflow, causing NPDES permit violations. Leeway Engineering Solutions (Leeway) has been providing support services to the City to identify and address sources of high wet weather flows in the collection system. This previous work focused on flow monitoring, fixing inflow sources identified by smoke testing, correcting GIS data for system mapping and developing an Inflow and Infiltration Reduction Plan.

The main objective of this Wastewater Collection System Master Plan will be to develop a 20-year Capital Improvement Program (CIP) for collections system improvements that incorporates projects proposed by the preceding Inflow and Infiltration Reduction Plan, inspection and replacement of structurally failing infrastructure and capacity improvements in the collection system. The 20-year planned CIP will come in the form of a schedule of prioritized and implementable projects, their objectives, and their estimated costs at planning level accuracy. This plan will not include improvements of the Wastewater Treatment Plant (WWTP), but will provide design flows that for incorporation into a separate WWTP Master Plan.

The following scope of services will be performed:

Phase 1. Program Management and Consultant Management

Objective: Provide and perform project administration and management activities, including coordination with project team, managing the scope, schedule and budget, reporting on project progress and invoicing work completed.

Activities: This phase including the following activities:

- Track and manage LW's project scope, schedule, and budget
- Prepare monthly progress reports to be submitted with invoices. Monthly progress reports will include task level budget status.
- Progress meetings
- Other activities specific to project, as applicable.

Deliverables: Progress updates, project status reports, and monthly invoices

Assumptions: This phase assumes the following:

- Project duration of 12 months
- Virtual check-in meetings, 1.0 hour per call

- Monthly invoices

Phase 2. Existing Data Collection and Review

Objective: This task will include gathering and reviewing existing information.

Activities: This phase including the following activities gathering and reviewing the following data sources:

- Previous reports and recommendations
- GIS data, including pump stations, gravity pipelines, laterals, junctions, storm inlets and storm drainage (if known), zoning, tax parcels with improvement value and land use, streets
- LiDAR derived elevation contours, if available.
- Water Master Plan – for population, growth projections, water use and industrial discharge records. GIS data representing spatial distribution of water use and growth projections, if available from the Water Master Plan.
- SSO event reports, including dates, locations and estimated volumes
- Pump station system curves, capacity, drawdown tests, run times during flow monitoring period
- CCTV reports, as available
- As-built records for major pipelines

Deliverables: Deliverables developed under this phase shall include:

- Data Request
- Inventory of Data Sources

Assumptions: This phase assumes the following:

- Leeway will have access to most up-to-date collection system GIS data and will not necessarily need to be provided.
- City does not have GIS. Any available GIS data will be obtained through the County and State of Oregon public sources.
- Water consumption will not be geocoded, but will be used for developing assumptions of water use rates per household

Phase 3. Basis of Collection System Planning

Objective: Describe the existing study area conditions, goals for the plan and description of the system.

Activities: This phase including the following activities:

- Define goals of the Collection System Master Plan
- Introduce terminology to be used throughout the plan
- Summarize applicable regulations
- Identify performance standards for the collection system, including design storm to be used for performance metrics

- Describe the planning area conditions, including population, anticipated growth rates, land use, wastewater uses. These conditions will be based on the assumptions made to develop the Water Master Plan. This plan may either refer to that document or simply summarize the conditions described in the Water Master Plan.
- Summarize the collection system pipe lengths, basins, and major pipelines, ranges of age of pipe.
- Coordinate with Treatment Plant planning team on overlapping performance standards, such as peak instantaneous flow rates.

Deliverables: Deliverables developed under this phase shall include:

- Plan Section 1. Introduction – Planning area, background information, goals, terminology
- Plan Section 2. Basis of Planning – Plan goals, collection system performance standards, characteristics, current population, anticipated population

Assumptions: This phase assumes the following:

- Goals of the project will primarily be to achieve regulatory compliance for the wastewater system, as a whole.
- Recent Water Master Plan will be used for development and population growth assumptions.

Phase 4. Hydraulic Model Development, Calibration and Design Flows

Objective: Develop calibrated hydraulic model to characterize the existing gravity collection system capacity, design flows, and capacity deficiencies

Activities: This phase including the following activities:

- Use the GIS collection system junctions and pipes data to develop a hydraulic network using InfoWorks ICM software.
- Identify critical areas to obtain pipe depth and verify recorded pipe diameters.
- Quality assurance of surface elevations in at least 10 locations between as-builts and LiDAR data. Determine an adjustment factor or sources' standard datum and apply an adjustment to the LiDAR, as deemed appropriate.
- Incorporate field measurements of pipe depths and diameters gathered by City staff throughout the conveyance network into the model.
- Service connections will be modeled using tools available in InfoWorks ICM.
- Develop dry weather flow rates and calibrate to data collected in the winter of 2021.
- Wet weather flows will be calibrated to four flow meter basins, as established through flow monitoring conducted in 2021.
- Future flow projections will be developed for the end of the first construction phase and again for the 20-year planning period.

- Develop and simulate dry weather base flows, wet weather design storm as defined in phase 3 for existing conditions and for future population growth, system expansion and system degradation.
- Document and discuss relative severity of RDII in each of the meter basins using extrapolated design-storm flows, peaking factors and RDII rates per inch-mile of upstream pipe for each of the meter basins.
- Update the costs per gallon removed based on the flow extrapolations simulated with a five-year frequency storm in the hydrodynamic model.
- Reference RDII report from previous work in the appendix which discusses in more depth the background, potential sources and recommended improvement priorities.

Deliverables: Deliverables developed under this phase shall include:

- Plan Section 3. Model Development and Calibration
- Plan Section 4. Collection System Design Flows and Conveyance Performance
- Workshop 1: Problem Characterization and Proposed approach to developing solutions. Workshop will incorporate findings from Phases 2-5.

Assumptions: This phase assumes the following:

- Flow monitoring collected in 2021 will be used in developing collection system model. No additional flow monitoring performed as part of this plan.
- Model will be calibrated to at least two storm events that occurred during the winter of 2021.
- Locations of gravity mains will be determined from previous findings with smoke testing and mapping efforts.
- 80,000 linear feet of gravity mainline pipe in the City
- Pipe elevations and diameters will be inferred between major junctions or known/recorded invert elevations.
- Manhole rim elevations, if not known from as-builts, will be estimated from LiDAR-derived elevations.
- City of Rainier staff will gather field measurements in coordination with Leeway. Leeway is not conducting field work for this phase.
- No formal survey will be conducted as part of this project.
- There are 1260 tax parcels with potential connections in the City service area
- Storm intensity for the 5-year frequency 24-hour duration will be derived from NOAA Atlas with a Soil Conservation Service (SCS) Type IA distribution.
- In order to better simulate saturated soil conditions, and as deemed appropriate by the planning engineer, a lower-intensity rainfall time series may precede the synthetic design storm.
- No additional rainfall or flow frequency analysis will be done for this project beyond the assumptions mentioned above.

Phase 5. Pump Station and Force Main Evaluation

Objective: Determine the condition, operation and capacity of the City's Rock pump station and its associated force main and recommend improvements or operations and maintenance strategies for the station and force main.

See attached Scope of Work from Grayling Engineers for detailed description, deliverables and assumptions of this phase.

Deliverables: Deliverables developed under this phase shall include:

- Plan Section 5. Pump Station and Force Main Evaluation Report

Phase 6. Alternatives Development and Evaluation

Objective: Evaluate flow reduction alternatives that align with a range of potential treatment capacity alternatives.

Activities: This phase including the following activities:

- Develop a baseline ongoing rehabilitation and replacement program to reduce risk of pipe failure and extend the life of the collection system where PACP structural condition ratings indicate necessity. Will include map and table of initial structural condition ratings from first year of CCTV inspections.
- Develop up to three alternative flow reduction scenarios that represent a range of feasible options. Flow reduction scenarios may include mainline-only rehabilitation, partial or full lateral rehabilitation, and/or target specific meter basins.
- Each alternative scenario will have a unique set of recommended capacity improvements based on the predicted flow reduction.
- Coordinate with treatment planning team to understand full range and correspondence to treatment plant scenarios.
- Estimate planning level costs for each alternative.
- Summarize costs, feasibility, benefits (i.e. flow reductions, extended pipe life, system reliability, etc.), operations and maintenance considerations associated with each alternative.
- Review alternatives with City, including making a recommendation. Final recommended plan may vary from recommendation based on feedback from the City.

Deliverables: Deliverables developed under this phase shall include:

- Plan Section 6. Collection System Alternatives Development and Evaluation
- Workshop 2. Alternatives Development and Evaluation

Assumptions: This phase assumes the following:

- Costs will be AACE Class 5 appropriate for planning level project definition.
- Costs of recommended improvements will be from the RDII appendix and not updated with this plan except for escalation, as appropriate.

- Up to 3 alternatives will be developed, in addition to a “do-nothing” baseline alternative.

Phase 7. Recommended Plan and Final Document

Objective: Describe elements, goals, sequence, schedule and cost of recommended improvements.

Activities: This phase including the following activities:

- For recommended or preferred alternative describe and map projects in achievable phases, with goals for each phase.
- Develop appropriate sequence of project phases based on meeting flow requirements at the treatment plant, project dependencies or funding strategies.
- Outline project schedule and costs
- Compile all sections into single report.

Deliverables: Deliverables developed under this phase shall include:

- Plan Section 7: Recommended Plan
- Workshop 3: Recommended Plan
- Compiled Collection System Master Plan Report

Assumptions: This phase assumes the following:

- Funding strategies not identified in this plan.

Schedule

| Milestone | Date |
|---|-------------------------------|
| Contract Execution | Friday May 5, 2023 |
| Phase 2. Existing Data Collection and Review | Thursday, June 1, 2023 |
| Phase 3. Basis of Collection System Planning | Tuesday, July 18, 2023 |
| Phase 4. Complete model hydraulics and QC | Wednesday, August 16, 2023 |
| Complete Model Calibration | Wednesday, September 13, 2023 |
| Develop flow projections | Friday, September 29, 2023 |
| Phase 5: Pump Station and Force Main Assessment and Recommendations | Friday, September 29, 2023 |
| Phase 6: Alternatives Development and Evaluation ¹ | Thursday, November 16, 2023 |
| Phase 7: Recommended Plan ¹ | Wednesday, January 31, 2024 |
| Complete Master Plan | Thursday, February 29, 2024 |
| Submit master plan to DEQ for Approval | Friday, March 29, 2024 |

Schedule notes and assumptions

1. Indicates milestone requiring touchpoint with WWTP plan.

Level of Effort Estimate

LW proposes to complete this work as detailed above on a time and expenses basis summarized on the attached Level of Effort estimate. This “not-to-exceed” amount is based on this scope of work and will not be exceeded without approval and written authorization by City of Rainier.

WASTEWATER COLLECTION SYSTEM MASTER PLAN
CITY OF RAINIER, OREGON
PROPOSED LEVEL OF EFFORT

| | LABOR CLASSIFICATION (HOURS) | | | | | | Estimated Fees | | | | | |
|--|---------------------------------------|------------------------------------|-------------------------------------|-----------------------------------|-------------------------------------|-------|----------------|--------------------|----------------------------------|---------------------------------|-----------|------------|
| | Principal Engineer RKL \$234.00 | Senior Engineer YMM \$187.00 | Project Engineer RDA \$172.00 | Staff Engineer SRD \$131.00 | Admin Specialist BLK \$100.00 | Hours | Labor | Subconsultants | Subconsultant Multiplier 1.05 | Subconsultant Total with Markup | Expenses | Total |
| | | | | | | | | Grayling Engineers | | | | |
| Phase 1 - Project Management | | | | | | | | | | | | |
| Project set up, track scope-budget-schedule, invoice for work completed, and attend project kickoff and coordination meetings, managing subconsultant services | 12 | 14 | 22 | 8 | 12 | 68 | \$ 11,458 | | 1.05 | \$ - | \$ - | \$ 11,458 |
| Phase 1 Subtotal | 12 | 14 | 22 | 8 | 12 | 68 | \$ 11,458 | \$ - | 1.05 | \$ - | \$ - | \$ 11,458 |
| Phase 2 - Existing Data Collection and Review | | | | | | | | | | | | |
| Data request and review | 2 | 4 | 4 | 16 | 0 | 26 | \$ 4,000 | | 1.05 | \$ - | \$ - | \$ 4,000 |
| Phase 2 Subtotal | 2 | 4 | 4 | 16 | 0 | 26 | \$ 4,000 | \$ - | 1.05 | \$ - | \$ - | \$ 4,000 |
| Phase 3 - Basis of Collection System Planning | | | | | | | | | 1.05 | | | |
| Define goals of plan, performance standards and design flow conditions, regulations, current and future population and land uses | 2 | 10 | 8 | 28 | 0 | 48 | \$ 7,382 | | 1.05 | \$ - | \$ - | \$ 7,382 |
| Describe collection system | 0 | 4 | 8 | 16 | 0 | 28 | \$ 4,220 | | 1.05 | \$ - | \$ - | \$ 4,220 |
| Plan Section 1 | 2 | 4 | 8 | 24 | 0 | 38 | \$ 5,736 | | 1.05 | \$ - | \$ - | \$ 5,736 |
| Plan Section 2 | 2 | 4 | 8 | 24 | 0 | 38 | \$ 5,736 | | 1.05 | \$ - | \$ - | \$ 5,736 |
| Phase 3 Subtotal | 6 | 22 | 32 | 92 | 0 | 152 | \$ 23,074 | \$ - | 1.05 | \$ - | \$ - | \$ 23,074 |
| Phase 4 - Hydraulic Model Development, Calibration and Design Flows | | | | | | | | | 1.05 | | | |
| Develop hydraulic network in model including incorporating field data and inference of elevations | 0 | 16 | 0 | 40 | 0 | 56 | \$ 8,232 | | 1.05 | \$ - | \$ - | \$ 8,232 |
| Quality assurance of key locations using as-built drawings or field-collected data | 0 | 0 | 8 | 16 | 0 | 24 | \$ 3,472 | | 1.05 | \$ - | \$ - | \$ 3,472 |
| Develop sanitary sewer connections and calibrate base flows | 0 | 8 | 8 | 32 | 0 | 48 | \$ 7,064 | | 1.05 | \$ - | \$ - | \$ 7,064 |
| Calibrate wet weather flows to two storms | 0 | 8 | 8 | 32 | 0 | 48 | \$ 7,064 | | 1.05 | \$ - | \$ - | \$ 7,064 |
| Design flows for existing conditions | 0 | 8 | 8 | 24 | 0 | 40 | \$ 6,016 | | 1.05 | \$ - | \$ - | \$ 6,016 |
| Future flow projections and future design flows | 0 | 8 | 8 | 16 | 0 | 32 | \$ 4,968 | | 1.05 | \$ - | \$ - | \$ 4,968 |
| Workshop 1. Problem Characterization and Approach to Developing Solutions including preparation | 4 | 0 | 0 | 0 | 0 | 4 | \$ 936 | | 1.05 | \$ - | \$ - | \$ 936 |
| Plan Section 3 | 2 | 4 | 8 | 24 | 0 | 38 | \$ 5,736 | | 1.05 | \$ - | \$ - | \$ 5,736 |
| Plan Section 4 | 2 | 4 | 8 | 24 | 0 | 38 | \$ 5,736 | | 1.05 | \$ - | \$ - | \$ 5,736 |
| Phase 4 Subtotal | 8 | 56 | 56 | 208 | 0 | 328 | \$ 49,224 | \$ - | 1.05 | \$ - | \$ - | \$ 49,224 |
| Phase 5 - Lift Station and Force Main Evaluation and Recommendations | | | | | | | | | 1.05 | \$ - | | |
| Phase management and oversight, including memo review, coordination with client on data collection and site visit, incorporating findings into plan | 0 | 8 | 8 | 8 | 0 | 24 | \$ 3,920 | \$ 3,520 | 1.05 | \$ 3,696 | \$ - | \$ 7,616 |
| Lift Station Assessment | 0 | 0 | 0 | 0 | 0 | 0 | \$ - | \$ 13,783 | 1.05 | \$ 14,472 | \$ - | \$ 14,472 |
| Plan section 5 - hours shown in lines above | 0 | 0 | 0 | 0 | 0 | 0 | \$ - | | 1.05 | \$ - | \$ - | \$ - |
| Task 5 Subtotal | 0 | 8 | 8 | 8 | 0 | 24 | \$ 3,920 | \$ 17,303 | 1.05 | \$ 18,168 | \$ - | \$ 22,088 |
| Phase 6 - Alternative Development and Evaluation | | | | | | | | | 1.05 | \$ - | \$ - | \$ - |
| Develop baseline rehabilitation and repair program, including map and table of conditions from first CCTV | 0 | 2 | 2 | 10 | 0 | 14 | \$ 2,028 | | 1.05 | \$ - | \$ - | \$ 2,028 |
| Develop 3 alternatives representing a range of feasible options for reducing flow and increasing capacity (if needed) | 8 | 10 | 10 | 16 | 0 | 44 | \$ 7,558 | | 1.05 | \$ - | \$ - | \$ 7,558 |
| Evaluate costs, feasibility, benefits and O&M considerations | 4 | 4 | 8 | 24 | 0 | 40 | \$ 6,204 | | 1.05 | \$ - | \$ - | \$ 6,204 |
| Alternative model simulations | 0 | 4 | 4 | 16 | 0 | 24 | \$ 3,532 | | 1.05 | \$ - | \$ - | \$ 3,532 |
| Workshop 2. Alternatives Evaluation and Recommendation | 4 | 8 | 32 | 32 | 0 | 76 | \$ 12,128 | | 1.05 | \$ - | \$ - | \$ 12,128 |
| Plan Section 6 | 0 | 8 | 12 | 28 | 0 | 48 | \$ 7,228 | | 1.05 | \$ - | \$ - | \$ 7,228 |
| Task 6 Subtotal | 16 | 36 | 68 | 126 | 0 | 246 | \$ 38,678 | \$ - | 1.05 | \$ - | \$ - | \$ 38,678 |
| Phase 7 - Recommended Plan and Final Document | | | | | | | | | 1.05 | \$ - | \$ - | \$ - |
| Summarize recommended plan phases and sequence | 8 | 4 | 16 | 4 | 0 | 32 | \$ 5,896 | | 1.05 | \$ - | \$ - | \$ 5,896 |
| Develop schedule | 4 | 0 | 16 | 0 | 0 | 20 | \$ 3,688 | | 1.05 | \$ - | \$ - | \$ 3,688 |
| Plan Section 7 and Compile final report | 8 | 4 | 16 | 32 | 8 | 68 | \$ 10,364 | | 1.05 | \$ - | \$ 220 | \$ 10,584 |
| Task 7 Subtotal | 20 | 8 | 48 | 36 | 8 | 120 | \$ 19,948 | \$ - | 1.05 | \$ - | \$ 220.00 | \$ 20,168 |
| TOTAL - ALL PHASES | 64 | 148 | 238 | 494 | 20 | 964 | \$ 150,302 | \$ 17,303 | | \$ 18,168 | \$ 220 | \$ 168,690 |

ORDINANCE NO. 1092

AN ORDINANCE OF THE CITY OF RAINIER TO ALLOW FOR THE REGULATION OF VEHICLES FOR HIRE

5.60.005 Purpose.

The purpose of this chapter is to provide for and promote the safety and welfare of the general public by regulating vehicles for hire within the City of Rainier, as authorized by ORS 221.485 and 221.495. Nothing contained in this chapter is intended or shall be construed to create any liability on the part of the City or its employees for any injury or damage related to any provision of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City or its employees.

5.60.010 Definitions.

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

B. **Driver** means any individual natural person who operates a vehicle for hire within the City.

C. **Person** means any individual natural person, partnership, corporation, unincorporated association or other entity.

D. **Vehicle for hire** means any vehicle used for the ground transportation of passengers for compensation within the City, including taxis and transportation networking company (TNC) vehicles, as well as animal-drawn vehicles and vehicles powered by humans, including but not limited to vehicles such as pedi-cabs. The following motor vehicles are excluded from the definition of vehicles for hire and are exempt from this chapter:

1. School buses operated to transport students;
2. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons;
3. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, rental offices, retirement homes and the like;
4. Vehicles used to provide ambulance service.

E. **Taxi company** means any person or entity operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, or leased, or owned by individual members of an entity. Taxi companies do not include TNCs.

F. Transportation network company or TNC means a company or other entity that exclusively uses an Internet-enabled platform or application to connect passengers with vehicles for hire and/or TNC drivers.

5.60.020 Driver Requirements.

A. All drivers shall be at least 21 years of age and shall possess a valid driver's license, proof of motor vehicle registration and proof of current automobile liability insurance that meets the requirements of this chapter and state law.

B. Every taxi company or TNC shall maintain accurate, current records for all drivers employed by, contracting with or affiliated with the company, including all drivers accessing a company's digital network to operate in the City. The records shall include the driver's name, date of birth, address, social security number, criminal background check results, driver's license information, motor vehicle registration and automobile insurance. These records will be made available to the City promptly on request.

C. Prior to permitting a person to operate as a driver, and annually thereafter, the tax company or TNC shall conduct, or have a qualified third party conduct, a criminal background check. The criminal background check shall include a search of no less than seven years of database history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state and national criminal history databases and all accessible sex offender registries. Any person who is on a sex offender registry or has a record of a felony conviction within the previous seven years may not act as a driver. A record of conviction of any of the following within the previous seven years will also disqualify a person from acting as a driver: crimes involving driving under the influence of alcohol or controlled substances, sexual offenses or crimes involving physical harm or attempted physical harm to a person. The company or its agent shall maintain records of criminal background checks for a period of at least two years. For purposes of this section, the term "conviction" includes convictions, bail forfeitures and other final adverse findings.

D. A tax company or TNC must revoke a driver's authority to operate as a driver for their company if it finds at any time that the standards set forth in this section are no longer being met by the driver. The company shall only reinstate a driver upon a finding by the company that all standards are again being met by the driver.

E. Notwithstanding the standards of this section, upon application by a taxi company or TNC, the Chief of Police has authority to allow a person to act as a driver if the Chief determines public safety would not be compromised.

5.60.030 Insurance Requirements.

A. For all required insurance, taxi companies and TNCs shall provide certificates of insurance naming the City, its officers, agents and employees as additional insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires or has any reduction in coverage.

B. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

C. The insurance limits for both TNCs and taxi companies are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term, other statutory changes or other changes deemed necessary by the City.

D. Every tax company and TNC shall maintain continuous, uninterrupted coverage for the duration of any operations in the City. Any lapse in insurance coverage, even if later backdated by the insurance company, is a violation of this chapter.

E. Both tax companies and TNCs shall secure and maintain commercial general liability insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

F. Taxi companies operating any motor vehicle shall secure and maintain commercial automobile liability insurance covering those vehicles, with a combined single limit of not less than \$1,000,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

G. TNC Service Periods Defined.

1. Period 1: The TNC driver has logged into the app or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger. For example, the app is open and the driver is waiting for a match.

2. Period 2: A passenger match has been accepted, but the passenger is not yet picked up (for example, the driver is on the way to pick up the passenger).

3. Period 3: The passenger is in the vehicle.

H. Upon City request, TNCs shall provide proof of current, valid insurance covering all affiliated TNC drivers and vehicles for hire operating for such company and satisfying the minimum requirements of Periods 1, 2 and 3.

I. All TNCs shall maintain and provide the City with proof of the following automobile liability coverages:

1. Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage, plus any other state compulsory coverage.
2. Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1,000,000 in combined single limit coverage for death, personal injury and property damage per incident; and \$1,000,000 in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.
3. The required automobile liability insurance shall specifically recognize the driver's provision of TNC and vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.

J. TNC drivers shall be responsible for maintaining all personal automobile liability insurance required by State law.

5.60.040 Operational Requirements.

A. TNCs shall maintain records of all trips made by all drivers for at least one year from the date of the trip.

B. All vehicles operating for taxi companies shall be clearly marked as such and shall include the taxi company name, phone number and a vehicle identification number in plain sight.

C. TNCs may not accept street hails and may only accept rides arranged through a TNC's digital network.

D. Taxi companies and TNCs shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or affiliated with the company while providing vehicle for hire services. Companies shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violations of policy. A company shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy, for at least the duration of the investigation of the complaint.

E. Taxi companies and TNCs must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices, and must comply with all applicable requirements of the Americans with Disabilities Act.

5.60.050 Audit.

The City may audit taxi company and TNC records once per calendar year to review compliance with this chapter. An audit shall occur at a time and location designated by the City. In addition to an audit, the City may require a company to produce records related to an investigation of a specific allegation of a violation of this Code or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the once-per-year auditing limit.

5.60.060 Penalties.

A. A violation of this chapter is a Class A civil infraction.

5.60.070 Enforcement.

The City has the administrative authority to implement and enforce this chapter, including adoption of rules, regulations or policies. This provision shall not be construed to abrogate or limit the jurisdiction or authority of the Rainier Police Department or any law enforcement agency.

Passed by the City of Rainier council and approved by the mayor on the ____ date of ____, 2023.

Attested:

BY: _____

Jerry Cole, Mayor

BY: _____

Scott Jorgensen, City Administrator

City Administrator Report
August 7, 2023 Rainier Council Meeting

Mayor Cole and Members of the Council,

Welcome back! I hope everyone is enjoying their summer so far.

On June 2, Sue and I did the city's annual insurance renewal with Chad Womack. I met with Ree Armitage from U.S. Senator Ron Wyden's office June 6 about a new federal stormwater grant program.

A meeting was conducted June 12 between myself, Councilor Scott Cooper and Christina Ishii about potential improvements that could be made to the city's website.

I applied for a Housing Planning Assistance grant through the Department of Land Conservation and Development June 14 to fund a consultant to facilitate the possible Urban Growth Boundary land swap. That same day, I assisted the Department of Administrative Services with their review of the Fox Creek Feasibility Study grant.

Mayor Cole and I appeared on Setting the Record Straight with Melinda Bernert on KOHI radio to discuss issues surrounding homelessness.

Council President Mike Kreger and I toured the veterans memorials in Columbia City and Clatskanie on June 29.

On July 6, I met with officials from the Department of State Lands about the abandoned and derelict vessels program being developed by that agency.

I attended a ribbon cutting ceremony July 12 for In Harmony and another one two days later for Birdie's Divine Delights.

Col-Pac and the Northwest Area Commission on Transportation met on July 13, and I attended both meetings.

On July 14, I met with Interim Columbia County District Attorney Colin Benson. Four days later, I put together contracts for the public works department and attended a meeting about developing a brochure to market industrial properties in the area.

I attended a July 21 Col-Pac meeting to discuss the hiring process for that organization's new executive director.

Finally, I submitted the grant application July 26 to fund the updating of the city's Transportation System Plan.

Sincerely,

W. Scott Jorgensen, Executive MPA
City Administrator