

CITY OF CASCADE LOCKS
PLANNING COMMISSION
AGENDA

Thursday, November 10, 2016 at 7:00 PM
City Hall

1. Call Meeting to Order.
2. Approval of Minutes.
3. New Business:
 - A. Public Hearing: LU 16-012 Conditional Use Permit for Thunder Island Brewery.
 - B. Short Term Rental Discussion
4. Adjournment.

1. Call Meeting to Order: Chair Larry Cramblett called the meeting to order at 7:00 PM. PCM's present were Gyda Haight, Virginia Fitzpatrick, Gary Munkhoff, and Todd Mohr. Also present were City Administrator Gordon Zimmerman, Planning Consultant Stan Foster, City Recorder Kathy Woosley, Ed Wagner, Gail, and Craig Martin.

2. Approval of Minutes: PCM Fitzpatrick moved, seconded by PCM Munkhoff, to accept the May 12, 2016 minutes. The motion was approved unanimously.

3. New Business

A. Public Hearing: LU 16-011 Cascade Locks/Shahala Reconsideration of Decision. Chair Cramblett read the Planning Procedures and PC Foster informed all of the appeal procedure and applicable criteria.

Chair Cramblett opened the hearing and asked if there were any conflicts of interest or ex parte contact. Hearing none he asked PC Foster for the staff report.

CA Zimmerman suggested each issue be discussed separately with public comment. PC Foster stated that there is confusion about the record and previous conditions of approval. He said the Staff needs to be able to clearly communicate with the citizens. He explained that there is not any revoking or material change but clarification from the Planning Commission. Chair Cramblett asked if everyone in the Shahala Subdivision had been notified. CA Zimmerman explained that everyone within 250' of the mentioned properties had been notified. PC Foster said this will be the third reconsideration of the Planned Unit Development so whatever is decided tonight by the Planning Commission will stand.

PC Foster started with Issue #1 in the staff report. He said that the Staff and City's concern is with the public safety issues of some of these lots. He said the City can't approve anything that would have a public safety hazard.

PC Foster explained Issue #1 included properties that the original variance required approval of driveway access through adjacent properties and no street access for driveways. He said Lot #'s 5, 15, and 16 do not have access through adjacent properties and have to have driveway access from the street.

The Planning Commission discussed on-street parking and recreation vehicle parking on the street in the subdivision. PC Foster and CA Zimmerman said that is a Home Owners Association issue to deal with and not the City. PC Foster said if it were a public safety hazard then the City would have to deal with it.

Mr. Wagner asked about a garage being considered as off street parking. Mr. Martin said it is common for people not to use their garages. PC Foster said the off street parking could be considered case by case as a variance through the Planning Commission but has not considered garages as the legal parking space. CA Zimmerman said some of the lot sizes restrict the parking. PCM Munkhoff said the CDC can't be adjusted to fit everyone that has a problem with their lot. He said the house plans would have to be adjusted to fit and meet the requirements of the CDC.

CA Zimmerman presented a large drawing of Lot #62 and described the setbacks with the 30' HOA required front setback, a 5' street side setback, and the 15' rear yard setback. He said this leaves a very small footprint for a home with a garage. PCM Munkhoff said the builder would have to get creative. The Planning Commission discussed Lot #22 and parking. He explained the parking on Lot #57. CR Woosley said the owner of Lot #57 failed to submit the Type A Public Works Permit so the driveway was not the appropriate width. She said the owner was sent a letter stating that he has to comply with the 16' wide driveway to allow two legal parking spaces and that the vehicles cannot be stacked. Mr. Wagner spoke of typical 25' wide utility and driveway easements for some of the properties. CA Zimmerman suggested two legal parking spaces could consist of two 8' x 20' spaces wherever the property owner wants them to be and that it wouldn't have to be 16' x 20'. Mr. Wagner asked what type of house could be built on Lot #23. PCM Munkhoff suggested the garage on the bottom with the living quarters on top. PC Foster said the height limit is 35'. The Planning Commission agreed to Lot #'s 5, 15, and 16 having driveway access off of the street.

The Planning Commission took a short break at 8:03 PM.

Issue #2 is that the Final Order listed a 5' front street variance on certain lots but did not include the verbiage for the 5' street side variance as was in the variance application. He explained that some of the lots with this variance could be a public safety hazard concerning clear vision on the corner lots. The Planning Commission discussed what is considered the front on the flag lots. CR Woosley read from the CDC, "For flag and irregular lots, the owner may designate rear and side lot lines provided that one rear and one front lot line are designated.

The Planning Commission discussed Lot # 56 with a 5' side and 5' front yard setback. Mr. Martin talked about the incline of the property on the street side and all agreed that a 5' front and 5' street side yard would create a vision clearance problem. The Planning Commission decided to have a 10' front and 10' street side setback for Lot #56. The Planning Commission agreed that Lot #62 have the 30' front, 5' street side' and 15' rear yard setback. The Planning Commission agreed to Lots #'s 64 and 65 have a 10' front and a 5' street side setback. Mr. Martin talked about defensible spacing between the houses and the difficulties for the Volunteer Fire Department in fighting fire in that area. PCM Mohr said the building code addresses the fire code and that was already addressed when platting the property.

PC Foster said Issue #3 is just affirmation from the Planning Commission that easements cannot be built upon. He said there was an issue with a property owner saying that the HOA allowed them to build over easements but the City would not. PCM Munkhoff said that is a legal issue and would depend on what the easement said. He said it is not a Planning Commission decision. PC Foster said easements are granted to and for the public's use. The Planning Commission agreed to not allow anything to be built upon easements.

PC Foster said Issue #4 has already been dealt with clarifying the 15' rear setbacks for properties within 20' boundary of the Planned Unit Development.

PC Foster said Issue #5 was clarified earlier that two legal parking spaces can be two 8' x 20' spaces instead of one 16' x 20' space.

Mr. Wagner pointed out that the new building taking place on Chinookan Drive does not meet the parking requirements.

Chair Cramblett closed the hearing at 8:51 PM.

PC Foster reviewed each issue with the Planning Commission's suggestions.

PCM Mohr moved, seconded by PCM Fitzpatrick, to approve what was just talked about. Chair Cramblett said the approval is for changes agreed upon for Issues 1-5 listed in the staff report. The motion was approved unanimously.

4. Adjournment. Chair Cramblett adjourned the meeting at 8:57 PM.

Prepared by
Kathy Woosley

APPROVED:

Larry Cramblett, Chair

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Cascade Locks Planning Commission, at its meeting on, November 10, 2016, at 7:00 PM, in the City Council Chambers of the City Hall, Cascade Locks, Oregon, will consider the following application:

FILE TITLE: LU 16-012 CONDITIONAL USE PERMIT

APPLICANT: Thunder Island Brewing Company
515 Portage Road
Cascade Locks, OR 97014

REQUEST: Continued retail use in a public zone for temporary brewery taproom and other retail.

LOCATION: 2N 7 12, Tax Lot 100
Property is located on north side of WaNaPa Street in the Port of Cascade Locks Marine Park.

APPLICABLE REVIEW CRITERIA: Cascade Locks Community Code Sections Article III, Chapter 8-6.92 and Article V, Chapter 8-6.152.

PROPERTY OWNERS WITHIN 250 FEET OF THE SUBJECT PROPERTY ARE RECEIVING THIS NOTICE. SPECIAL NOTICE TO MORTGAGEE, LEINHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

The Public Hearing on this matter will be conducted in accordance with the rules contained in the zoning ordinance adopted by the Cascade Locks City Council, which is available at City Hall.

All interested persons may appear and provide testimony and only those who submit written comments or testify at the hearing shall be entitled to appeal.

Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the approval authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

At least seven days prior to the Hearing, a copy of the staff report will be available for inspection at no cost, or a copy can be obtained for fifteen cents per page.

For further information, please contact Kathy Woosley at Cascade Locks City Hall, at 374-8484, 140 WaNaPa, Cascade Locks, OR 97014.

CITY OF CASCADE LOCKS
PLANNING STAFF REPORT
November 10, 2016

Application File Number: _____

Type of Action Requested: Conditional Use

Code Authority: Conditional Uses (8-6.152)

Application certified as complete: September 20, 2016

Action Deadline: January 17, 2017 (120 days)

Approval Criteria: 8-6.184.050 (Article V – Page 12-20)

Applicant(s): Port of Cascade Locks
Location: 515 Portage Road (TIB Address)

Township: T 02N **Range: R 07E** **Section: 12** **Taxlot: 100**

Zoning: (P) Public

Minimum Lot Size: No minimum lot size – Minimum front setback is ten feet.

Specific Action Requested: Approve the continuation of the temporary location of a tap room and retail sales area in an existing building within the Port of Cascade Locks property for a period not to exceed twelve months.

Staff Summary: Staff has reviewed the application and the applicant has met the criteria necessary for a conditional use on a portion of the 92.72 acres constituting tax lot 100, under the control and management of the Port of Cascade Locks. The applicant has entered into a lease agreement with Thunder Island Brewing to sell their product(s) in the Port's former kitchen facility for Marine Park venue operations. The Port of Cascade Locks is a public entity whose primary mission is to provide economic development services for the community. As part of this responsibility, the Port seeks to recruit and retain a wide variety of businesses for our economy. Thunder Island Brewing is such an entity and has established a viable operation in this temporary facility and has entered into an agreement with the Port to purchase a tract of land on Wa-Na-Pa Street to build its new permanent facility in the downtown core. The Port has jurisdictional authority over their lands and the City of Cascade Locks in partnership with its citizens and the Port Commission has authority over the zoning on these subject lands. The Port recruited Thunder Island Brewing as a new business in our community, to provide a local source of craft brewing products for visitors and citizens to Cascade Locks. The Port has indicated that they are working with Thunder Island Brewing to locate them on WaNaPa Street on commercial property owned and being developed by the Port, which would become a permanent home for this

business. To support the “business incubator” efforts of the Port, staff has determined that the proposed temporary use is allowed under our Conditional Use permit requirements and authorized by Chapter 8-6.48 of our code governing Unlisted Use: Authorization of Similar use, which provides the Planning Commission to allow “specific uses (sic) to be permitted in a zoning district had they been contemplated” at the time the zone was established. The Port of Cascade Locks as the economic engine of the community is charged with supported economic growth in our city and clearly a new business in town which has established a sustainable operation is a highly desirable addition to our downtown core for our citizens and those visitors which we rely upon to support our retail sector. The Port of Cascade Locks has requested a temporary Conditional Use permit approval for a period ending December 31, 2017.

FINDINGS:

CDC Section 8-6.48.030 establishes the approval criteria for an unlisted use. The criteria is listed below along with findings on the proposal’s conformance.

- B. The use is consistent with the Comprehensive Plan;
- C. The use is consistent with the intent and purpose of the applicable zoning district;
- D. The use is similar to and of the same general type as the uses listed in the zoning district;
- E. The use has similar intensity , density, and off-site impacts as the uses listed in the zoning district; and
- F. The use has similar impacts on the community facilities as the listed ones.

FINDING: The Port of Cascade Locks has jurisdiction over the Marine Park area of the Port property and provides for a marina, restaurant, senior meal site, museum and park uses. This jurisdiction allows for park events and special venues which promotes area tourism and brings visitors to our community. The proposed use is within an existing building which has been used in the past to prepare meals for the Sternwheeler. The proposed use is consistent with other activities within the park and will not adversely impact any existing uses. This standard is met.

CDC Section 8-6.92 establishes the approval criteria for a Public Zone (P). The public zone “provides land for community and recreation facilities to be used by city residents and visitors.” “The zone implements the Comprehensive Plan policies of the city “to promote a diversified city economy.” The policy specifically states that the city will continue to work with the Port of Cascade Locks to (sic) provide facilities, services, and amenities to promote tourism.” (Part 1, Page 12).

CDC Section 8-6.92.020 allows as outright accessory structures to existing operations. Since Thunder Island Brewing retail operations is a stand-alone business and not associated with any other approved business within the Port property, they must qualify under the conditional use provisions.

CDC Section 8-6.92.030 provides the Planning Commission with the authority to approve or deny at their sole discretion a proposed use which is compatible with the provisions of the code. Under 8-6.92.030 (A) of the code, the Commission may approve a retail sales and service operation within a Public Zone, which is consistent with the applicants proposal.

FINDING: The Port of Cascade Locks attracted a new business to our community as a temporary tenant is a Port facility, the tenant made significant improvements to an existing Port facility to utilize as a temporary home for their retail craft brewing operation. Thunder Island Brewing established their business as viable commercial retail operation within the City of Cascade Locks and is now in the process of establishing a permanent home on Wa-Na-Pa Street in the downtown core. The Port has entered into a sales agreement with the operator which indicates that the owners of Thunder Island Brewing will build a permanent home along WaNaPa Street on specific Downtown Commercial property. Thunder Island Brewing is requesting to extend their stay in the temporary location until the new building is complete on Wa-Na-Pa. Thunder Island Brewing will be required to seek a development permit which meets all design standards in the downtown commercial zone.

The applicant has complied with all the requirements of the City and has applied for this temporary permit to ensure continue compliance with City codes. Staff finds that the applicant has met the criteria for approval of a conditional use permit for the continuation of a retail sales operation within Port property and in a Port owned building until such time as they can relocate to their new building on Wa-Na-Pa Street.

ACTION REQUIRED: The Planning Commission after hearing testimony from proponents and opponents will deliberate and take action to either approve or deny the applicants request.

STAFF RECOMMENDATION: Staff recommends approval of a conditional use permit be issued concurrently to the Port of Cascade Locks and Thunder Island Brewing for the location and operation of a retail craft brewing outlet within Marine Park at the location provided by the Port of Cascade Locks. Furthermore, it is recommended that the permit be issued and allowed to continue uninterrupted for a period of not more than 12 months, ending December 31, 2017. Furthermore, staff recommends that the following conditions be applied to this applicant for the entire duration of the permit period.

CONDITIONS OF APPROVAL:

1. Operator (Thunder Island Brewing) shall secure and maintain all state and county necessary permits required to operate their establishment.
2. The Operator shall maintain current access and parking within Marine Park in conformance with the Port of Cascade Locks requirements and consistent with this permit.
3. The Operator will provide proof of compliance with State and County health codes upon request by the City.
4. The Operator shall comply with the Port's signage requirements and shall not have internal lighted signage while operating under this permit.

5. Any changes in operations at the facility including a change in owners will require that the City be immediately notified and no alternative uses can be approved without a public hearing before the City Planning Commission.
6. Thunder Island Brewing shall submit a formal application for site review and approval for a new site for their business on Wa-Na-Pa Street as soon as practical to avoid any extension of this permit. While these actions are linked they are separate land-use actions and shall be considered entirely on their own merits.
7. The applicant/operator by accepting the approval of this conditional use request agrees to comply with all conditions set forth by this approval and pay the required fee prior to issuance of the permit.

DECISION:

The Conditional use from the Port of Cascade Locks is hereby approved subject to the conditions of approval delineated above and compliance with the following subsequent steps :

1. No permit will be authorized until the completion of an appeal period from the date of this decision
2. The applicant has submitted an application for an operator, Thunder Island Brewing to conduct retail sales in an existing building within Marine Park. The Port shall have authority over this permit and shall ensure that all conditions are met in the conduct of this operation. Any changes in use or operation outside the standard business conduct of the operator shall result in immediate notification to the City Administrator, who shall determine whether the permit is still valid.
3. This approval is limited to the site and building within Marine Park. Any new location or development outside of the existing building will require future approvals and permits from the City of Cascade Locks.

Staff Report and order prepared by Stan Foster, Planning Consultant City of Cascade Locks, Oregon

Approved and signed this _____ day of November 2016

Larry Cramblett, Chairman

City Hall
P.O. Box 308
Cascade Locks, Oregon 97014
Phone: 541-374-8484
Fax: 541-374-8752



CONDITIONAL USE APPLICATION

I. BACKGROUND INFORMATION

Applicant

Applicant Name: Thunder Island Brewing Company Phone: (650) 387-5237

Address: 515 NW Portage Rd. Cascade Locks Oregon, 97014

Applicant Standing (Fee Owner, Contract Purchaser, etc.): _____

Property Owner (if different)

Name: Port of Cascade Locks Phone: (541) 374-8619

Address: 427 NW Portage Rd. Cascade Locks Oregon, 97014

Property Information

Property Address: 515 NW Portage Rd.

Township; Range; Section; Tax Lot: T 02N; R 07E; 12; #00100

Zone: (P) Public Property Size: 92.72 acres

Existing Use/Structures: _____

Application Proposal: _____

FOR OFFICE USE ONLY

File Number: _____

Submittal Date: _____ Fee: _____ Received by: _____

Application Type: _____ Completeness: _____ 120th Day: _____

II. APPLICATION REQUIREMENTS



- (A) Completed and signed application form.
- (B) Written response to the approval criteria. It is the applications responsibility to prove the need for the conditional use.
- (C) TEN copies of the site plan drawn to scale. The site plan must include the material required under Sections 8-6.148.050 through 8-6.148.100 of the Community Development Code. City staff will assist the applicant in determining what information is required on the site plan.
- (D) Names and addresses of all the property owners within 250 feet of the boundaries of the property. This list must be provided by a Title Company or the Hood River County Assessor.
- (E) Copy of the latest deed, sales contract, or title report indicating property ownership.
- (F) A current Hood River County tax map(s) showing the subject property(ies) and all properties within 250 feet of the subject property
- (G) A signed fee agreement and payment for filing fee.

III. SIGNATURES

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION WILL DELAY THE REVIEW PROCESS.

A handwritten signature in black ink, appearing to be "D. ...".

Applicant/Owner

9/12/16

Date

A handwritten signature in black ink, appearing to be "Dauerkoch".

Applicant/Owner

9/13/16

Date

**NOTICE TO APPLICANT
REIMBURSEMENT TO CITY OF CASCADE LOCKS
FOR ADMINISTRATIVE FEES**



TO: APPLICANT

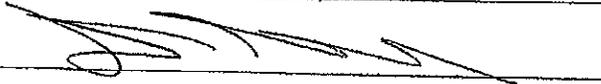
The City of Cascade Locks, like many other small cities in Oregon, is faced with a severely reduced budget for the administration of the City's Ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process land use applications, the city must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports, and, in some cases, actual attendance at the Planning Commission and/or City Council meetings. The City utilizes a consultant to ensure that applications are processed fairly and promptly. Because of reduced budgets, the City finds it necessary to transfer some administrative costs to you, the applicant, as part of the land use planning process. Therefore, you are asked to read and sign the agreement below indicating that you understand and agree to this requirement.

**AGREEMENT TO REIMBURSE CITY
FOR ADMINISTRATIVE COSTS**

I/We, the applicant(s), Thunder Island Brewing Company
hereby agree to reimburse the City of Cascade Locks for administrative costs over and above the costs covered by the Basic Fee, which we have paid. We have been advised that an estimated cost is \$ \$600, but that actual costs could exceed this amount. In the event the City is required to commence litigation to recover these costs, the prevailing party shall be awarded costs and reasonable attorney's fees, including any costs and fees on appeal.

The amount not paid shall also become a lien against the property on which the land use action is sought, in favor of the City of Cascade Locks, and shall be docketed in the City Lien Docket.

DATED this 12th day of September, 2016.

LAND USE APPLICANT(S): Thunder Island Brewing Company


PROPERTY OWNER(S): Port of Cascade Locks
(If Different Than Above) 



FOR APPROVAL:

A Conditional Use Permit, "CUP," is requested by Thunder Island Brewing, "TIB," in their existing location at 515 NW Portage Rd. under the condition that TIB has a valid and active lease with the Port of Cascade Locks for their existing retail operation. A CUP is requested so that TIB can continue to operate their retail business while they continue the development of their proposed building in the Downtown Commercial zone on WaNaPa St.

On January 9, 2014, the Planning Commission voted unanimously to allow TIB to operate under a Conditional Use Permit for a 24 month period with an option to allow TIB to request an extension of the permit for another 12 months. In December 10, 2015, the Planning Commission voted to allow the extension of the CUP to January 13, 2017.

Since TIB partnered with the Port of Cascade Locks to establish itself in the Port's incubator space in 2013, TIB has operated a highly successful and popular retail business at 515 NW Portage Road. Paul Koch, the Port of Cascade Locks General Manager, has noted that Thunder Island Brewing Co. is often described as the most successful incubator business in the state of Oregon.

Over the last 2.5 years in business, TIB has grown to become a premier destination for visitors to the Columbia River Gorge region. TIB has upgraded their capacity twice in the same period in an effort to address the customer demand for their product. Although production has increased dramatically, 99% of TIB's sales continue to be generated from retail products and services provided to the general public for entertainment purposes in the Taproom.

Additionally, TIB has maintained between 20 to 30 local jobs during the past year, which can be substantiated by the drop in the City's unemployment rate, which has decreased from close to 19% to 13.3%. In just a few short years, TIB has become an entertainment-oriented retail establishment that addresses the high-demand for services and amenities in Cascade Locks.



Since TIB requested a CUP extension from the Planning Commission in December of 2015, TIB has made substantive progress on pursuing the construction of a new facility on WaNaPa St. In December of 2015, TIB signed an Memorandum of Understanding with the Port of Cascade Locks outlining the purchase of two lots located in the Downtown Commercial zone. In February of 2016, TIB signed a Purchase and Sale Agreement with the Port of Cascade Locks for two lots located in the Downtown Zone. In partnership with the Port of Cascade Locks, TIB is now moving forward with the purchase of property on WaNaPa Street, the details of which are still confidential at this time.

Concurrently, TIB is working closely with O'Brien and Company to design and build a 7500 square foot facility to continue and grow their business and presence in Cascade Locks. TIB continues to aggressively move forward with the design and construction of their new facility, including performing the due diligence required to determine the feasibility of the project, including the environmental inspections, financing, land use and other development approvals required by regulatory entities.

TIB has the intent of continuing to grow in Cascade Locks, however given the large scale and scope of a new commercial development in the Downtown Commercial zone, TIB will not have a new move-in ready facility by the expiration of the current CUP on January 13, 2017. That said, TIB is requesting to allow a CUP for the continued retail operations at 515 NW Portage Rd under the condition that TIB has a valid and active lease with the Port of Cascade Locks.

Due to the size and scope of orchestrating a move of this scale to a new facility, TIB is unable to provide an exact move-in date as there are considerations beyond their control. However, TIB looks forward to the move and will continue to aggressively pursue the development of their new facility with respect for all of the considerations that come with the development process.

Written Response to Approval Criteria (8-6.152.050)

THUNDER ISLAND

Brewing Co.

1. The site size and dimensions provide adequate area for the needs of the proposed use;

Thunder Island Brewing Co has adequate area for the needs of the proposed use as a retail location. See attached Site Plan. The proposed retail space for Thunder Island Brewing is the northern half of the existing Port Warehouse Building located within the Marine Park at 515 NW Portage Rd. The CUP would apply to the interior building space approximately 40 ft x 49 ft. (1,960 SF plus restrooms). In 2014 improvements to the Port's warehouse building included the construction of a firewall to separate the maintenance department shop and storage use in the southern half of the building, so as to make this temporary retail (public) use compatible with the other, per the County Building Code.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;

Site characteristics are suitable for the proposed use as a retail location. The location of the retail business integrates scenic views of the Columbia River and the namesake Thunder Island at the historic locks and canal. As this proposal addresses an existing structure, no changes in building height, size, setback, or facade is proposed. Similarly, no alterations to the natural features- including trees, riverbank, and landscaping, are proposed. The current lease permits use of small outdoor paved premises, as allowed by the OLCC and TTB, where parking is not identified (approx. 20 ft x 80 ft area). The permitted exterior propane tank is screened from view by the building. Drainage is addressed by existing storm drain in the paved parking area. No mailbox is proposed on site.

Existing parking stalls allow sufficient parking for the Port Maintenance Staff during complementary daytime hours, as well as shared parking for the Community Garden and Community Center (Historic Locktender's House 3). The Port expanded the parking availability on the SW end of the park to now allow for 4 Port-dedicated stalls, 1 brewery-dedicated stall, 40 shared stalls, and 1 shared ADA stall. All other parking stalls



within the Marine Park are unregulated and available for use by the public. All referenced parking is existing and provide sufficient backing room and turning movements for internal site circulation.

There has been no conflict with adjacent use of the Tribal "In Lieu" Treaty Fishing Access Site managed by the Columbia River Inter Tribal Fish Commission (CRITFC) to the southwest, because the building faces away from the In-Lieu Site, and the property is physically separated by fencing.

With this application, one new sign is proposed to be securely fastened to the exterior of the warehouse building, above the entrance. The proposed sign dimensions are: 4 ft x 12 ft. The sign will be fabricated out of: wood and stainless steel.

3. All required public facilities have adequate capacity to serve the proposal

Adequate capacity is in place and will remain for all required public facilities on site. The road, power, water, and sewer facilities serving the building are sufficient for this retail use. In 2014 Thunder Island Brewing paid for the utilities serving the retail portion of the building to be upgraded so that there are now separate power meters. The business has an ongoing contract for garbage and recycling collection on site.

4. The applicable requirements of the zoning district are met except as modified by this chapter;

Applicable requirements of the zoning district have been met except as modified by this chapter. The proposed retail use is compatible with the underlying P-Public zone. Hours of operation are generally 11am – 10pm, seven days per week. As the primary use of the Marine Park is recreation, the target market of Thunder Island Brewing is the renewed recreation interest in the community via the City's 2012 Vision Statement, 2012 Multifaceted Development Strategy, and the adopted 2012 Connect Cascade Locks Plan.

THUNDER  **ISLAND**
Brewing Co.

As a precedent, a recreation-based retail business involving the sale of alcohol is already located on the opposite end of the Marine Park in the "Locks Waterfront Grill" located at the Sternwheeler Dock, operated by concessionaire Portland Spirit. To date, the Grill has been a positive addition to the recreational, historic, and cultural uses of the popular Marine Park. To date, Thunder Island Brewing has established itself as a successful business and a good neighbor to the community.

5. The applicable criteria set forth in Section 8-6.148.110 and section 8-6.152.060 are met

The proposed use as a retail location is consistent with the applicable criteria as defined by Section 8-6.148.110 (Approval Standards) as described above, and Section 8-6.152.060 (Approval Standards for Specific Uses) as follow:

O. Retail Sales and Service (Public Zone)

1. Nearby properties shall be buffered from potential noise, lighting, and other impacts related to activities occurring on the site.

The proposed retail use shall be limited in size, with a maximum occupancy of 38 customers (per Hood River County Occupancy Permit). No new exterior lighting is proposed for the building. Business hours are not proposed to extend later than 10pm.

2. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to collector or arterial streets, transit availability, on-street parking impacts, access requirements, and neighborhood impacts.

THUNDER  ISLAND
Brewing Co.

The Port warehouse building is accessed from Portage Road through the Marine Park. There are very few vehicle trips on this dead-end road, particularly in the evening hours. As described above, sufficient parking is proposed on site, with ample overflow parking capacity in the Marine Park.

3. Drive-through facilities shall not be permitted.

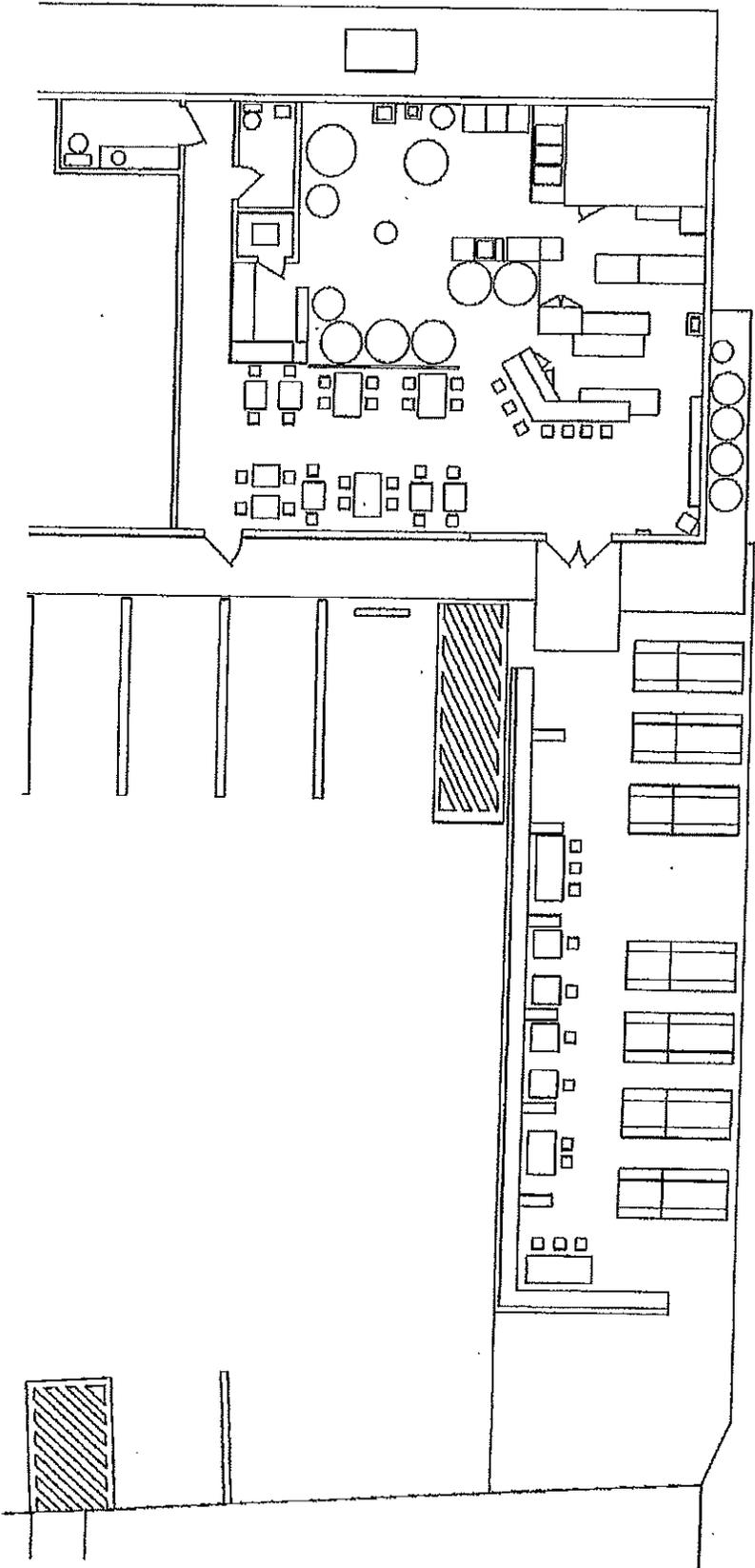
None are proposed.

4. Business hours shall be limited between 8 a.m. and 10 p.m. unless the approval authority finds that the proposed use can successfully satisfy the applicable criteria in this chapter with extended hours. If extended hours are approved, they shall be specified by the approval authority.

Taproom business hours are generally 12pm to 9pm, or 11am – 10pm, based on the seasonal demands.

6. The applicable criteria in Section 8-6.152.060 are satisfied.

The proposed use is consistent with the provisions outlined under Section 8-6.152.060 specific to Retail Sales and Service (Public Zone) as described above (Approval Standards for Specific Uses).



<p>PREPARED BY: THUNDER ISLAND BREWING COMPANY</p>	<p>515 NW PORTAGE ROAD CASCADE LOCKS OREGON 97014</p>	<p>SEPTEMBER 5TH, 2016</p>
<p>REV. 2</p>		

Short Term Rentals

Definitions. As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section.

BED AND BREAKFAST FACILITY means a single-family dwelling which conducts transient rental of rooms with or without a morning meal.

GROUP RESIDENTIAL means residential occupancy of dwelling units by groups of more than five (5) persons who are not related by blood, marriage, legal adoption or legal guardianship, and where communal kitchen and dining facilities are provided. Typical uses include the occupancy of houses, cooperatives, halfway houses, and intermediate care facilities. **(See ORS 90.113.)**

HOSTED HOMESHARE means the transient rental of a portion of a dwelling while the homeowner is present.

HOSTEL means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a non-profit organization that holds a valid exemption from federal income taxes under the federal law. (See ORS 446.310.)

NON-TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.

RESIDENTIAL OR RESIDENTIAL USE means the occupancy of a dwelling unit on a non-transient basis. Uses where tenancy is arranged on a transient basis are not considered residential.

RESIDENTIAL DEVELOPMENT means single-family dwellings, manufactured home, duplexes, triplexes, townhouses, residential condominiums, multi-family dwellings, accessory dwelling units, group residential facilities, and similar structures. In some circumstances the use of residential development for non-residential uses may be approved.

(RESIDENTIAL) DWELLING UNIT means a single unit providing complete, independent living facilities for one (1) or more person, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

ROOMING HOUSE means a building where the non-transient rental of lodging, without meals, is provided to five (5) or more people.

SINGLE-FAMILY DWELLING, DETACHED (Detached Single Family Dwelling). A detached single-family dwelling unit located on its own lot.

TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.

VACATION HOME RENTAL means the transient rental of an entire dwelling unit.

Hosted Homeshares and Vacation Home Rentals are permitted as a conditional use in the following City of Cascade Locks residential zones:

Rural Residential (RR)

Low Density Residential (LDR)

Medium Density Residential (MDR)

High Density Residential (HDR)

A. Conditional Use Permit and TRT License are required.

1. Persons operating a hosted homeshare or vacation home rental shall obtain a Conditional Use Permit.
2. The Conditional Use Permit will be good for two (2) years from the date of issuance.
3. An application for an ARU shall be processed as a ministerial decision.
4. A Conditional Use Permit will not be granted if not accompanied by a Transient Room Tax registration.

B. Use Restrictions – All Zones.

1. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter.
2. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.
3. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be

permitted on another lot within 250 feet of the subject property with a shared parking agreement **and** proof of legal parking access.

4. The maximum number of days per year for which a hosted homeshare or vacation rental home may be rented is ninety (90) days per calendar year. The number of days the unit is rented per quarter **shall** be reported on the TRT quarterly report.

Failure to comply is subject to normal city code violation fine of up to \$500 per day for each day the violation exists. **Any homeshare or vacation rental including those advertised through internet rental accounts or services are subject to this ordinance. Internet rental accounts or services include, but are not limited to, providers such as "AirBnB," "Vacasa," and "Craigslist." Copies of online advertisements for properties located inside the City limits of Cascade Locks are evidence of intent to provide homeshare or vacation rental properties.**

ACCESSORY RESIDENTIAL UNITS (ARU)

General Requirements

- A. An ARU may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted by this chapter in the RR, LDR, MDR, and HDR Zones.
- B. Only one ARU may be created per parcel or ownership accessory to a single-family dwelling (no townhouse or duplex).
- C. An application for an ARU shall be processed as a ministerial decision.
- D. Only the property owner, which includes title holders and contract purchasers, may apply for an ARU. The property owner must occupy the primary dwelling or the ARU as their principal residence for at least six months out of the year. A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes or other proof that the residence is primary. **The owner shall sign an affidavit before a notary affirming that the owner occupies either the main dwelling or the ARU. The owner shall also show proof of a 12 month lease for the ARU occupant, if not occupied by a relative.**
- E. One off-street parking space shall be provided **for the ARU** in addition to the off-street parking that is required for the primary dwelling.
- F. **ARU's may not exceed 800 square feet.**
- G. All other applicable standards including, but not limited to, setbacks must be met.
- H. If a garage or detached building does not currently meet setbacks, it may not be converted to an ARU.
- I. All applicable standards in the City's building, plumbing, electrical, fire and other applicable codes for dwelling units must be met.
- J. The owner of the property shall accept full responsibility for sewer and water bills.
- K. An ARU may not be used as a hosted homeshare or vacation home rental.
- L. The application and permit fee for an ARU shall be **the same as a conditional use permit.**

OR ARU's are not allowed in any zone in Cascade Locks.

Tax Administrator
City of Cascade Locks
PO Box 308
Cascade Locks OR 97014

Name of Business: _____
Certificate No. _____
Period Ending: _____
Due Date: _____
No. of Rooms: _____

QUARTERLY REPORT OF TRANSIENT ROOM TAX

Be sure this form is filled in completely and correctly. Penalties and interest are added for delinquency.

Change of ownership and/or address change must be filed and reported immediately to the Tax Administrator.

If business is disposed of or suspended, closing return must be filed immediately with the Tax Administrator, City Hall, and the tax due must be paid. No change of ownership can be recorded until this is done.

Checks, drafts, postal notes and money orders in the exact amount of tax due are accepted by the Tax Administrator only as agent of the taxpayer and does not constitute payment until cleared. The City of Cascade Locks assumes no responsibility for loss in transit.

Be sure proper remittance is enclosed, to avoid penalty.

- | | | |
|-----|--|----------|
| 1. | Gross Rent: | \$ _____ |
| | Less: Allowable Deductions: | |
| 2. | Rent(By Month) | \$ _____ |
| 3. | Rent less than \$3.00 per day | \$ _____ |
| 4. | Rent from Gov't. Employees | \$ _____ |
| 5. | Rent paid by online merchants | \$ _____ |
| 6. | Other | \$ _____ |
| 7. | Total Allowable Deductions (Lines 2, 3, 4, 5,6) | \$ _____ |
| 8. | Taxable Rents (Line 1 minus Line 7) | \$ _____ |
| 9. | TAX: Seven (7) percent of Line 8 | \$ _____ |
| 10. | Add excess tax collected | \$ _____ |
| 11. | Total of lines 9 and 10 | \$ _____ |
| 12. | Less 5% to operator or administration | \$ _____ |
| 13. | TOTAL TAX DUE (Line 11 less Line 12) | \$ _____ |
| 14. | Penalty | \$ _____ |
| 15. | Interest | \$ _____ |
| 16. | Adjustment for prior overpayment or shortage | \$ _____ |
| 17. | TOTAL TAX, PENALTY AND INTEREST (Line 13 plus Lines 14, 15, 16 (or subtract Line 16 if shortage) | \$ _____ |
| 18. | For Homeshare or Vacation Rentals Only: Number of Rental Days | |
| | For Quarter: _____ | |
| | Calendar Year to Date: _____ | |

I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE AND CORRECT.

Signature Title Date

Payment is due on the 15th day of the month following the quarter for which the report is filed

MAKE CHECKS PAYABLE TO THE CITY OF CASCADE LOCKS

