

CITY OF CASCADE LOCKS
PLANNING COMMISSION
AGENDA

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

- I. Call Meeting to Order
- II. Approval of December 10, 2015 Planning Commission Minutes
- III. New Business
 - A. Public Hearing: James Clark LU 16-001 Extension of Temporary Permit
- IV. Workshop
 - A. Conditional Uses
- V. Adjournment

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

- I. Call Meeting to Order. Chair Cramblett called the meeting to order at 7:05. Planning Commission Members present were Gyda Haight, Virginia Fitzpatrick, Gary Munkhoff, Todd Mohr, and Chair Larry Cramblett. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Interim Port General Manager Paul Koch, Don Mann, Holly Howell, Dave Lipps, and Caroline Park.
- II. Approval of October 22, 2015 Planning Commission/Historic Land Commission Minutes. PCM Fitzpatrick moved, seconded by PCM Haight, to approve the minutes. The motion passed unanimously.
- III. New Business
 - A. LU 13-005 Thunder Island Conditional Use Request for Extension. It was noted that the Land Use File Application number was wrong on the Planning Staff Report. The staff report had LU 15-003 and should be LU 13-005.

IPGM Koch stated that the Port of Cascade Locks along with Thunder Island Brewing (TIB) as Co-applicants are here to request the one year extension on the Conditional Use Permit. Port Economic Development Manager Don Mann said that the Port Commission has monitored TIB's progress and success. He said that TIB has met all conditions of approval and has obvious achievements in their business. He asked for the third year extension on the Conditional Use Permit. Don said the Port Commission is working on the final draft on a Memorandum of Understanding for a future development on WaNaPa Street. He thanked the Planning Commission for their hard work and for promoting a diversified economy.

PCM Haight said that there was supposed to be substantial progress, a business plan, and architectural review. She said this is what the Planning Commission wanted to see and the minutes do not reflect that. Don Mann assured the Planning Commission that all those things will be required by the Port Commission.

CA Zimmerman explained that the Planning Commission can only review the extension for the land use case, which is the conditional use permit. He said it will be another case before the Planning Commission with TIB's new development.

IPGM Koch said that the business and development plans for TIB are supposed to be filed with the Port Commission by December 24th and a signed agreement between TIB and Port by the end of this year.

Chair Cramblett reminded the Port that this was supposed to be a temporary use. Don said the Port Commission wanted to use this space as incubator space for start-up businesses with an opportunity to grow in another place. He said the Port Commission will have to decide if they want to continue to use this space as incubator space. He said TIB has made enough progress to the Port Commission to warrant a third year in that space.

PCM Fitzpatrick said this will only leave TIB one year to build a building, have their business plan, etc. PCM Munkhoff questioned manufacturing being allowed in the Public Zone. CA Zimmerman explained that the Planning Commission at the time approved the conditional use

with retail sales happening in the front and the manufacturing in the rear. He said the City was approached in the beginning for just the manufacturing, which was not allowed. PCM Munkhoff said one year will not be adequate for them to be out of the Port site. CA Zimmerman said TIB could come back to the Planning Commission with a new application if they need more time. PCM Munkhoff said there should have been more coordination and conversation between the Port and the City on this issue. CA Zimmerman said all the Planning Commission can be concerned with is the land use. Chair Cramblett said again, this is temporary and has to be moved. He said they have to be moved by January 2017.

Don Mann said this is a new business and is growing. He said they are a successful business. He said as with any new business, there are ambitions and timelines that don't always get met. He said if the timeline can't be met they will have to ask again through another process. Chair Cramblett said the Planning Commission doesn't want any problems but all have to follow the rules.

PCM Fitzpatrick said she gets asked by citizens how come someone is being allowed to brew beer in a park. CA Zimmerman said all need to understand their roles and responsibilities. He said the City and the Port have followed the process. He said the parking and other issues are for the Port to figure out. He said the Planning Commission's role is to follow the Community development Code.

Chair Cramblett said he spoke with City Planner Stan Foster and agreed that the Planning Commission should grant the third year extension. PCM Haight said TIB has proven they are a viable business and are bringing in tourists.

PCM Munkhoff moved, seconded by PCM Haight, to grant the request for the one year extension LU 13-005 Conditional Use Permit. The motion passed with PCM's Haight, Fitzpatrick, Munkhoff, and Chair Cramblett. PCM Mohr abstained.

The Planning Commission questioned the recreational vehicle unit parked on Wasco Street. CA Zimmerman said Mr. Hicks is in violation and a letter had already been sent to him.

IV. Adjournment. Chair Cramblett adjourned the meeting at 7:45 PM.

Prepared by
Kathy Woosley

APPROVED:

Larry Cramblett, Chair



CASCADE LOCKS PLANNING COMMISSION PROCEDURES

CHAIR: Good evening, my name is Larry. 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 Extension of Case No. 16-001; an application by James Clark.
Temporary Permit

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. Stan Foster, the City's Planning Consultant will review this material; your patience is appreciated as he goes through these statements.

STAN FOSTER: 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 86.100.060. 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 an 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

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Cascade Locks Planning Commission, at its meeting on March 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 16-001 James Clark – Extension of Temporary Permit (RV-001)

APPLICANT: James Clark

REQUEST: Extend living in Recreational Vehicle while building permanent residence.

LOCATION: 2N 7 12 AB 701 70 NE Riverview Drive

APPLICABLE REVIEW CRITERIA: Cascade Locks Community Development Code Chapters 8-6.100.060.

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, 374-8484, 140 WaNaPa, Cascade Locks, OR 97014.

CITY OF CASCADE LOCKS
PLANNING STAFF REPORT
March 7, 2016

Type of Action Requested: Extension of temporary dwelling permit

Code Authority: Administrative Approval (8-6.100.060)

Application certified as complete: March 1, 2016

Action Deadline: March 10, 2016

Approval Criteria: 8-6.100.060 (Article VI – Page 3-5)

Applicant(s): James Clark

Location: 70 Riverview Drive

Township: T 02N **Range: R 07E** **Section: 12AB** **Taxlot: #701**

Zoning: Residential

Minimum Lot Size: 4500 square feet – Single Family Residential

Specific Action Requested: Extension of temporary Primary Residence permit

The applicant is requesting an extension allowing him to dwell in a recreational vehicle while completing a single family residence at the same location

Applicable Criteria

Applicant has received a temporary permit for six months to allow him to reside on the property while completing his single family residence. The permit was granted by the City Administrator under the following authority (8-6.100.060).

“

8-6.100.060 Temporary Manufactured/Mobile Homes and Recreational Vehicles

- A. Manufactured homes, mobile homes, and recreational vehicles may be used as temporary residences as provided in this section under two circumstances:
1. A temporary primary residence during the construction or remodeling of a permanent residence on the same or an abutting property; or
 2. A temporary second residence located on the same property as the primary residence.
 3. Temporary residences for construction workers on construction projects.

Applicant has reached the limit of his permit (six months) and has returned to request an extension of the original temporary residential permit.

Under the City of Cascade Locks Code, any request for an extension of this permit shall be reviewed and deliberated by the City Planning Commission.

The criteria for review is as follows:

- B. Applications for a temporary primary residence, for up to 6 months, shall be administered and reviewed as a City Administrator review in accordance with Article II, Procedures, of this title. Applications for a temporary primary residence, for over 6 months but less than 2 years, and a temporary second residence shall be administered and reviewed as a Planning Commission review in accordance with Article II, Procedures, of this title.

The Planning Commission shall consider the applicant's request for an extension of a suitable time period based on the code and the applicant's representation.

temporary primary residence and 3 years for a temporary second residence. An extension shall be approved only if the Planning Commission finds:

1. The conditions of the original approval have and will continue to be satisfied;
2. For a temporary primary residence, the applicant has made a good faith effort to complete the necessary construction for the new or remodeled permanent residence; and
3. For a temporary second residence, the applicant demonstrates that a significant family hardship would result if the temporary residence is not allowed to remain for a total of 3 years.

The Planning Commission may take one of the following actions;

1. _____ Extend the permit for a period of six months up to 30 months under the existing authority. No additional extension is allowed.

2. _____ Extend the permit for a period of time which is stipulated in the approval of this motion and shall not exceed _____ months. No additional extension is allowed.

3. _____ Deny the request based on factors which the Planning Commission may consider under the criteria for an extension review.

Respectfully submitted by Stan Foster, Planning Consultant

Approved by the Planning Commission Chairperson

March 10, 201~~8~~

Larry Cramblett, Chairperson

Date

City of Cascade Locks
PO Box 308
Cascade Locks, OR 97014
Att. Kathy Woosley

Subject:
Motor Home located at:
70 NE Riverview Dr.
Cascade Locks, OR 07014

2/12/2016

Kathy,

I am requesting an extension of the temporary permit for the use of the motor home on the my property located at 70 NE Riverview Dr.

I am making progress on the building of my home there, but will need 12 to 18 months to complete this to the point of occupancy.

Please notify the surrounding property owners and put me on the schedule for the next Planning Commission meeting on March 10th 2016.

Sincerely,
James Clark

A handwritten signature in black ink, appearing to read 'James Clark', written in a cursive style.

Cascade Locks, OR 97014

CITY OF CASCADE LOCKS PLANNING COMMISSION
WORK SESSION
MARCH 10, 2016

The purpose of this work session is to review some matters of "general concern" which may influence future decisions on development in Cascade Locks.

1. Extent of Manufacturing allowed in the "D" and Commercial Zones.

As the downtown core of our town represents the key vital commercial zone it is important to understand the key considerations in approving or denying a prospective permit request.

GOAL 9: ECONOMIC DEVELOPMENT

OAR 660-015-0000(9)

A. PLANNING

1. A principal determinant in planning for major industrial and commercial developments should be the comparative advantage of the region within which the developments would be located. Comparative advantage industries are those economic activities which represent the most efficient use of resources, relative to other geographic areas.

2. The economic development projections and the comprehensive plan which is drawn from the projections should take into account the availability of the necessary natural resources to support the expanded industrial development and associated populations. The plan should also take into account the social, environmental, energy, and economic impacts upon the resident population.

3. Plans should designate the type and level of public facilities and services appropriate to support the degree of economic development being proposed.

4. **Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development.**

5. Plans directed toward diversification and improvement of the economy of the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

MANUFACTURING AS A CONSIDERATION

Typically unless specifically prohibited, the creation or production of food products in conjunction with an approved restaurant facility shall NOT be considered manufacturing as defined in cases most often associated with Industrial development. The fact that foodstuff is produced on-site for sale on site and for cash-carry customers is considered part of the food preparation process and not something beyond the approved use.

If the Planning Commission wished to limit the production of food/beverage for only sale within the approved facility and not for sales beyond the location of the approved restaurant, then a specific standard would have to be adopted as a code and comprehensive plan change subject to DLCD concurrence. Such an action may be considered inconsistent with the intent of the Economic Development Goal #9, where planning goals should “strongly emphasize the expansion of and increased productivity from existing industries and firms.

Incidental sales of beverages or processed food products for consumption outside the place of preparation is generally acceptable unless specifically prohibited by state statute or local ordinance.

An important distinction occurs when a location is only producing product for distribution to other locations, this occurrence most often is associated with manufacturing for outside sales which would most often required the operator to be located in an approved Industrial site.

Cautionary warning:

It is entirely appropriate for the Planning Commissioners to consider land-use matters in a non-specific manner which does not appear to “pre-hear” a pending or likely local land use application. Therefore, I would strongly recommend that no reference to either present or past applicants be part of this work session discussion.

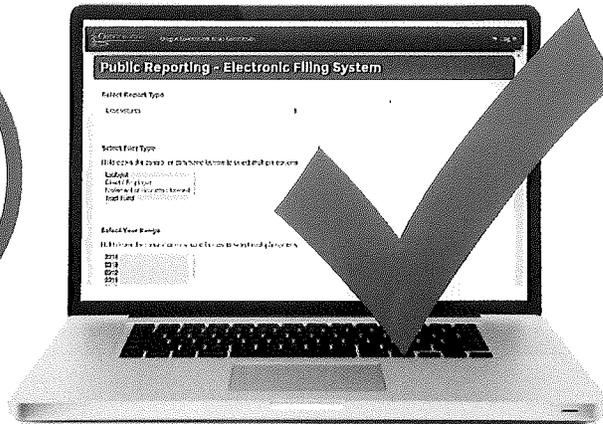
Respectfully submitted,
Stan Foster, Land Use Consultant

Electronic Filing System

Coming in 2016

2015 is the last year Statements of Economic Interest (SEIs) will be filed by mail!

In **2016**, designated SEI filers will use the OGEC Electronic Filing System



With the new system, agency contacts can:

- ✓ Receive reminder notifications before important deadlines
- ✓ Maintain your SEI filer lists online
- ✓ Edit filer contact information at any time

Your SEI Filers can:

- ✓ Save an SEI in progress and return to edit and submit later
- ✓ Receive automated SEI submission confirmation
- ✓ View, print, and amend prior SEI filings
- ✓ And, of course... file SEI electronically!

Updates & training coming soon! For additional details, visit www.oregon.gov/ogec

ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST

There are many Oregon public officials who must file an Annual Verified Statement of Economic Interest (SEI) form with the Oregon Government Ethics Commission by April 15 of each calendar year.

The public officials who are required to file reports are specified in ORS 244.050. If you are receiving this notice, you have been identified as a public official who is required to file a report.

The Commission staff has identified the positions held by public officials who must file the SEI form and has them listed by jurisdiction. Each jurisdiction [city, county, executive department, board, or commission, etc.] has a person who acts as the Commission's point of contact for that jurisdiction [OAR 199-020-0005(1)]. The contact person for the City of Powers is your City Recorder.

The contact person for each jurisdiction has an important role in the annual filing of the SEI forms. It is through the contact person that the Commission obtains the current name and address of each public official who is required to file. The contact person also assigns filing seats to public officials on the OGEC EFS (electronic filing system) website, a new development beginning in 2016. When there is a change in who holds a position, through resignation, appointment or election, the contact person updates the information with the OGEC. It is important to notify your City Recorder of any changes in your contact information to ensure that notices from the Commission are received. You may also update your contact information on the OGEC filing website if you have been assigned a position online.

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirement to complete and submit the SEI filing by April 15. In 2016, the law now requires such filing to be completed online. **No paper forms will be mailed out to you.** It is your responsibility to go online to <https://apps.oregon.gov/OGEC/EFS/Home/SignIn> and complete your SEI filing when the filing window is open to you. Your jurisdictional contact person may assist in setting up your profile online in order for you to complete the SEI filing. Please be sure to call ahead to schedule an appointment.

For those public officials without ready access to email, your jurisdictional contact person has already completed the online registration for you. When you are notified that the filing window is open, please go online to <https://apps.oregon.gov/OGEC/EFS/Home/SignIn> and complete the SEI filing before April 15. Your username is **xxxxx**. Your password is **xxxxx**. Please contact the City Recorder if you require assistance in completing your filing or updating your contact information.

Again, the requirement to file the SEI is the personal responsibility of each public official. Each public official should comply and file in a timely manner, as the civil penalties for late filing are \$10 for each of the first 14 days after the filing deadline and \$50 for each day thereafter until the aggregate penalty reaches the maximum of \$5,000. [ORS 244.350(4)(c)]

SEI BASIC INFORMATION

When the filings are made available online in March of each year, the instructions and definitions are also included to assist the filer in completing the forms. The information needed to complete the online filing pertains to the previous calendar year.

NOTE: Only public officials who hold a position that is required to file, and who holds the position on April 15 of the year the SEI is due, must complete the form.

The following is a brief description of the information requested in the SEI form:

Name and address of each business in which a position as officer or director was held by the filer or member of the household. [ORS 244.060(1)]

Name and address of each business through which the filer or member of the household did business. [ORS 244.060(2)]

Name and address and brief description of the sources of income for the filer and members of the household that represent 10 percent or more of the annual household income. [ORS 244.060(3)]

Ownership interests held by the filer or members of the household in real property, except for the principal residence, located within the geographic boundaries of the governmental agency in which the filer holds the position or seeks to hold. [ORS 244.060(4)(a) and (b)]

Honoraria or other items allowed by ORS 244.042 that exceed \$15 in value given to the filer or members of the filer's household. Include a description of the honoraria or item and the date and time of the event when the item was received [ORS 244.060(7)]. Remember that honorarium cannot exceed \$50. [ORS 244.042(3)(a)]

Name of each lobbyist associated with any business the filer or a member of the household is associated, unless the association is through stock held in publicly traded corporations. [ORS 244.090]

If the public official received over \$50 from an entity to participate in a convention, fact-finding mission, trip, or other meeting as allowed by ORS 244.020(6)(b)(F), list the name and address of the entity that paid the expenses. Include the event date, aggregate expenses paid, purpose for participation a copy of the notice of aggregate value paid. [ORS 244.060(5) and ORS 244.100(1)] [Not required for candidates]

If the public official received over \$50 from an entity to participate in a trade promotion, fact-finding mission, negotiations or economic development activities as allowed by ORS 244.020(6)(b)(H), list the name and address of the person that paid the expenses. Include the event date, aggregate expenses paid and nature of the event. [ORS 244.060(6)] [Not required for candidates]

The following is required if the information requested relates to an individual or business that has been or could reasonably be expected to do business with the filer's governmental agency or has a legislative or administrative interest in the filer's governmental agency:

Name, address and description of each source of income (taxable or not) that exceeds \$1,000 for the filer or a member of the filer's household. [ORS 244.060(8)]

Name of each person the filer or member of the filer's household has owed \$1,000 or more. Include the date of the loan and the interest rate. Debts on retail contracts or with regulated financial institutions are excluded. [ORS 244.070(1)]

Business name, address and nature of beneficial interest over \$1,000, or investment held by the filer or a member of the household in stocks or securities over \$1,000. Exemptions include mutual funds, blind trusts, deposits in financial institutions, credit union shares and the cash value of life insurance policies. [ORS 244.070(2)]

Name of each person from whom the filer received a fee of over \$1,000 for services, unless disclosure is prohibited by a professional code of ethics. [ORS 244.070(3)]