

**CITY OF CASCADE LOCKS
PLANNING COMMISSION
AGENDA**

Thursday, January 10, 2019 at 7:00 PM
City Hall

1. Call Meeting to Order.
2. Approval of December 13, 2018 Minutes.
3. New/Old Business:
 - a. Elect Planning Commission Chair.
 - b. Continue Public Hearing LU 18-013 Norway Construction Appeal.
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 7:01 PM. Planning Commission Members present were Gary Munkhoff, Todd Bouchard, Larry Cramblett, Catherine Adler and Virginia Fitzpatrick. Others present were CA Gordon Zimmerman, Deputy Recorder Marilyn Place, Planning Commission Consultant Stan Foster and Port of Cascade Locks General Manager Paul Koch. Also present were Tim Heuker, Tom Heuker, George Fischer, Butch Miller, Scot Sullenger, Owner Operators of Thunder Island Brewery Dave Lipps and Caroline Parks and CIDA Architect Jessica Lucas.
2. **Approval of November 8, 2018 Minutes. Motion:** PCM Bouchard moved to approve the minutes, seconded by PCM Munkhoff. The motion passed unanimously.
3. **New/Old Business:**
 - a. **Public Hearing: LU 18-012 Heuker Fish Processing Plant Site Plan Review.** Chair Cramblett opened the hearing at 7:04PM. Chair Cramblett and PCC Foster went through the Planning Commission Procedures.

PCC Foster said this is an application for permitting a new heavy industrial food processing and manufacturing plant on a vacant lot at the Port of Cascade Locks' Industrial Park. He said it is zoned heavy industrial and the applicant has submitted a proposal for two permitted uses, a multi-story manufacturing plant and a care takers resident which is allowed in that zone. He said Staff has reviewed the application and there is no minimum lot size in their dimensional requirements and the applicant's proposal meets all the setback requirements. He said the applicant will locate a monument sign at the entrance to the manufacturing plant and applicant will have to comply with the design requirements of the City and submit a sign design to the City for approval.

PCC Foster said the applicant has provided a preliminary landscaping plan and after the review of the site plan no construction will take place in the riparian area of the Columbia River. He said the applicant proposed a driveway access of twenty four feet with a twenty four foot internal radius for fire truck turnaround and the Cascade Locks Fire Chief Jessica Bennett has indicated that is acceptable. He said the applicant has proposed 12 parking spaces which will exceed the required number of parking spaces under the code.

Staff has reviewed the application and has recommended a series of conditions for approval which will be discussed after the hearing.

Ms. Lucas said she is consulting with the Heuker brothers on this project which is a 20,000 square foot pad with office space, production space and a maintenance area for fish processing, smoking and packaging. She said the site plan shows the building will be 75 feet away from the riparian area and includes a road connection for fire truck access.

PCM Munkhoff asked if the fire connection road is in lieu of a hammerhead turn around and will it be built at the same time. Ms. Lucas said that was correct and they're waiting for the Port to put the road in and for engineering drawings so the architects can make that indication on the site plan. She said it will probably be gated so people can't drive that way but a fire truck would be able to push through.

PCC Foster asked if the plans have been drawn up for the care takers residence. Ms. Lucas said they have not gotten that far in the process but because a care taker residence is allowed in the zone they wanted to make sure the plan accommodated it. She said the main concern is to get the building up and in production first.

Chair Cramblett asked if there were any proponents or those opposing this site plan review. There were no other speakers on the matter and Chair Cramblett closed the Hearing at 7:14PM.

PCC Foster said even though this is a Planning Commission review for permitted use in the zone Staff recommends the conditions listed in the staff report.

Motion: PCM Fitzpatrick moved to accept the Site Plan for the Heuker Fish Processing Plant with the additional conditions recommended by PCC Foster and that a plan for the care taker residence be submitted if it is different from what the site plan is indicating at this hearing. PCM Munkoff seconded. The motion passed unanimously.

b. Public Hearing: LU 18-013 Norway Construction Appeal. Chair Cramblett opened the hearing at 7:21PM. Chair Cramblett and PCC Foster went through the Planning Commission Procedures.

PCC Foster said the applicant has requested a continuation and a date needs to be fixed for the continuation to be granted. PCM Fitzpatrick confirmed the next date the Planning Commission could have the appeal hearing for Norway Construction would be January 10, 2019 at 7PM.

Motion: PCM Fitzpatrick moved to approve the continuation for Norway Construction to the Planning Commission meeting scheduled for January 10, 2019. PCM Munkoff seconded. The motion passed unanimously.

Chair Cramblett closed the Hearing at 7:27PM.

c. Public Hearing: LU 18-014 Thunder Island Brewing Conditional Use Permit. Chair Cramblett opened the hearing at 7:30PM. Chair Cramblett and PCC Foster went through the Planning Commission Procedures for a Conditional Use Permit hearing.

PCC Foster said we provided a Conditional Use Permit (CUP) for the Port and Thunder Island Brewing (TIB) a number of years ago. He said a year ago another request for a second CUP for TIB came in and at that time the Planning Commission directed the applicants to reappear before them on January 10, 2018. He said the Planning Commission was aware that TIB was relocating to Wa Na Pa Street in town and felt they needed more information at that time to act upon the request.

PCC Foster said at this time we do have a signed agreement between the Port and TIB and substantial progress has been made on the building permit for their future location so the request is for another (the third) 1 year CUP for their current location at the west end of the park.

PGM Paul Koch said his presence at the meeting that night was to seek a new CUP for TIB to continue their operation at the location on the Ports property while construction begins and is completed at their new location. He said the Port Commission had approved a six month extension of TIB's current lease and a monthly rent increase along with the requirement that by June 30, 2019 a foundation slab be completed at TIB's new location.

Owner Operator of TIB Mr. Lipps said he had a geo tech report done that found some soil issues at the new location. He said they fired the first engineer and hired a new one. He said currently the permit is with the City and they are on their last stages of the wastewater and storm water portion of their project. He said when they submitted their permit in September, 2018, they were told it was a five day process but found out that it was not. They are hoping to get the permit pushed over to the County and to break ground soon at their new location. He said they've experienced substantial delays due to the ice storm of 2017 and the Eagle Creek Wild Fire and massive engineering issues this year.

Mr. Lipps said if they are not granted the CUP to remain in the space they are now they won't be able to pay their employees and generate revenue for the new building. He said if that happens they will not be able to have a business presence in Cascade Locks. He said they have spent over \$250,000 in

engineering, permit review fees and land purchases. He said now they want to begin construction so they can make this town look like something everyone would want it to look like, something awesome.

PCM Bouchard asked who TIB's contractor is. Ms. Lipps said O'Brian and Company has been their contractor since day one. She said most notably they do a lot of work in the wine and beer brewing industry. Ms. Lipps said they do acknowledge they came before the commission in 2016 to ask for two more years but again the storms, fire and other delays they've experienced have set them back. She said a part of their investment in the new building is based on their ability to continue operating so they can make the transition.

Chair Cramblett asked if there were any proponents for granting the CUP and any in opposition. Mr. George Fischer spoke opposing the permit stating TIB should have had a schedule of events so the Planning Commission could look at how things were to transpire. He said the Planning Commission told TIB they have a specific amount of time for their infancy. He said when you have time constraints you need to work within those. He said excuse the expression but shit or get off the pot, someone else might want to sit down. Ms. Parks said they'd be happy to share their construction schedule with Mr. Fischer if he's interested.

PCM Munkhoff said one year does not seem like enough time for TIB to be shut down at its current location and in operation at the new location on Wa Na Pa. Mr. Lipps said their contractor assured them they could have the building ready in nine months, which would provide three months for any delays or bad weather issues. CA Zimmerman said the building TIB wants to construct on Wa Na Pa is a relatively simple building and he thinks it's very doable to get it built in nine months.

PCC Foster said staff is recommending the conditions of approval as listed in the staff report with an additional condition as stated below:

1. By June 30, 2019, TIB will be required to have a slab poured for the new building, should they meet this requirement, TIB and 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 their requirements shall terminate the Conditional Use Permit.

Chair Cramblett closed the hearing at 7:56PM.

Chair Cramblett said he feels uncomfortable granting the CUP because TIB is not following the code. He said the property that TIB is occupying temporarily is a public park and it's not zoned for beer manufacturing. He said TIB has not followed their own timeline twice and the winter of 2016/17 and the Eagle Creek Fire should not have delayed the process of building their new business on Wa Na Pa to the extent that they say it has. Chair Cramblett said it's hard for him to believe that this time will be different since the past two times TIB Operators have come before the PC stating how confident they were in their timeline and their engineers but have failed in making anything happen.

PCM Munkhoff said there are issues that should be on the record before a motion is made. He said in the original application TIB had a schedule set up stating what they would be doing in the first, second and third year. He said they haven't stuck to their schedule. He said by TIB's own admission the space they occupy in the park would not be used for outside sales and it is only a tasting room where no food will be served. He said that is not the case they do serve food and have outside sales. He said the Conditional Use Permits were specifically to support the retail incubator space to spring board the startup business in

to self-sufficiency and to allow the new business to focus on product development while designing a long term building. He said no issues were brought up to the Planning Commission during the last Conditional Use Permit hearings and his concern is TIB is asking for a year with no conditions and that is taking advantage of the Planning Commission.

PCM Fitzpatrick said what started out as an incubator business has been five years now and wondered at what point is it not working.

PCM Bouchard said it sounds like PCM Munkhoff is supportive at giving TIB time and maybe wants to add a condition or two to the new CUP. PCM Munkhoff said that is correct and mentioned the Ports agreement with TIB requiring them to have a slab foundation poured within six months at their new site on WaNaPa. He said if we give TIB a six month CUP and they keep their agreement with the Port and get the slab poured they get another six months automatically and they don't have to come before the Planning Commission to request it. He said at the end of that six months if the building is complete but they haven't had time to move in they can have another six months. PCM Munkhoff said if they don't make the slab pour at the end of the first six months, he recommends they have to go back to their original perimeters of their business which was no more outside sales and they have to stick with their 25-person limit.

PCM Bouchard asked PGM Koch what happens to TIB's lease if the slab is not poured. PGM Koch said the Port Commission would have the ability to cancel the lease at that time. PCM Bouchard said if TIB gets the slab poured what will the Port do. PGM Koch said upon TIB's request the term of the lease would resume until December 31, 2019. PCM Bouchard said it sounds like the Port is in the same position as the City and the CUP should piggyback with the Ports lease.

Ms. Parks said TIB's original CUP was approved with the assumption that the Port would be developing a property for TIB's long term use. Mr. Lipps said the property that was proposed was the old Fire Hall which turned out could not be overhauled to the specifications necessary for a brewery. He said at that time the Port told TIB they would only give them two years in their current location in the park. Mr. Lipps said that's when TIB decided to begin working on plans for a new building on WaNaPa.

CA Zimmerman said because TIB has been so successful in the location at the park staff is supportive of this new CUP.

Motion: PCM Munkhoff moved to approve a Conditional Use Permit for Thunder Island Brewery with the above listed conditions numbers 1 through 11 for a period of six months (Note: Motion is written as stated. There were seven conditions in the original staff report and the additional condition will make eight). After six months and upon having met conditions TIB will be granted another six-month CUP through December 31, 2019 without requiring a public hearing. If the project necessitates an additional six months for relocation purposes after the new building is complete then an additional six month CUP will be granted until June 30, 2020. Seconded by PCM Bouchard. The motion passed with a three to two vote.

- 4. Public Comment.** Mr. George Fischer said this year he purchased parcels two and three from Bruce and Carol Daniels. He said he began the permit process on July 22, 2018 and met with Kathy Woosley to point out a problem with the Public Works Design Standards (PWDS) and the Community Development Code (CDC). He said the problem was regarding driveways, approaches, fire truck turnarounds, parking area's and the requirement for a 30ft recorded easement. He said he received a letter on July 24, 2018 restating all the same issues he had pointed out to Kathy. He said he then took his case to a City Council meeting on August 13, 2018, to make Council aware of the problem with the easement requirements and

the PWDS issues. He asked the Council to resolve the problems and no motions were made. Mr. Fischer said at the end of that meeting CA Zimmerman said he would take care of it with him in a couple weeks.

Mr. Fischer said CA Zimmerman called him into a meeting and showed him a drawing for the fire truck turnaround from Fire Chief Bennett that she would approve for his property. He said on August 9, 2018 he received a letter from Kathy Woosley that said she spoke with Fire Chief Bennett who said the hammerhead configuration can't be in the driveway. He said according to the Hood River County Fire Chiefs Association of Fire and Safety they require a hammerhead turnaround or a cul-de-sac turnaround and no parking signs. He added nowhere in the code does it say it must be part of the easement. Mr. Fischer asked the Commission if they could tell him where Public Works Design Code starts and the CDC ends.

Mr. Fischer said the reason he was there that evening was because he cannot finish the permit process without the commission understanding that private property falls under the CDC not Public Works Design Standards. He said he wants the commission to stop misquoting the code and to not assume personal interpretations into the code. He said he wants the problem corrected and he wants to be put on the Planning Commission agenda for January.

CA Zimmerman said Mr. Fischer has not submitted an application or formal site plan and if he would submit that then the Planning Commission can make a decision and Mr. Fischer can appeal the decision if need be. He said but at this time Mr. Fischer has not completed a permit application and we'll be happy to consider it as soon as we get one and a legitimate to scale site plan.

CA Zimmerman said the City has given Mr. Fischer answers throughout his quest but he is not accepting the definition in the Public Works Design Standard as it relates to the development of his driveway going back to his property.

Chair Cramblett said Mr. Fischer's question is why he should abide by the PWDS when it's his own private property. CA Zimmerman said because Mr. Fischer is developing property that is more than 150 feet back and the PWDS requires him to develop a paved driveway to the PWDS's specifications. He said the reason why this is a PWDS requirement is to prevent gravel driveways that chew up the side of the street to which they connect. CA Zimmerman said Mr. Fischer believes that if the City is requiring him to build a driveway then that becomes a street even though it's not built to street standards. He said Mr. Fischer is asking the Planning Commission to decide and accept that he should not be made to build a driveway the way the PWDS states.

Mr. Fischer said that is not what he is asking the Planning Commission to decide. He said he was asking for the Planning Commission to tell him where the CDC takes over and the PWDS ends. He said a letter he received July 23rd explained he had to comply with the minimum standards for his development as part of insurance of his permits and no other alternative will be accepted. He said that was too vague because the letter did not state exactly which design standards he is supposed to follow. He said he knows he has to pave a driveway because PWDS and the CDC are somewhat the same on that requirement. He said his issue is that according to the PWDS his paved driveway would have to have a recorded thirty foot easement which would force him to have to pay a surveyor, pay a lawyer and pay to record it with Hood River County before he can give the planning department a complete plot plan.

Chair Cramblett said is the City requesting Mr. Fischer turn over his driveway to the City for proper maintenance. CA Zimmerman said no, we would like him to turn in a permit application and a legitimate to scale site plan.

PCM Munkoff asked Mr. Fischer to explain how this issue evolved. Mr. Fischer said after Bruce and Carol Daniels agreed to sell their property they spoke to Kathy Woosley in the planning department about doing a partition land division. He said the land division showed access to the lots that were to be partitioned with a twenty foot easement which got approved and recorded. He said in July, 2018 he began the permit process and he came to the City and spoke to Kathy and told her his intention was to build a duplex and a home on the property. He said after his discussion with Kathy he received a letter from PCC Foster that said he had to have a recorded thirty-foot easement and also the fire truck turnaround cannot be in the driveway. He said he needs something in writing that tells him exactly what code to follow so he only has to pay the surveyor, lawyer and Hood River County once.

PCM Bouchard asked Mr. Fischer what is it he would like to have happen or did he just want to be heard. Mr. Fischer said he would like clarification.

PCC Foster said the partitioning of the Daniels' land is a straightforward land use matter. He said our code indicates that we have to comply with PWDS so he defers to the PWDS and that is what he's regulated and bound by the City to do. PCC Foster said one the problems for him was Mr. Fischer only drew a square on the parcel and didn't provide any other information. PCC Foster said as far as the fire code goes he defers to the fire chief on that because those are public safety issues and under the CDC he is required to implement those public safety requirements for the City.

PCM Munkoff asked what is the issue. Mr. Fischer said the easements are different for the PWDS and the CDC. PCM Munkoff said if the city originally approved a twenty foot easement then the city has to live with that.

CA Zimmerman said a twenty foot easement driveway could work on that property if Mr. Fischer was only putting in two units. He said Mr. Fischer wants to develop the lots to have two units on one lot and a third on the back lot. He said so that changes the requirements for the easements according to the PWDS. Mr. Fischer has not submitted a site plan on what he wants to do with those parcels.

PCM Munkoff asked why are PWDS being applied to the residential property when there is a code standard for driveways. CA Zimmerman said because PWDS are used to connect water and sewer to the residents. PCM Munkoff said there is nothing in the code that says he has to use the PWDS to develop his driveway. PCM Munkoff said by the City's standards Mr. Fischer can't submit anything with the twenty foot easement. CA Zimmerman said that is how the code reads.

PCM Bouchard said someone has to submit the written application with a drawing and pay a fee and then there is a written record of the request. He said and if the application gets denied it can be appealed to the Planning Commission and then potentially on up to someone else, that is the process. PCM Bouchard asked why hasn't Mr. Fischer followed the process.

Mr. Fischer said he's trying to fulfill the requirements set forth but he wants to get the Planning Commission to realize they're quoting codes that they shouldn't quote. PCM Bouchard said but the Planning Commission is not involved in the application unless it's brought to them in official capacity. Mr. Fischer said that is why he asked to be put on the agenda for the Planning Commission meeting in January 2019.

PCC Foster said Mr. Fischer's application was incomplete and he needed to submit a scale drawing for it to be formally accepted. He said he wasn't requiring Mr. Fischer to go get the land resurveyed or anything he just needed a completed application with a scale drawing.

PCM Bouchard asked if Mr. Fischer was willing to provide the drawing PCC Foster needs to scale with an application. Mr. Fischer said he could try to do that but that is not going to answer his questions regarding the misinterpretations of the CDC and the PWDS.

Chair Cramblett asked if Mr. Fischer could be put on the agenda for the Planning Commission meeting in January. CA Zimmerman said no because once the application is turned in it's in administrative review of a residential development. PCM Munkoff said but it is not cut and dry which codes apply. CA Zimmerman said we either approve or deny the application and if he doesn't like the decision then he appeals to the Planning Commission. He said the Planning Commission operates under applications and they cannot submit a decision on an application they do not have. PCM Munkoff said he disagrees and does not think it's an administrative decision because there's an issue on what code applies and administration can't make that call.

Mr. Fischer quoting a section of the PWDS. Mr. Scot Sullenger stated his support for Mr. Fischer.

It was determined that if Mr. Fischer's application is denied by the Administration Department then he can submit an application for appeal and appear before the Planning Commission and be put on the agenda at that time.

5. **Adjournment.** Chair Cramblett adjourned the meeting at 9:15PM.

Prepared by
Marilyn Place, Deputy Recorder

APPROVED:

Larry Cramblett, Chair