

CITY OF CASCADE LOCKS
PLANNING COMMISSION
AGENDA

Thursday, January 9, 2020 at 7:00 PM
City Hall

1. Call Meeting to Order.
2. Approval of September 12, 2019 Minutes.
3. New/Old Business:
 - a. Elect Planning Commission Chair.
 - b. Public Hearing 7:00 PM: Conditional Use Permit – Thunder Island Brewing in Marine Park.
4. Public Comment.
5. 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.

1. Call Meeting to Order. Chair Cramblett called the meeting to order at 7:00 PM. PCM's Fitzpatrick, Munkhoff, Bouchard, and Cramblett were present. PCM Adler was absent. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Planning Consultant Ethan Spoo, Don Mann, Darrin Eckman, and Butch Miller.
2. Approval of August 8, 2019 Minutes. PCM Fitzpatrick moved, seconded by PCM Bouchard, to approve the minutes. The motion passed unanimously.
3. New/Old Business:
 - a. Public Hearing 7:00 PM: Site Plan Review – Port of Cascade Locks. Chair Cramblett opened the public hearing at 7:02 PM and he and PC Spoo read through the Planning Commission and Public Hearing Procedures. Hearing no ex parte contact and no objections from the audience, PC Spoo continued with the staff report.

PC Spoo directed the Planning Commission to page six of the staff report, Section 8-6.104.030 of the Community Development Code (CDC) lists the landscape requirements. He said the applicant provided a landscape plan with most of the requirements met but didn't include the list of items noted in the staff report. PC Spoo recommended a condition of approval requiring the applicant to provide that information prior to building permit approval.

PC Spoo directed the Planning Commission to page eight of the staff report, Section 8-6.104.050 of the CDC regarding street tree standards. Chair Cramblett questioned the space on the site plan between the street and the building. CA Zimmerman explained that a portion of the area would be City right-of-way but street trees are to be planted on the applicant's property and not in the City right-of-way. He said it was agreed when the pFriem building was put in the Port would not have to plant street trees. He said the Planning Commission can decide if it would be acceptable to waive the street tree requirement. PC Spoo said Condition of Approval #14 references the street tree requirement.

PC Spoo directed the Planning Commission to page 10 of the staff report, Section 8-6.101.130 of the CDC and stated the applicant did not provide screened parking lot information with their site plan. He said this would be on the south side of the parking lot. He said this is reflected as Condition of Approval #17.

PC Spoo directed the Planning Commission to page 16 of the staff report, Section 8-6.112.050 of the CDC and stated that the site plan did not depict the public entrance and sidewalk. He said a Condition of Approval will require them to have a direct pedestrian connection between the proposed walkway along the northern frontage of the building and the existing sidewalks along NE Columbia Gorge Way before building permit approval. Mr. Eckman said that was missed on the site plan but would probably locate that on the west side of the building as the east side will be used for shipping and receiving.

Applicant: Mr. Eckman and Don Mann presented the Port's Site Plan Review. Mr. Eckman said the staff report was excellent and the applicant missed some items in order to get the application submitted as soon as possible.

Mr. Eckman said Condition of Approval #17 refers to landscaping. He said the Port landscaped the area along the southern lot line with an earthen berm, 280 arborvitae and it is irrigated. He said there is also a slatted chain link fence for screening. He said this condition has already been met. PC Spoo said he believed staff would be supportive of that and would recommend deleting Condition of Approval #17.

Mr. Eckman said he would like to discuss Condition of Approval #30. He said there are no trees on this property that meets that criteria. PC Spoo said that he didn't know that and didn't see the statement in the narrative so if there are no trees that Condition can be deleted.

Mr. Eckman said he appreciates the opportunity to present their case about Condition of Approval #14 regarding street trees. He said there are some extenuating circumstances regarding street trees in this particular location. He said north of the applicant's property is all the electrical and communication utilities. Mr. Eckman said if trees are planted in the 10' setback the concern is that the snow sliding off the roof of the structure will likely damage street trees. He said the same discussion with the previous planner was about the gorge winters and trees surviving in these locations. He said trees have been planted in other areas of the Port's properties. Mr. Eckman said the Port would propose using the same dry landscape rock material that has been used in the other areas that are low maintenance and not affected by the winter weather.

Proponent: None

Opponent: None

Staff Response: Chair Cramblett asked about the loading docks. PCM Munkhoff asked about the landscaping to the east. Mr. Eckman described the truck loading, unloading and turn areas. He said part of the area to the east will be used for staging then a final improvement will be native vegetation or low grass. PCM Munkhoff said this area could possibly be used to plant trees.

Rebuttal: None

Chair Cramblett closed the hearing at 7:41 PM.

PCM Munkhoff moved to approve the Port's Site Plan Review LU 09-005 and deleting Conditions of Approval numbers 14, 17, and 30. The motion passed unanimously.

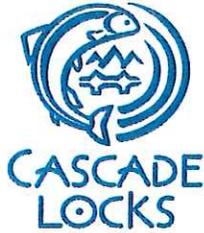
Chair Cramblett asked about the parking lot at the Post Office. CA Zimmerman showed the Planning Commission the drawing of the Post Office parking lot and explained the movement of traffic.

4. Public Comment. None.
5. Adjournment. Chair Cramblett adjourned the meeting at 7:55 PM.

Submitted by
Kathy Woosley, City Recorder

APPROVED:

Larry Cramblett, Chair



CASCADE LOCKS PLANNING COMMISSION PROCEDURES

CHAIR: Good evening, my name is **Larry Cramblett**. I am the Chair for the Planning Commission, and I will be presiding over this hearing. This is the time and place set for the public hearing in the matter of a **Conditional Use Permit** Case No. **LU 19-008**; an application by **Thunder Island Brewing**.

This hearing is now open. Oregon land use law requires several items to be read into the record at the beginning of each and every public hearing. Ethan Spoo, the City's Planning Consultant will review this material; your patience is appreciated as he goes through these statements.

ETHAN SPOO: An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with and accompanied by statements or evidence sufficient to afford the Commission and those in attendance an adequate opportunity to respond to the issue. Failure of an applicant to raise constitutional or other issues with sufficient specificity for the City to respond to the issues shall prohibit the applicant from seeking damages in circuit court.

The applicable substantive criteria upon which this case will be decided are found in the Cascade Locks Development Ordinance, Section **8-6.92, 8-6.152.050 and 8-6.152.060**. The specific criteria are summarized in the staff report and will be reviewed at this hearing. All testimony and evidence received during this public hearing must be directed toward this approval criteria, or to such other rule, law, regulation or policy which you believe applies.

This case will proceed with the staff report, followed by the applicant's presentation. The applicant may have additional people participate in making this presentation. This is followed by testimony of those who are in support of the application. All of those opposed to the application will then be allowed to speak. This is followed by those with general comments who are neither for nor against this application. The Commission, staff and participants may ask questions of those who testified. All questions are directed through the Commission Chair, meaning you must ask the Commission Chair for permission to ask the question. Finally, the applicant and only the applicant will be entitled to a rebuttal.

The applicant is entitled to 20 minutes to make their presentation. All other speakers should try to limit comments to 5 minutes. Please try to avoid repetition if someone else has already expressed the same thoughts. It is perfectly acceptable to instead state that you agree with the comments of another speaker. Please be assured everyone will have an opportunity to speak.

If you have documents, maps or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, either before or after you speak, please leave the material with staff who will make sure the evidence is entered into the planning record.

You must come to the podium if you are going to testify or to ask a question. This is so you can be recorded. You must give your name and address before you speak so the record of the hearing can be complete and so you can receive a copy of the final decision.

In order to move the hearing along more efficiently, there are sign-up slips near the podium. Please fill this out and give it to the City Recorder at any time.

Prior to the conclusion of the first hearing on any land use application, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, it will be up to this body to determine if the hearing will be continued to a time and date certain, or if the record will be kept open for submission of additional evidence or testimony. If the record is kept open, it will be for a minimum of seven days, with a short rebuttal period thereafter afforded to the applicant.

CHAIR: Before we begin with the hearing, I need to ask the audience if there are any objections to the notice that was sent in this case. Are there any objections to the jurisdiction of this body to hear and consider this case? Are there any declarations of conflict or bias by any members of this body?

We are now ready for the staff report.

HOW TO CONDUCT A PUBLIC HEARING

Order of the Hearing

1. Open Hearing
2. Hearing Disclosure Statement
3. Declare Conflicts of Interest or Ex Parte Contact
4. Staff Report
 - a. Approval Criteria
 - b. Findings of Fact
 - c. Conclusion and Recommendation
5. Applicant's Testimony
6. Proponent's Testimony
7. Opponent's Testimony
8. Staff Response to Testimony and Commission Questions
9. Rebuttal
10. Close Hearing
11. Commission Deliberation
12. Decision Notice or Final Order
13. Appeal



Memorandum

Date: December 6, 2019

Subject: Thunder Island Brewing Conditional Use Permit Renewal
LU-19-008

From: Ethan Spoo, AICP, Senior Planner, WSP

To: City of Cascade Locks Planning Commission

Route To: Gordon Zimmerman, City Administrator; Kathy Woolsey, City Recorder

INTRODUCTION AND BACKGROUND

Thunder Island Brewing (TIB) submitted an application on November 18, 2019 to renew their conditional use permit (CUP) for their existing facility. City staff deemed the application complete on November 27, 2019. TIB's existing facility is located at 515 NW Portage Road on property owned by and leased from the Port of Cascade Locks.

TIB is constructing a new brewing facility and restaurant to be located off Wa-Na-Pa Street in the city's downtown core. In order to keep the existing facility operating, TIB is requesting that the City's Planning Commission approve a new CUP to allow them time to complete construction of and move their operations to the new facility.

Under section 8-6.16.050 of the Cascade Locks Community Development Code, development permits including CUPs expire within two years. A single extension of one year is permitted (see 8-6.16.060). TIB's permit history at their existing site dates back to 2014 with the City having issued the following permits and extensions:

- January 2014: The City issued TIB their first CUP with a two year expiration and an option to request an extension for a third year.
- January 2016: The City issued a second CUP for another two-year period with an extension expiring January 2019.
- December 2018: TIB applied for a 1-year extension terminating December 31, 2019.

Condition number eight of the mostly recently-issued CUP from December 2018 (see Exhibit A) placed specific timelines on the CUP as follows:

“8. By June 30, 2019, TIB will be required to have a slab poured for the new building. Should they meet this requirement, TIB and the Port of Cascade Locks shall have an automatic additional six-month Conditional Use Permit extension. If TIB has not relocated by December 31, 2019 but the new building is complete then TIB shall have an additional six months to completely relocate the temporary space to the new permanent space. Failure to comply with any of these requirements shall terminate the Conditional Use Permit.”

The code does not place a limit on the number of conditional use permits an applicant may apply for only the number and length of extensions. Given that their new Wa-Na-Pa facility remains unfinished, TIB is applying for another CUP to allow them to finish construction and move their operations. Based on a discussion with City staff, TIB has poured concrete for the floor of the new facility, but the building remains unfinished.

FINDINGS AND RECOMMENDATION

Given that TIB proposes no physical changes to the site of their existing facility since the City issued their last CUP, staff finds that TIB continues to comply with the CUP general approval standards in 8-6.152.050 and the use-specific approval standards for retail operations in public zones in 8-6.152.060. The scope of the new conditional use permit review before the Planning Commission is limited to the timeframe TIB should be permitted for their new CUP. With the exception of condition of approval number eight from the December 2018 CUP cited above, staff recommends that planning commission readopt the CUP findings and conditions of approval from LU-18-014. Staff further recommends that condition of approval number eight from LU-18-014 be replaced by a new condition setting an expiration date of between six and 12 months from approval. Should the Planning Commission agree with staff, suggested language for the modified condition of approval number 8 is below:

8. This conditional use permit expires one year from the date of approval after which the conditional use permit shall terminate.

Staff, therefore, recommends approval of a new CUP for TIB to allow them to maintain ongoing operations at their existing location while construction concludes at their new facility subject to the modified condition of approval number eight stated above.

EXHIBITS

- A: Notice of Decision for LU 18-014
- B: TIB CUP application

Exhibit A

CITY OF CASCADE LOCKS
NOTICE OF DECISION
DECEMBER 13, 2018

Application File Number: LU 18-014 Thunder Island Brewing CUP

Type of Action Requested: Conditional Use

Code Authority: Conditional Uses (8-6.152)

Application certified as complete: November 15, 2018

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: 355 WaNaPa Street

Township: T 02N

Range: R 07E

Section: 12

Taxlot: #00100

Zoning: (P) Public

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

Specific Action Requested: Approve a new Conditional Use permit for 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.

ORIGINAL STAFF FINDINGS: (see below)

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 #00100, under the control and management of the Port of Cascade Locks. The applicant has entered into a lease agreement with Thunder Island Brewing (TIB) 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 applicant’s 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.

NOD – THUNDER ISLAND BREWING CUP

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.

Previous Actions: The Planning Commission set a deadline for Thunder Island Brewing to show progress on their relocation to WaNaPa Street before a hard deadline of January 17, 2019. This submittal is in conformance with the previous request and conditions of approval. Staff has reviewed a building permit for a WaNaPa Street construction project which is still in review by City Electrical and engineering.

FINDING: The applicant has met the minimum requirement established as part of the previous conditional use permit as issued by the Planning Commission.

The applicant has provided the following explanation for any delays in relocating to a permanent location on WaNaPa Street.

TESTIMONY PROVIDED BY APPLICANT
CONDITIONAL USE PERMIT APPLICATION

Submitted Nov 13, 2018

(B) WRITTEN RESPONSE TO APPROVAL CRITERIA:

A Conditional Use Permit, "CUP," is requested by Thunder Island Brewing Co, "Thunder Island," in their existing location at 515 NW Portage Rd. A new CUP to continue existing operations is requested due to a number of unforeseen events and challenges that have occurred since the last CUP application was submitted by Thunder Island and approved by the Planning Commission in November of 2016. Accordingly, the cumulative effect of the unforeseen events over the last two years have resulted in the delayed development of the Thunder Island Downtown WaNaPa St Building A number of key factors have impacted the initial timeline provided to the Planning Commission in November 2016 which have created significant challenges and delays in the project. In summary, some of the major challenges in the project include but are not limited to the following events:

- **Two Catastrophic Natural Disasters** met State and FEMA requirements for emergency declaration.
 - Ice/Winter Storms of January 2017.
 - Eagle Creek Fire of September 2017.
 - More importantly, both of these disasters impacted the business and employees of Thunder Island in all aspects of their lives.
- **Feb- Apr 2018:** Geotechnical Reports on the Wa Na Pa property, which identified serious engineering challenges with our lot.
- **May - Jul 2018:** Lost time in transitioning to new structural and civil engineers to ensure the feasibility of our project with regards to the geotechnical challenges.
- **Sept 2018:** Delay in City approval for permit set. The approvals were expected to take 5 days from submittal on Sept 19, 2018, but they are still in review with the City as of today. Over the last 5 years in business, Thunder Island has become an important member of the Cascade Locks and greater Gorge community. Thunder Island looks forward to adding additional hires to their current team of 27 employees in their new facility. With this future growth in mind, Thunder Island has managed to accomplish major milestones in the development of the WaNaPa building even with the unexpected challenges of the last two years. These milestones have been substantiated by the following achievements:
 - **Dec 2017:** Site Plan approval by the by the City of Cascade Locks Planning Commission
 - **June 2018:** ODOT Curb Cut approval for new site (submitted in January 2018)
 - **Sept 2018:** Submission of plans, structural calculations & permit application to City of Cascade Locks for pre-permit review. To date, Thunder Island has invested over \$275k in the development of their WaNaPa property, which will result in a \$5 million project in Downtown Cascade Locks. Thunder Island hopes to move swiftly with the construction of the new building, with a target completion date of Winter of 2019. **In sum, a new Conditional Use Permit is being requested by Thunder Island so they may continue to operate their retail business while they continue the development of the new building in the DowntownCommercial zone on WaNaPa St.**

CONDITIONAL USE PERMIT APPLICATION

Thunder Island's operations within the Public Zone remain consistent with the criteria defined by the Planning Commission in November 2016. More specifically, retail sales generated by Thunder Island continue to be attributed to retail products and services provided to the general public for entertainment purposes in the Taproom. A new CUP is requested until Thunder Island is successfully operational in their new WaNaPa building. Moreover, a CUP is requested based on the approval standards as defined by CDC Section 8-6.48.030, which establishes the approval criteria for an unlisted use, and the listed conditional uses listed under CDC Section 8-6.92.030, which allows for retail sales and service in a Public Zone. Thunder Island looks forward to the new facility, and will continue to pursue the development of their new facility as quickly and efficiently as possible.

Written Response to Approval Criteria (8-6.152.050)

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 existing retail space remains the same, which is comprised of 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 were made in order to comply with the retail (public) use 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 continued use as a retail location. 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 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 an 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 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, 2 brewery-dedicated stalls, 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.

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. 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 (with variations in shorter operating hours due to seasonality of business). 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. 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 and contributor to the greater Cascade Locks and Gorge community.

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

Section 8-6.148.110 (Approval Standards) have been met, as site plan review is not a requirement

of this CUP since a new development or major modification is not planned for this site. The applicable criteria in Section 8-6.152.060 are satisfied. The proposed use is consistent with the applicable criteria outlined under CDC 8-6.152.060 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. Retail is limited in size, with a maximum indoor 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, consistent with the Port's established hours in the Marine Park.

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. The Port warehouse building is accessed from NW 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 11am – 10pm, based on the seasonal demands.

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, 2019. 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 has submitted a formal application for site review and building permit approval for a new site for their business on Wa-Na-Pa Street, which was a condition of approval for their last CU

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.
8. By June 30, 2019, TIB will be required to have a slab poured for the new building. Should they meet this requirement, TIB and the Port of Cascade Locks shall have an automatic additional six-month Conditional Use Permit extension. If TIB has not relocated by December 31, 2019 but the new building is complete then TIB shall have an additional six months to completely relocate the temporary space to the new permanent space. Failure to comply with any of these requirements shall terminate the Conditional Use 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 operator shall provide a copy of the approved executed lease between the applicant, the Port of Cascade Locks and the operator Thunder Island Brewing. The Port shall have authority over this permit and shall ensure that all conditions are met in the conduct of this operation. Should the lease be terminated any time prior to December 31, 2019, this Conditional Use Permit will terminate simultaneously to the revocation of the lease agreement. 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.

The CUP is granted based on the vote of the Planning Commission.



Larry Cramblett, Chairman of City of Cascade Planning Commission

City of Cascade Locks
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 Phone: (650) 387-5237

Address: 515 NW Portage Rd

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

Property Owner (if different)

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

Address: P.O. Box 307

Property Information

Property Address: 515 NW Portage Rd

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

Zone: P - Public Property Size: _____

Existing Use/Structures: Restaurant and Brewery

Application Proposal: CASCADE

FOR OFFICE USE ONLY			
File Number:	<u>LU 19-008</u>		
Submittal Date:	<u>11/13/19 4:58pm</u>	Fee: <u>125.00</u>	Received by: <u>KW</u>
Application Type:	<u>CUP</u>	Completeness: <u>No</u>	120th Day: _____

Deposit needs 1500

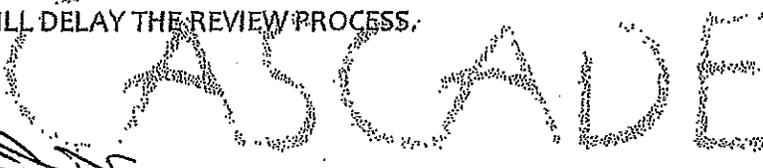
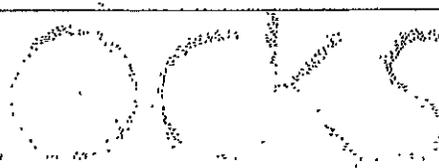
*Needs app requirements
Need deposit
Criteria narrative rec'd 11/18/19 10:50am*

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) ONE copy and ONE PDF version 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) *NA* 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) *NA* 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.

		10/14/19
Applicant/Owner		Date
		11/11/19
Applicant/Owner		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,
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 additional deposit required is \$ 3,000.00, but those 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 20th day of October, 20 19.

APPLICANT(S):


Thunder Island Brewing

PROPERTY OWNER(S):
(If Different Than Above)

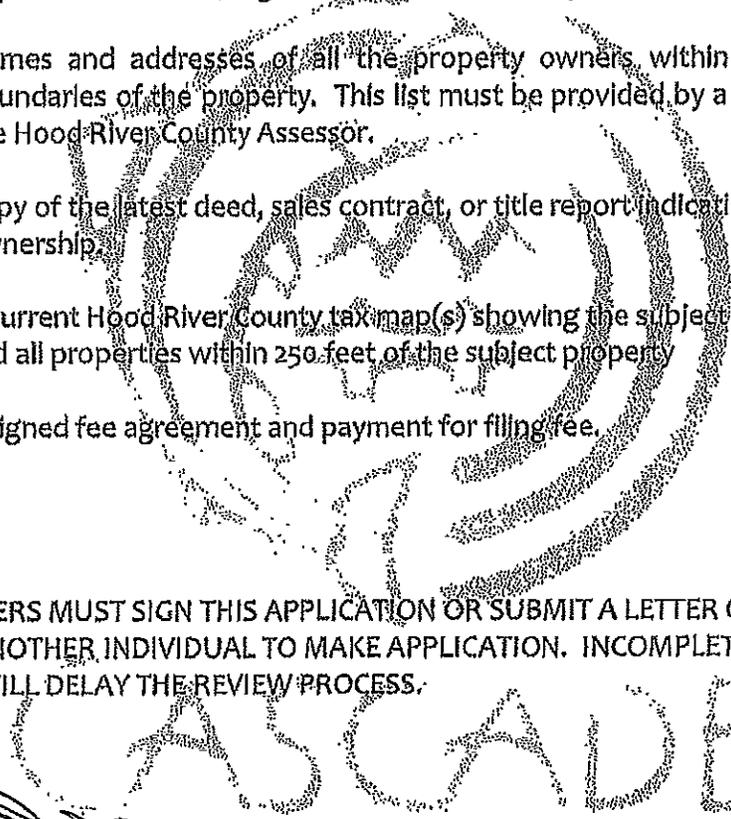
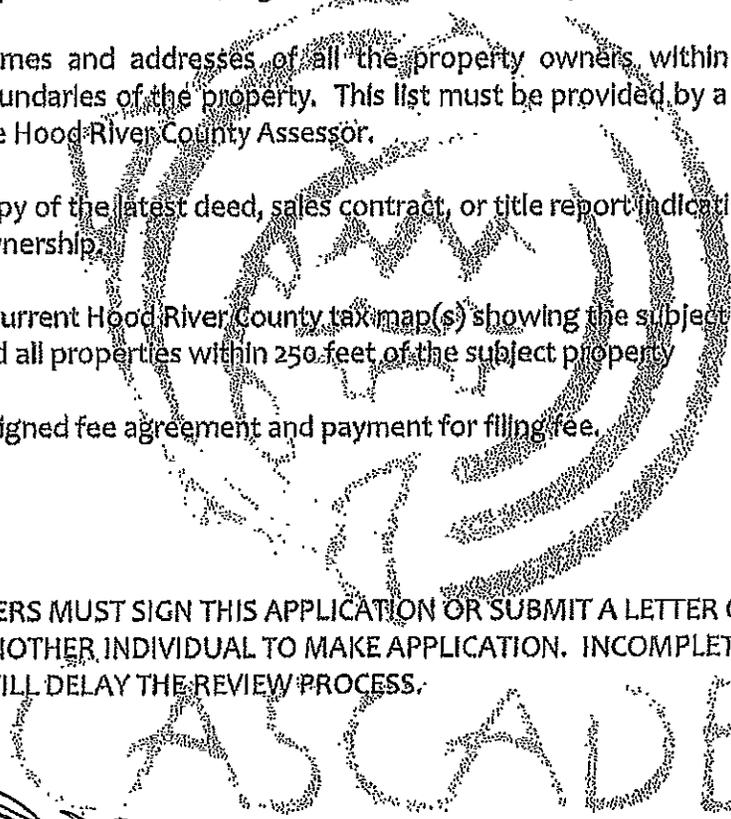
Port of Cascade Locks

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		10/14/19
Applicant/Owner		Date
		11/11/19
Applicant/Owner		Date



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 restaurant and retail operations. A CUP is requested so that TIB can continue to operate their restaurant and retail business while they continue the development of their building in the Downtown Commercial zone on WaNaPa St.

TIB's use of the current property is consistent with a "Retail sales and service: Sales-oriented [and] Entertainment-oriented" commercial type land use classification, per *Community Development Code 2018, 8-6.08.030 Definitions of Land Use Types, Section D, Commercial Use Types*. Commercial land use types are allowable in public zones upon the approval of the Planning Commission. Specifically, the primary business of TIB is provided in the form of retail sales of "new or used products to the general public" and "personal services of entertainment ... [and] services for consumer and business goods" under the Entertainment-oriented classification below:

Retail sales and service. Businesses that are involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Such uses are conducted indoors with limited provisions in this title to allow outdoor storage of material or merchandise. Categories and examples of retail sales and service uses include:

- **Sales-oriented.** Stores selling, leasing, or renting consumer, home, and business goods including appliances, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, liquor, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; and food sales.
- **Personal service-oriented.** Businesses such as branch banks; urgency medical care; dental and medical offices; laundromats; photo or laundry drop-off; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; mortuaries; veterinarians; and animal grooming.
- **Entertainment-oriented.** Businesses such as restaurants, cafes, and delicatessens; bowling alleys; health clubs; gyms; and membership clubs and lodges.



Furthermore, TIB's business operations on the current property would not classify for "Industrial Use Types" listed below, per the *Community Development Code 2018*, because the primary business is selling directly to customers:

E. Industrial Use Types:

Manufacturing and production. The manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

Industrial services. The repair, servicing, and storage of industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and building maintenance services and similar uses can perform services off-site. Few customers, especially the general public, come to the site. Categories and examples of industrial service uses include:

- **Light.** These activities are generally conducted indoors, but may have related outdoor activities including parking or storage of operable vehicles and equipment and finished products. Examples include welding shops; machine shops; tool, electric motor, and scientific or professional instruments repair; metal and building materials; towing and vehicle storage; heavy truck servicing and repair;

truck stops; building, heating, plumbing, or electrical contractors; printing, publishing and lithography shops; exterminators; janitorial and building maintenance services; laundry, dry-cleaning, and carpet cleaning plants; photo-finishing laboratories; and warehousing.

- **Heavy.** Activities are conducted indoors and outdoors, and outdoor activities may include storage of inoperable vehicles and equipment, scrap metal, other salvage or recyclable materials, and stockpiled material such as gravel, construction debris, or compost. Examples include sales, repair, storage, salvage or wrecking of heavy machinery; auto and truck salvage and wrecking; tire retreading or recapping; fuel oil distributors; and solid fuel yards.

Wholesale sales. The sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the public are limited. Products may be picked up on the site or delivered to the customer. Examples include sale or rental machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesale of food, clothing, auto parts, and building hardware.

Given these characteristics, TIB's land use of the current facility is more appropriately classified as a "Retail sales and service" land use type that is "Entertainment-oriented" rather than an "Industrial Use Type".



TIB has the intent of continuing to grow its retail business in Cascade Locks, however, given the large scope of a brand 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 December 31, 2019.

TIB was previously unable to provide an exact move-in date due to multiple unknown variables and undefined key players for the new commercial location. But now with the addition of a full-time Project Manager, an Owner's Representative, a General Contractor, and third-party inspectors, TIB has acquired an approved permitted set of construction documents, finalized a master schedule, and has officially started construction. The master schedule, dated 10-4-19, indicates a Temporary Certificate of Occupancy, "TCO", will be acquired by June 22, 2020, granted weather conditions are relatively congruent with past weather conditions seen in the area. Once a TCO is acquired, TIB will begin aggressively phasing in materials and equipment necessary for operation start-up in the new facility, with respect for all of the considerations that come with the development process. Final Occupancy is expected on July 20, 2020, at which time, the new TIB facility construction will be complete.

That said, TIB is requesting to allow a CUP for the continued restaurant and retail operations at 515 NW Portage Rd under the condition that TIB has a valid and active lease with the Port of Cascade Locks.

Written Response to Approval Criteria (8-6.152.050)

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

THUNDER  **ISLAND**
Brewing Co.

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 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.



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 interests in the community via the City's 2012 Vision Statement, 2012 Multifaceted Development Strategy, and the adopted 2012 Connect Cascade Locks Plan. 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 follows:

- O. Retail Sales and Service (Public Zone)

THUNDER  ISLAND
Brewing Co.

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.

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).

