

**City of Rainier
Planning Commission Meeting
January 13, 2021
6 p.m.
Rainier City Hall**

Chair Erin O'Connell called the meeting to order at 6:02 p.m.

Commissioners Present: Erin O'Connell, Paul Langner and Dena Nordstrom

Commissioners Absent: None

City Staff Present: City Recorder Sarah Blodgett, City Administrator W. Scott Jorgensen and Planner Keshia Owens

Visitors Present: Dan Leno, Councilor Connie Budge, Mayor Jerry Cole

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

Consider Approval of the Consent Agenda:

Consider Approval of the December 16, 2020 Regular Planning Commission Meeting Minutes—Commissioner Paul Langner moved to approve the consent agenda. That motion was seconded by Commissioner Dena Nordstrom and adopted unanimously.

4. New Business:

- a. Swearing in Commissioner Nina Phillips—Phillips was sworn in by Mayor Jerry Cole.
- b. Selection of Vice Chair—Chair Erin O'Connell said it may become necessary to have a vice chair in case she is ever unable to attend a meeting. Nordstrom said she would be willing to serve in that role. Langner moved to appoint Nordstrom as the commission's vice chair. That motion was seconded by Nordstrom and adopted unanimously.
- c. Planning Commission Webpage—City Administrator W. Scott Jorgensen explained that he's been working to add more information to the city's website. Bios and headshots of councilors are now included, and he was wondering if the commissioners would be interested in having theirs put on there as well, along with key documents like the Transportation System Plan, Comprehensive Plan and Urban Growth Boundary maps. O'Connell said it's important for the city's citizens to know who is making decisions on their behalf. Langer said he supports adding that information to the website. Commissioners agreed by consensus.

- d. Parks Committee Liaison Position—Jorgensen said that council had a discussion about forming a Parks Committee. Council will have a liaison to the committee and wanted representation from the commission because planning issues will probably come up at some point. O’Connell asked what the committee would be working on. Jorgensen said there are some city properties that could be used for amenities such as a dog park, splash park and bike park. The city is looking to add some trails and connect them. He and Mayor Cole have spoken about possibly expanding the disc golf course from nine to 18 holes. The city also has an RV park property, but private parties have expressed interest in developing their property into one. If that happens, the city may want to do something else with its RV park property. He did a site visit and couldn’t come up with anything but maybe the committee could. O’Connell spoke fondly about her experience in helping to develop the pocket park on C Street and how it enhanced the neighborhood. Commissioners Phillips and Langner indicated they wouldn’t be able to commit to attending regular meetings. O’Connell said she is supportive of the idea but acknowledged that no current commissioners would be able to hold a dedicated position on the committee. Commissioners agreed by consensus that there would be no dedicated member on the Parks Committee but that a position would be held for one on an as-needed basis.
- e. Ordinance 1078-Establishing Business License Regulations for Food Carts—O’Connell said the draft incorporated most of what the planning commission had discussed. Jorgensen said it was based on a model ordinance, one from the City of Scappoose and input from the commission and the city attorney. He wanted the commission’s input on the draft so he can make edits and get it back to council. Langner wants to see “food cart” defined. Phillips had some questions about restroom requirements. She said that in Astoria, restrooms are a few blocks away from the food cart pods. O’Connell said that OSHA had guidelines for providing sanitary facilities for employees. Budge’s concerns involved consistency with nuisance abatement ordinances, zoning requirements and the city’s comprehensive plan.
- f. Comprehensive Plan—Langner suggested that the commission work on a couple of the plan goals every meeting. It should focus on the first two at its February meeting. Jorgensen said that O’Connell had provided him with maps of the city’s Urban Growth Boundary. That could also be discussed February.

O’Connell adjourned the meeting at 7:13 p.m.

Erin O’Connell, Chair

Sarah Blodgett, City Recorder

Scott Jorgensen

From: Paul Langner <plangner@teevinbros.com>
Sent: Wednesday, January 27, 2021 11:57 AM
Cc: Sarah Blodgett; Scott Jorgensen; econ1177@hotmail.com
Subject: Planning Commission - Comp plan Update -
Attachments: DOC012721-01272021123208.pdf

Here are Pauls few comments on the first three chapters of the Comp Plan.

I will preface these and future comments on the Comprehensive Plan with, "I do not particularly care for the language and writing style used throughout the plan. I find much of it awkward and verbose. That said, I do not aspire to the grammar police academy and I can live with most of the phraseology. I do not see this update as the time to compose a comprehensive plan worthy of Shakespeare."

So, my comments....

Goal 1. Policies. Paragraph 2. I have no idea what this means or why it is in here (well I do, but the language is just goofy). Perhaps just the last sentence is required?

Goal 2. This is fairly boiler plate from DLCD I would suggest the following edits:

Goal 2. Policies. Paragraph 5 . Just calling out that we have not followed our own rules,

Goal 2. Policies. Paragraph 6 . See titles, name changes, and service provider changes. Question about the reciprocity with the Longview-Kelso Council of Governments participation.

Goal 2. Policies. Paragraph 7 . Definitions - Light Industrial and Heavy Industrial - the comment on what can occur where, perhaps we need to add the words, "...with a Conditional Use Permit."

Goal 2. Policies. Paragraph 7 . (page 4) The waterfront mixed use designation is inconsistent with many other jurisdictions ...perhaps this should be an overlay and not a designation?

Goal 3. No comments

pwl

**RAINIER COMPREHENSIVE PLAN POLICIES
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RAINIER COMPREHENSIVE PLAN POLICIES

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. *AWKWARD*
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.

RAINIER COMPREHENSIVE PLAN POLICIES

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.

RAINIER COMPREHENSIVE PLAN POLICIES

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~~ COLUMBIA COUNTY
 - 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~~)
BUSINESS ORIGIN
 - 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 CLATSkanie PUD
 - g. ~~Rainier Rural Fire District and Rainier City Police Department~~
COLUMBIA RIVER FIRE RESCUE
7. The Comprehensive Plan Map and the Zoning Map will reflect the plan policies and apply land use categories in the following manner:

Residential - R. This designation is intended to provide for lower density housing. This designation will be implemented by the following zoning districts:

Suburban Residential (SR) District: a very low density single family residential zone for areas with steeper slopes and other site constraints and which has a minimum lot size of 2 acres;

Low Density Residential (R-1) District: a single family residential zone that allows two family dwellings as conditional uses, with minimum lot sizes of 10,000 square feet for single family and 15,000 square feet for two-family; and

Medium Density (R-2) District: a single family and two-family zone with a minimum lot size of 6,000 square feet for a single family dwelling and 7,000 square feet for a two-family dwelling.

RAINIER COMPREHENSIVE PLAN POLICIES

Higher Density Residential -- HDR: This designation allows a higher density of residential development than is permitted under the R designation.

This designation will be implemented by the High Density Residential (R-3) District. This district allows the establishment of multiple family dwellings and, as conditional uses, professional office and limited retail services.

Manufactured Home Park (MHP): This designation allows for the development of a residential manufactured home park in an area determined by the City Council through a zone change, and as per the provisions of Zoning Code Section 3.12 Manufactured Home Park Zone (MHP).

Commercial - C. This designation provides for the establishment of a wide range of commercial enterprises. Three zoning districts will be used to implement this designation:

Neighborhood Commercial (C-1): allows a limited range of local oriented retail and services.

General Commercial District (C-2): allows a wide range of general commercial uses.

Waterfront Commercial (WC): allows establishment of general commercial activities, water oriented commercial activities and limited marine light industrial activities.

Central Business District (CBD): allows mixed uses including a limited range of attached housing, retail, service and office commercial, and public recreational uses in a well-designed, pedestrian-oriented manner so as to promote a vital downtown Rainier.

Light Industrial - LI. This designation is intended to allow the development of light industry within the Rainier UGB. The zoning district which implements this designation is the Light Industrial District (M-1).

Heavy Industrial - HI. This designation is intended to allow the development of heavy industry within the Rainier UGB. The City expects that most of this heavy industry will be located to take advantage of the access to a deep water channel.

The Heavy Industrial District (M-2) will be the primary district to implement this designation. However, the Light Industrial District (M-1) is also allowed. *with COP?*

Waterfront Mixed Use - WM. This designation is intended to allow the development of a mix of multi-family and attached single family housing and commercial uses. The zoning district which implements this designation is the Waterfront Mixed Use District (WM). *Perhaps overlay?*

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

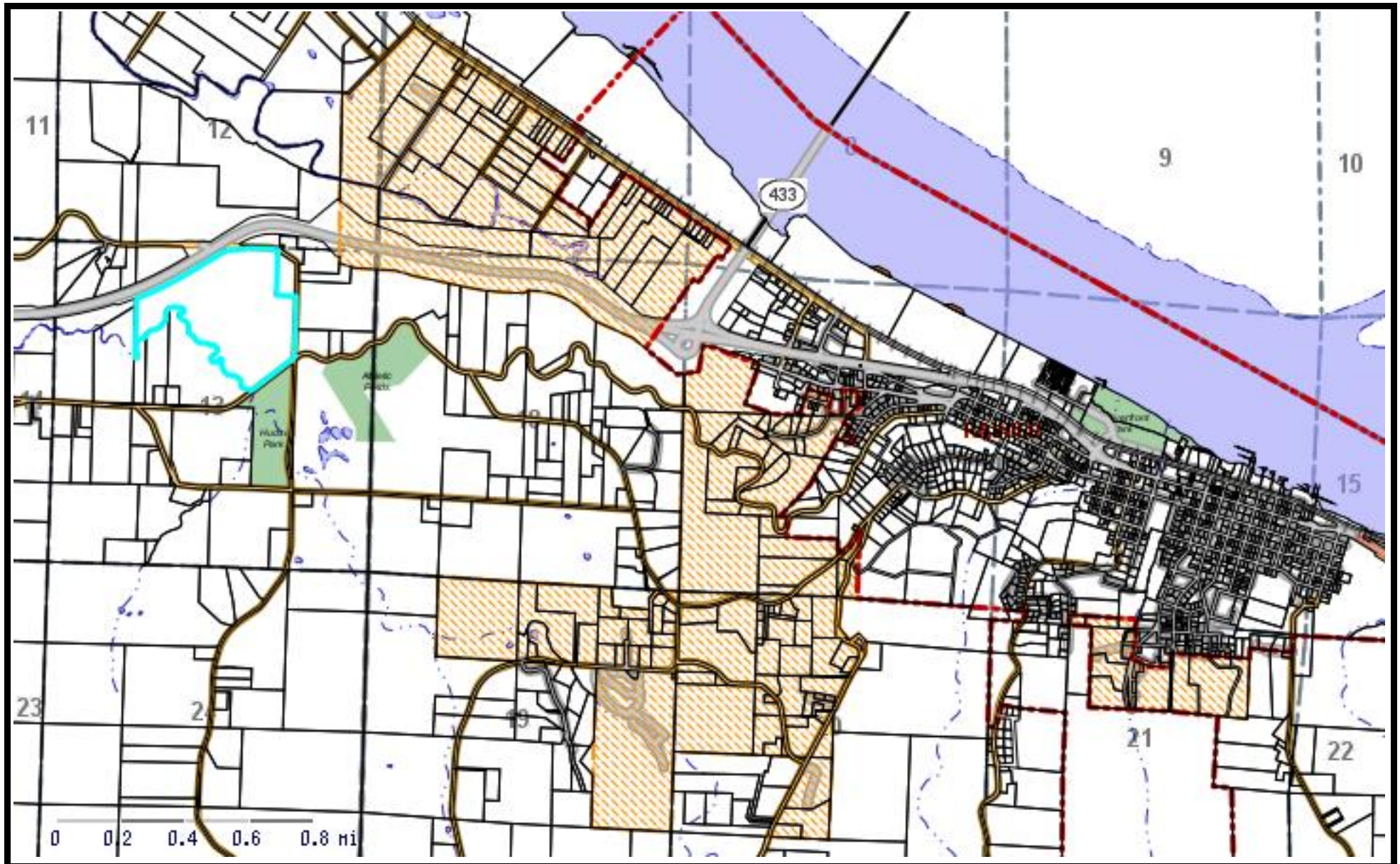
FINDINGS:

1. Agricultural land (Soils Classes II -IV) exists within the Urban Growth Boundary and small scale agricultural uses continue.
2. Agricultural land within the UGB ultimately will be needed for urban uses, and urbanization will take place as utilities are extended and annexation to the City of Rainier occurs.

POLICIES:

1. Future expansion of the Rainier Urban Growth Boundary (UGB) shall consider the Soil Conservation Service (SCS) soil classification system, and shall include Class I -IV agricultural lands only after other suitable alternatives have been exhausted.
2. Lands within the UGB are planned for ultimate urban development. However, existing agricultural uses within the UGB should be encouraged as productive open space until public facilities are available and the land is needed for orderly urban growth.
3. Farm tax deferral shall be available for properties within the UGB consistent with state statutes. The City shall support and encourage the transition of land use from agriculture to urban development when public facilities are available to support urban uses and densities.

Rainier UGB



Columbia County



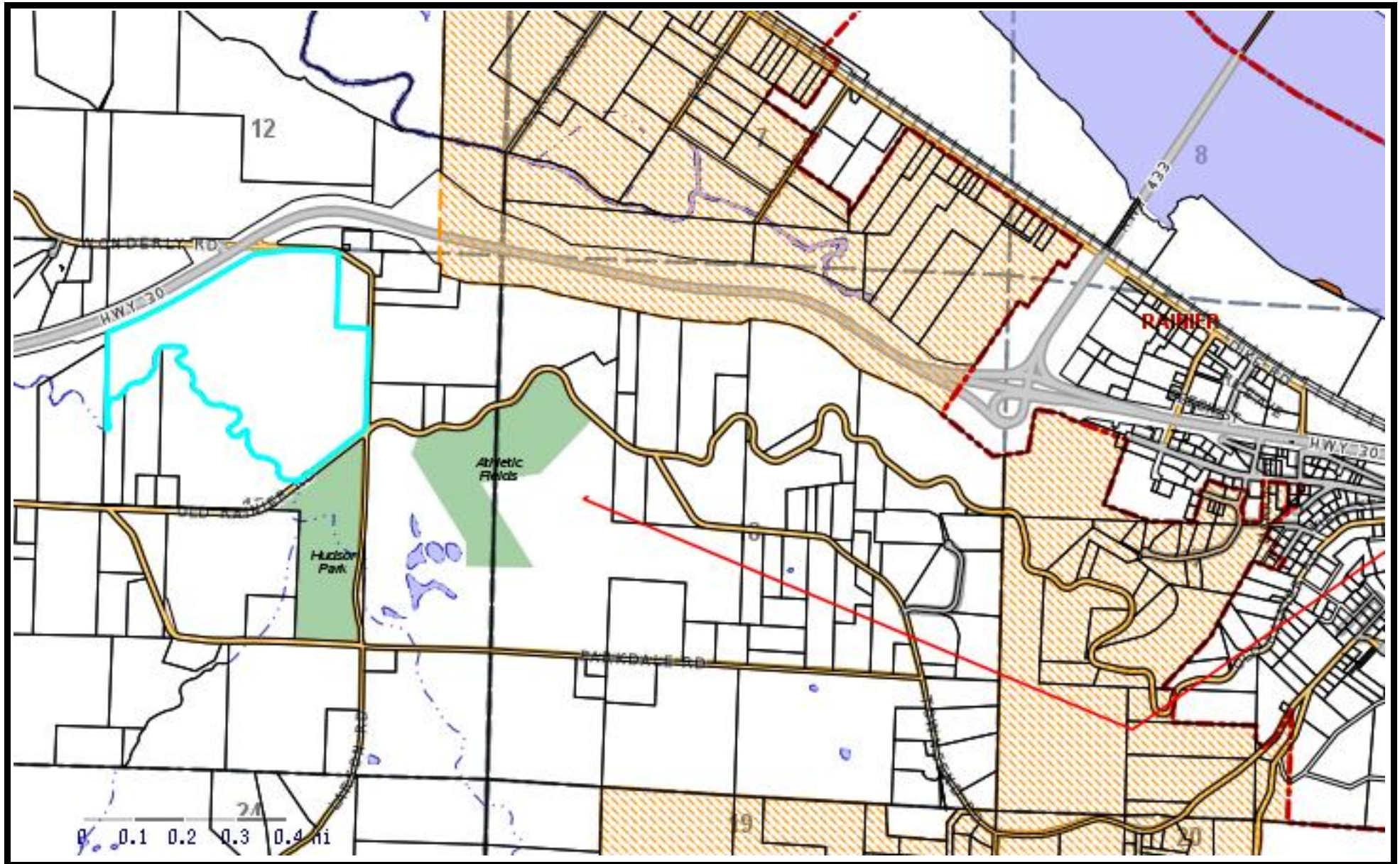
Columbia County Web Maps

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Rainier UGB 2



Columbia County



Columbia County Web Maps

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ORDINANCE NO. 1078

AN ORDINANCE OF THE CITY OF RAINIER ESTABLISHING BUSINESS LICENSE REGULATIONS FOR FOOD CARTS

**NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF RAINIER
ORDINANCE AS FOLLOWS:**

WHEREAS, the City desires to allow the legal operation of mobile food vending;

WHEREAS, the City seeks to protect public health and safety by ensuring mobile food vendors follow clear rules and regulations that address demonstrable risks;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
RAINIER AS FOLLOWS:**

SECTION 1. DEFINITIONS

- A. “Mobile food units” are defined in OAR 333-150-0000 as “any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted of which is used in selling and dispensing food to the ultimate consumer.”
- B. The term “food cart” will be used interchangeably with “mobile food unit.”
- C. “Food cart pod” refers to a site containing one or more food carts and associated amenities on private property.

SECTION 2. APPLICABILITY AND EXEMPTIONS

- A. This chapter is not applicable to temporary uses which are permitted through the City’s Temporary Use Permit procedures.
- B. The provisions of this chapter apply to all food carts within the City, whether it is a single food cart, or multiple carts in a pod.
- C. Food carts are not permitted to travel to different sites throughout the City and shall be allowed through an approved permit issued in conformance with this chapter.
- D. Exemptions. The following are exempt:
 - 1. Locations where food carts are stored when not in operation are exempt from the provisions of this section; however, the storage of commercial vehicles or trailers may be subject to other requirements of the Rainier Municipal Code.

2. Food carts that are operated as allowed under a special permit for festivals, fairs and events.

SECTION 3. FOOD CART POD STANDARDS. A property containing one or more food carts shall be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the site plan may be stored on the property. The following standards apply to food cart pod sites:

- A. Zoning. Food cart pods are not permitted in special flood hazard areas or in residential zones but are permitted in zones that allow for eating and drinking establishments either outright or through conditional use approval.
- B. Accessory Items and Structures. Trash and recycling receptacles for customer use shall be maintained no more than ten feet from food carts, at a rate of one trash and one recycling receptacle for every two food carts. Portable accessory items, such as picnic tables, are permitted.
- C. Applicability with Other City Ordinances. Any food cart licensed by the City must also abide by any and all other existing sections of the Rainier Municipal Code, including but not limited to Title 18 pertaining to Zoning, Title 18.110 pertaining to Signs and Title 18.15 pertaining to Nuisances.
- D. Utilities. To the extent that utilities are desired by the applicant or required by applicable regulations, food carts shall have self-contained utilities, or in on-site utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company.
- E. Sanitation Facilities. Food cart pods shall ensure the availability of a restroom with hand washing facilities meeting the provisions of OAR 33-150-0000 for employees and customers. Portable restrooms and portable handwashing facilities are not permitted, unless the portable handwashing facilities provide hot running water meeting the provisions of OAR 33-150-0000. If portable restrooms and portable handwashing facilities are provided, they shall be screened from view with fencing or a solid vegetative screen, or a combination of the two, provided that the portable facilities are not visible from neighboring properties or public rights-of-way. The restrooms must either be on-site, within one-quarter mile or within five minutes walking distance and be available during the carts' hours of operation. Applicants shall provide the City with documentation that restrooms are available via the owner's written permission for the utilization of facilities in an existing building.
- F. Sewage Disposal. Subsurface sewage disposal is prohibited.

SECTION 4. FOOD CART STANDARDS. The following standards apply to each food cart on the site:

- A. Attachments. Attachments to the food cart, such as awnings or canopies, are permitted only if they are supported entirely by the cart and do not touch the ground. Neither the food cart nor any item relating to the cart shall lean against or hang from any structure or utility pole. No structure shall be attached to the food cart.

- B. Accessory Storage. Except as specifically allowed under Section 3 (B), items relating to the food cart shall be stored in, on or under the cart in an orderly manner, or out of sight.
- C. Interior Seating or Vending. Customer seating or vending inside a food cart is prohibited.
- D. Length of Cart. Food carts shall not exceed 26 feet in length.
- E. Carts and their accessory items shall be kept in good repair and maintained in a safe and clean condition.
- F. The following health and sanitation standards shall apply:
 - 1. Applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. If the applicant intends to contract with a third party for wastewater/graywater disposal, a copy of the contract must be provided to the City within 15 days of receiving a permit.
 - 2. Non-stormwater discharges to the City's stormwater system are prohibited.
- G. Drive-Thru Service. Food carts shall not provide drive-thru service.
- H. Other Licenses/Approvals Required. Beside meeting the requirements of this chapter, the operator of a food cart must have an active City business license, must comply with the current edition of the International Fire Code for Mobile Food Carts and receive an annual Fire District inspection and approval, and must receive approval and comply with the permit requirements of Columbia County Environmental Health Department.

SECTION 5. FOOD CART POD MODIFICATION. An application for a food cart pod modification shall be required when any of the following thresholds apply:

- A. Thresholds:
 - 1. Modification to an approved food cart pod site layout or design, which does not increase the number of food carts permitted on the site.
 - 2. Additions of non-permanent amenities to an approved food cart pod, such as but not limited to: picnic tables, awnings and landscaping.

SECTION 6. SUBMITTAL REQUIREMENTS. An application for a Food Cart pod Permit shall include the following:

- A. A completed application, including the property owners' signature, on a form provided by the City;

- B. Proof of business liability insurance;
- C. Proposed hours of operation, and
- D. A site plan of the subject property drawn to scale and including:
 - 1. The lot lines,
 - 2. The location of existing structures,
 - 3. The proposed boundaries of the food cart pod. Within the boundaries of the food cart pod, the location of all food carts, seating areas and any accessory items or structures,
 - 4. The proposed distance between the food cart pod and adjacent lot lines, as well as the proposed separation distance between individual carts and other on-site structures,
 - 5. The type and location of any proposed on-site utility connections for food carts,
 - 6. The number and location of food carts on site and individual square footage and length of each cart,
 - 7. Pictures or architectural elevations of proposed food cart (s),
 - 8. The location of existing and proposed loading areas, driveways, on-site circulation drives, parking lots aisles, parking lot lighting, bicycle and automotive parking spaces, and walkways,
 - 9. The orientation of service windows and doors on the food carts and location of customer queuing areas,
 - 10. The location of existing and proposed landscaping,
 - 11. The dimension, height and location of proposed signs,
 - 12. Proof of the availability of restroom facilities for employees and customers that meet the requirements of OAR Chapter 333-150-0000,
 - 13. The method for disposing of wastewater and gray water,
 - 14. Written verification of approval by Columbia County Health Department,
 - 15. Written verification of approval by Columbia River Fire and Rescue,
 - 16. A traffic generation memo,
 - 17. A statement indicating any source of noise to be generated on the property and the method of mitigating the noise, and
 - 18. Any additional information that may be required by the City to properly evaluate the proposed site plan.

SECTION 7. CONDITIONS OF APPROVAL. The City may impose conditions upon the approval of a Food Cart Pod permit to ensure compliance with the requirements of this chapter, and other applicable chapters of its municipal code, and to minimize adverse impacts created by the use on surrounding property and uses. These conditions may include, but are not limited to, the following:

- A. Limiting the hours, days, place and manner of operation;
- B. Requiring site and building design features which minimize environmental impacts such as noise, glare and odor;
- C. Requiring additional building setbacks;

- D. Further limiting the building area and outdoor storage used by the food cart pod and restricting the location of the use on the site in relationship to adjoining uses;
- E. Designating the size, number, location and design of vehicle access points;
- F. Requiring landscaping, buffering, and/or screening, of the food cart pod from adjoining uses and establishing standards for the continued maintenance of these improvements;
- G. Requiring storm draining improvements, and surfacing of parking and loading areas;
- H. Limiting or setting standards for the location and intensity of outdoor lighting;
- I. Requiring and designating the size, height and location of fences and other materials used for their construction;
- J. Requiring the protection and preservation of existing trees and other vegetation, watercourses, slopes, wildlife habitat areas and drainage areas;
- K. Limiting the type and number of vehicles or equipment to be parked or stored on the site;
- L. Any other limitations which the City considers to be necessary or desirable to make the use comply with this section; and
- M. Any limitations or conditions imposed by the City's service providers or Columbia River Fire and Rescue.

SECTION 8. APPROVAL PERIOD. A Food Cart Pod Permit approval is valid for one year from the date of the final written decision. At the end of the one-year period, the applicant may apply for another one-year permit by filing a new application.

SECTION 9. GROUNDS FOR REVOCATION. The City may:

- A. Revoke a Food Cart Pod Permit approval if the conditions of approval have not been or are not being complied with and the food cart pod is being conducted in a manner contrary to this chapter.
- B. The City and its staff shall approve the use as it exists, revoke the Food Cart Pod Permit or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this section after reviewing any complaints. Complaints may be originated by the City or the public. Complaints from the public shall clearly state the objection to the food cart pod, such as:
 - 1. Generation of excessive traffic;
 - 2. Generation of excessive noise or litter;
 - 3. Other offensive activities not compatible with the surrounding area.

C. Waiting Period for Reapplication. When a Food Cart Pod Permit has been revoked due to violation of these standards, a minimum period of one year shall elapse before another application for a food cart pod on the subject parcel will be considered.

D. The Food Cart Pod Permit owner may appeal the City staff decision to the City Council.

BY: _____

Jerry Cole, Mayor

ATTEST:

BY: _____

Scott Jorgensen, City Administrator