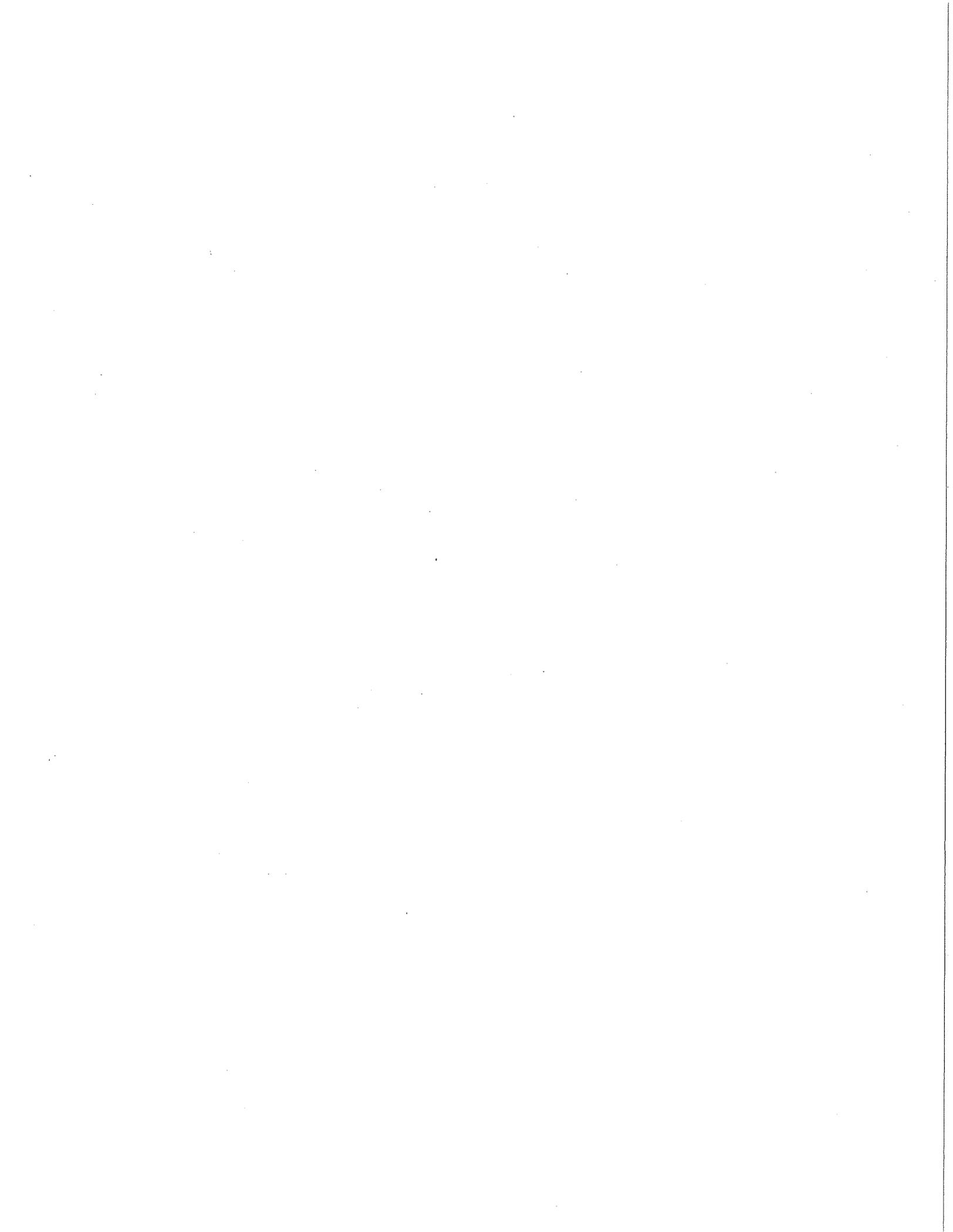


**CITY OF CASCADE LOCKS  
PLANNING COMMISSION  
AGENDA**

Thursday, September 11, 2014 at 7:00 PM  
City Hall

- I. Call Meeting to Order.
  
- II. Approval of August 14, 2014 Minutes.
  
- III. Citizen Comments.
  
- IV. New Business:
  - a. Stan Foster – Report on sidewalk issue.
  
- V. Adjournment.

**The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for person with disabilities, should be made at least 48 hours in advance of the meeting by contacting the City of Cascade Locks office at 541-374-8484.**



- I. Call Meeting to Order. Chair Cramblett called the meeting to order at 7:00 PM. Planning Commission Members present were Gyda Haight, Virginia Fitzpatrick, Jason Sergeant, and Larry Cramblett. Also present were City Administrator Gordon Zimmerman, Planning Consultant Stan Foster, City Recorder Kathy Woosley, Holly Howell, Gary Munkhoff, and Jackson Vanderpool.
- II. Approval of Minutes:
  - a. May 8, 2014. PCM Sergeant moved, seconded by PCM Fitzpatrick, to approve May 8, 2014 minutes. The motion passed unanimously.
  - b. June 12, 2014. PCM Fitzpatrick moved, seconded by PCM Sergeant, to approve June 12, 2014 minutes. The motion passed unanimously.
- III. Citizen Comments. None.
- IV. New Business:
  - a. Request for Amendments to Jumpin' Jax Java Site Plan Review. PCM Haight stated she has a potential conflict as she is a Port Commissioner and the Port is currently working with Mr. Vanderpool.

Mr. Vanderpool said due to cost and the appearance of the building he thought the amendment to the original site plan is adequate. He said he thought that rocking the pillars and the wall would "drown out" the wall. He said when constructing the building he went ahead not realizing that he would need approval for the change.

Chair Cramblett said there are guidelines to follow. He asked about landscaping and other issues with the site plan. Mr. Vanderpool said he was only asking an amendment on the rock all the way around the building, leave the building as is now, but doing rock on the pillars as shown in original site plan.

PCM Sergeant said the City has design standards for downtown. He said approval was made for the stone on the building. He said his only reserve is bending the rules for one applicant. He said the City should set a good standard for the future development of parcels adjacent and across the street of this development.

Mr. Vanderpool presented three pictures to the Planning Commission showing the adjacent building with rock work and the front of his building (Exhibit A). He said the siding on his building is hardiplank and is acceptable material in the Community Development Code.

PCM Sergeant said his issue is changing what has been approved and the Planning Commission setting a precedent by not pushing to make the downtown progress by beautifying it and making it better.

Planning Consultant Foster said the issue for the Planning Commission is to consider this as a major or minor modification. He said the design guidelines calls for wood and stone and the Planning Commission has to consider whether the amendment would be a major or minor modification to what was approved during the site plan review.

Mr. Vanderpool said the look would be similar to the neighboring business as their rock work is on a separation wall and not on the front of their building. PC Foster said since the City is more concerned with the front of the property there may be a compromise that the Planning Commission and Mr. Vanderpool could reach. PCM Sergeant said if the Planning Commission is going to consider anything less, then value should be demonstrated as transferred somewhere else. He said the spirit of the original design has to be maintained. Mr. Vanderpool said the building has been

designed and built above what was required. He described material that has been used in the building. Mr. Vanderpool said the black part of the pillars will be built bigger then rocked.

Mr. Munkhoff, from the audience, asked if the CDC allows for a minor modification without a big deal. PC Foster said as long as it is a minor modification it could be dealt with administratively. Mr. Munkhoff said if the Planning Commission determined this a minor modification then they alleviate precedence in a future setting.

Chair Cramblett said he can see three different choices. He said one would be putting rock around the pillars; the second choice would be putting rock on pillars and on the front of the building; and choice three would be to complete as original site plan depicted. Chair Cramblett said he would lean toward the second choice of rock around pillars and only on front wall. He said that would be similar to the neighboring property.

Mr. Vanderpool said he is also installing pavers instead of regular cement which will have much better aesthetic view. He said he will be installing a rock planter in front and rock around the existing cherry tree. PCM Sergeant asked if a landscaping plan was approved. PC Foster said just the general site plan was approved with general requirements for landscaping.

PC Foster gave an example of the Best Western Columbia River Inn going through architectural where only the front of the building has the stone work. He said this site plan review was done before he started work for the City but did note that the requirement was for the front of the building only. He said consistency would be WaNaPa frontage for design. PCM Sergeant said rock work only on front would probably look worse and would rather just have rock work on pillars with planting on the side walls to cover where the stone work would have been.

PCM Fitzpatrick moved, seconded by PCM Sergeant, to allow Mr. Vanderpool a minor modification to allow rock work on pillars and rocked planters with the rock face approaching 50% of the original site plan and a detailed plan to be submitted and approved by the City Administrator. The motion passed with PCM's Fitzpatrick, Sergeant, and Cramblett voting in favor. PCM Haight abstained.

b. Discuss Public Works Design Standards (PWDS). Chair Cramblett said he had spoken to CA Zimmerman about the Public Works Design Standards and asked him to bring them to the Planning Commission with more information. He said he reviewed the PWDS and found they are not part of the CDC. He said his issue is that sidewalks have been required for two homes built in a Low Density Residential zone. He said the CDC doesn't refer to streets. PC Foster said that it is correct that requiring sidewalks doesn't come from the CDC, however, it is customary for cities to have public works design standards. PCM Haight said development to her means more than one and not requiring sidewalks for construction of one home. She said the hopscotch approach doesn't look good. She said it seems out of place. She said maybe there should be increased development costs to cover sidewalks.

CA Zimmerman directed the Planning Commission to Chapter 8-6.112 Circulation and Access. He read that portion of the CDC. He said the CDC also requires a 5' walkway on one side when development occurs. PCM Haight said this is part of the problem with planners bringing in a Code from somewhere else that doesn't fit Cascade Locks. CA Zimmermann said his job is to enforce the laws as adopted. He said he has to follow what is in place at the time of development. He said he hasn't seen anything that would allow him to deviate from this.

PCM Sergeant asked if this discussion is really about sidewalks and not all of the PWDS. He said if the CDC calls for something to happen then it should happen. He said if you don't like what is in the CDC then amend it. He said what is being described is growing pains and any chance the community

gets to add a community asset such as sidewalk should happen. He said right now sidewalks may not connect but setting a standard to include safe pedestrian passage is a great tone to set.

Chair Cramblett said requiring sidewalks in a town with a population of 1,000 or 2,000 people with dead end streets where the sidewalks won't connect to anything doesn't make sense. He said it is going to look like a hodge-podge and asked if this was a good idea. PCM Sergeant said requiring sidewalks is a good vision to have. He said if the Planning Commission is considering getting rid of the provision to require sidewalks he would ask that they have community meetings and ask the community what they think about that.

Chair Cramblett asked CA Zimmerman why sidewalks weren't put in when Regulator Street was done. CA Zimmerman said there wasn't enough money in the budget to include sidewalks. CR Woosley said when someone builds on the vacant lots sidewalks would be constructed. Mr. Munkhoff asked if this is tied to construction and said there seems to be some interpretation issue on construction and access. He said if a home is using the same access then they wouldn't be required to build a sidewalk. PC Foster said this also refers to pedestrian access. Mr. Munkhoff said this section of the Code only applies to development and could end up at LUBA. He said there needs to be some consistency and citizens should be treated with the same respect as your own budget.

Chair Cramblett said the reason he joined the Planning Commission is because there were a lot of things happening in the back room. He said he wanted this issue brought forward. He said Gordon didn't inform him of the section of the CDC. He said he would like to have received a message from Gordon and is frustrated by that. PC Foster said there is going to be a code review soon. Mr. Munkhoff said there have been a lot of homes built with some not requiring sidewalks, which sets a precedent. He said now we have a City Administrator that is interpreting the code in a different way. He said this should have been brought to the Planning Commission for resolution before applying it to the citizens. PC Foster said he would interpret the information the same way to require sidewalks, which is customary in all cities. He said a building permit for a home is an outright permitted use and would not require Planning Commission action. He said if there is a structural problem with the CDC then the Planning Commission can address that.

CR Woosley pointed out that when sidewalks have been missed in the past it was due to a change in staff or absence of staff and not due to interpretation. She said there was a problem with the process where sidewalks fell through the cracks.

Ms. Howell asked the Planning Commission to be thoughtful about the classification of streets and mean by that that all streets are not the same. She said the purpose of sidewalks is for safety. She said to please not do away with sidewalks all out. Ms. Howell said also with economic development there will be more traffic and more business. PC Foster said the Planning Commission is supposed to be looking out 20 years and be mindful of what you would want your community to look like in 20 years.

PC Foster and CA Zimmerman talked about the issues with Local Improvement Districts.

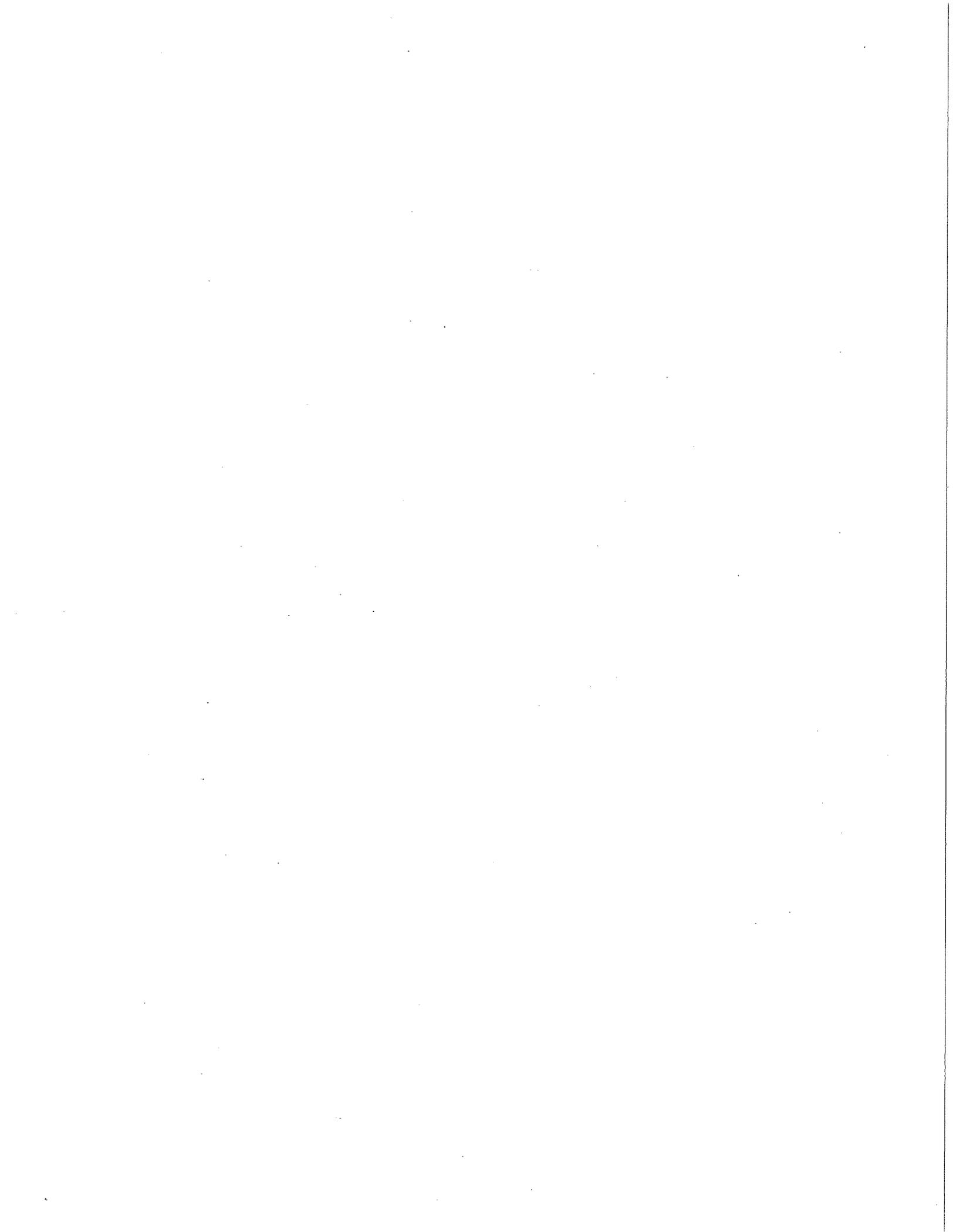
- V. Adjournment. PCM Fitzpatrick moved, seconded by PCM Haight, to adjourn. The motion passed unanimously. The meeting was adjourned at 8:10 PM.

Prepared by  
Kathy Woosley, City Recorder

APPROVED

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Larry Cramblett, Chair



## MEMORANDUM

To: Cascade Locks Planning Commission  
Via: Gordon Zimmerman, City Administrator  
From: Stan Foster, Planning Consultant  
Date: September 5, 2014  
Subject: Sidewalk requirements on development in City

Per a request from the City Administrator, I have been asked to provide a brief explanation of policy regarding implementation of the City's Public Works Code regarding requirements for sidewalks in issuing development permits under the Community Development Code.

Public Works Standards Public Work standards and codes are established by the City Council as part of their responsibilities to provide, protect and preserve city infrastructure and services. It is a legally required practice for Planners to apply existing standards to all development proposals as a condition of the issuance of a development permit. The importance of these standards are to enforce a common health and safety standard throughout the City regardless of location, social economic status or any other social factor. This ensures that all citizens of the city have "equal" access to same public works services over time with consistent quality and performance. While Planning staff generally have input into the development of these standards, City Engineers typically design the standards to meet national and state standards and the goals set by the City Council for achieving a desired quality and consistency of municipal development throughout the city. It is rare that a Planning Decision would modify the required standard unless there is an extraordinary condition natural or otherwise which would make such a modification desirable in the short-term. Long term modifications of the standard could be considered unlawful and therefore is not done, so again only short-term modifications are acceptable for cause. The public work standards that are established do reflect the desired ultimate "build-out" conditions throughout the city and should be ultimately achieved or mitigated to conform to this standard by the end of a reasonable period of time. Again, the Planning process does not change the standard just regulates the implementation strategy and may make some minor temporary adjustments to allow efficient implementation of the policy.

The specific language of the existing code clearly states the purpose and goal of the standards as follows:

**"1. Purpose**

- a. These Cascade Locks Public Works (CLPW) Standards are intended to:
- i. Provide a design guide to the private sector for the design of public improvements within the City.
  - ii. Provide technical engineering criteria for the design of facilities that the City will accept for maintenance.
  - iii. Provide a consistent policy under which public utility design will be implemented.
  - iv. Supplement and complete the requirements of Ordinance No. XXX and other prevailing ordinances as they relate to the physical construction of public works facilities within the City.
  - v. Set forth uniform material and workmanship standards under which all public works facilities shall be constructed within the City."

Applicability: The Cascade Locks Public Works Code is unequivocal “(2.a.) These CLPW Standards shall cover all public streets, drainage, water, sewer, and appurtenant facilities within the corporate limits of Cascade Locks whether constructed by the City, or constructed privately and turned over to the City for maintenance and operation.”

Furthermore, the application of the standard is specifically directed by the code to address the following (page three);

“n. **Public Works Facility**-Any facility constructed upon public right-of-way or public easement which is immediately or eventually to be taken over by the City for maintenance and operation. These facilities include, but are not limited to, streets, **sidewalks**, curbs, parking lots, driveways, drainage facilities, water system works, and sanitary sewer systems.

o. **Standards** -Shall mean these Cascade Locks Public Works Design Standards as adopted for use in the City of Cascade Locks, Oregon.”

Conclusion:

While it is the role of the Planning Commission and the Planning Staff to regulate land use procedures, the standards for public works development are established by the City Council and are to be implemented by the planning process. Any permanent exceptions or modification to these standards can only be approved by the City Council as this constitutes a legislative change and is beyond the authority of the staff and/or the Planning Commission. The Planning Commission may recommend changes to the code and standards, but again the only lawful authority with the power to effect a permanent change in the standards is the City Council.

The bottom line regarding sidewalks, is that the Community Development Code is very specific in that any development which requires a building permit shall apply all applicable code requirements (Cascade Lock Public Works Standards included) to that permit without exception. So barring a major change to our code, we do not have the authority to not follow our existing codes, standards and rules.

Thank you for this opportunity to respond to your inquiry.

ORDINANCE NO. 371

revised 01/04/05

**AN ORDINANCE AUTHORIZING THE CITY COUNCIL TO ADOPT PUBLIC WORKS DESIGN AND CONSTRUCTION STANDARDS BY RESOLUTION, AND ESTABLISHING AUTHORITY TO ADMINSTRATE AND ENFORCE THE STANDARDS.**

**WHEREAS**, the City of Cascade Locks has no adopted standards to guide the design and construction of public facilities to be owned, operated, and maintained by the City, and

**WHEREAS**, the City of Cascade Locks is facing a significant amount of growth over the next decade and needs to provide guidance to both public agencies and private parties in the design and development of public facilities; now, therefore,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CASCADE LOCKS, OREGON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Authority to Adopt Public Works Design and Construction Standards by Resolution.** The City Council shall adopt by resolution, and may amend by resolution from time to time, design standards for the construction of public facilities and utilities. These standards shall guide the specific design of facilities, as well as establish a permit process for receiving, reviewing, and approving construction plans, and inspecting and approving the actual construction.

**Section 2. Required Conformity to Specifications.** All work done and materials used for public improvements shall conform to such standard specifications, unless otherwise provided for in the particular standard for work authorized by the city council.

**Section 3. Authorization to Adminstrate and Enforce Public Works Design and Construction Standards.** The City Administrator and Public Works Director are authorized to administrate and enforce the Public Works Design Standards as delineated within the Standards.

**Section 4. Penalties.** Violation of this ordinance shall be punishable by a fine not to exceed \$500.00. Each day a violation occurs shall be considered a new violation.

**Section 5. Emergency Clause.** Inasmuch as it is deemed necessary for the public peace, health, safety and welfare of the citizens of the City of Cascade Locks that this Ordinance become effective by January 10, 2005, the City Council of the City of Cascade Locks, by its vote, declares an emergency to exist and this ordinance to be in full force and effect on January 10, 2005.

ADOPTED by the City Council this 24th day of January, 2005.

APPROVED by the Mayor this 24th day of January, 2005.

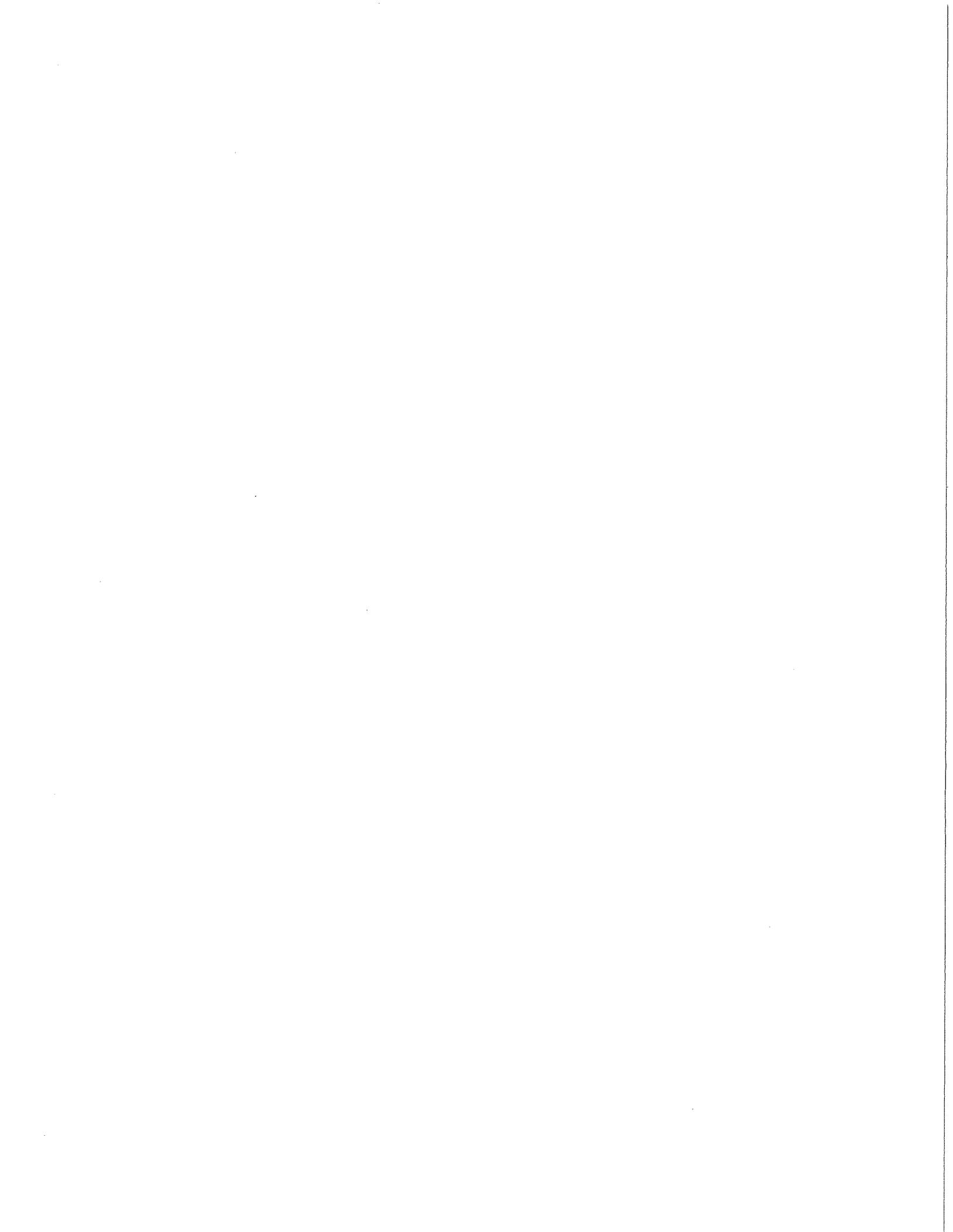
ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

First Reading Approved: 01/10/05; Ayes 6; Nays 1 .

Second Reading Approved: 01/24/05; Ayes 6; Nays 0 .



**RESOLUTION NO. 1037**

**A RESOLUTION ADOPTING CITY OF CASCADE LOCKS PUBLIC WORKS DESIGN AND CONSTRUCTION STANDARDS.**

**WHEREAS**, Ordinance O-011005-1 authorizes the Council to adopt by resolution Public Works Design Standards to guide the design, plan review, inspection, and approval of construction improvements to public facilities and utilities, and

**WHEREAS**, the City of Cascade Locks staff has prepared a comprehensive set of design standards for Street, Storm, Water, and Sewer improvements, and

**WHEREAS**, the standards also incorporate a permit process to facilitate and guide the submission of plans, review of plans, approval of plans, inspection of construction, and approval of final products, now therefore

**NOW, THEREFORE, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

**Section 1. Adoption of Public Works Design and Construction Standards.** A certain document entitled: City of Cascade Locks Public Works Design and Construction Standards, December 2004, consisting of five sections and four appendices, are hereby adopted as the Cascade Locks Public Works Standards. A copy of these Cascade Locks Public Works Standards is on file and available at city hall.

Section 2. Effective Date. This resolution shall take effect upon adoption.

ADOPTED by the City Council this 24th day of January, 2005.

APPROVED by the Mayor this 24th day of January, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

