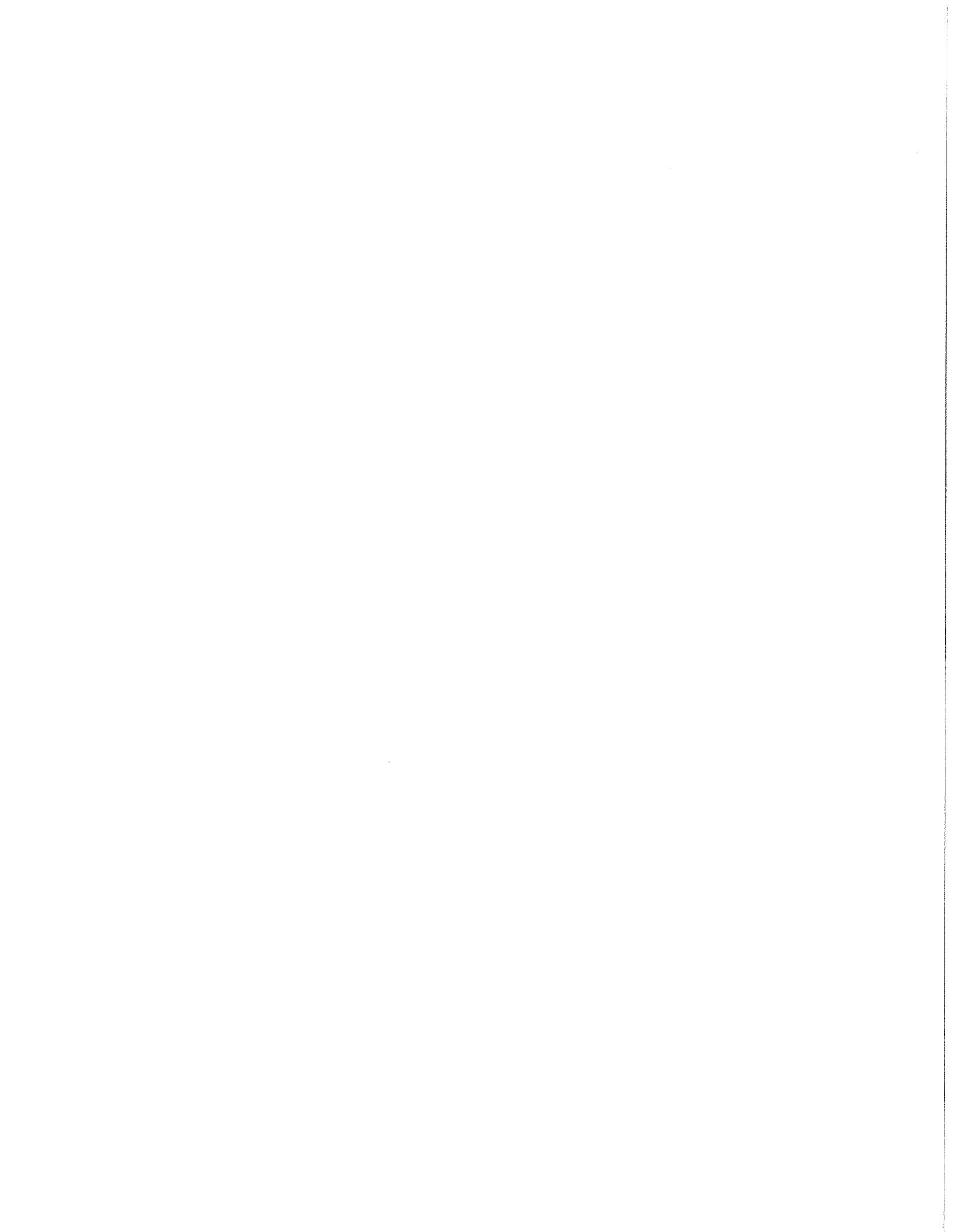


CITY OF CASCADE LOCKS  
PLANNING COMMISSION  
AGENDA

Thursday, May 12, 2016 at 7:00 PM  
City Hall

- I. Call Meeting to Order
- II. Approval of March 10, 2016 Planning Commission Minutes
- III. New Business
  - A. Public Hearing: Grant Hou LU 16-005 Variance
- IV. 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 7:01 PM. PCM's present were Virginia Fitzpatrick, Gary Munkhoff, Todd Mohr, and Larry Cramblett. PCM Haight was excused. Also present were City Administrator Gordon Zimmerman, Planning Consultant Stan Foster, City Recorder Kathy Woosley, Jim Clark and Dave Lipps.
- II. Approval of December 10, 2015 Planning Commission Minutes. Chair Cramblett said at the meeting on December 10<sup>th</sup>, he asked the applicant's several times at the meeting if they understood what was going on and they responded that they did. He said he didn't see that noted in the minutes and would like to see it in the minutes. PCM Mohr moved, seconded by PCM Munkhoff, to approve the minutes as amended. The motion passed unanimously.

III. New Business

A. Public Hearing: James Clark LU 16-001 Extension of Temporary Permit. Chair Cramblett read the procedures for the hearing and opened the public hearing at 7:05 PM. PC Foster explained the basis for an appeal and the criteria for the conditional use. PC Foster gave the staff report.

Applicant: Jim said the house is weather tight now and utilities are in. He said he is still using temporary power. He said he is basically building the home by himself. He said he lives 90 miles away so would like to be able to use the motor home while he is here working on the home. He said he would like to request the 24 month extension.

Proponent Testimony: The City received one written comment from a neighboring property. There were no opponents.

CA Zimmerman asked about wastewater disposal. Jim said he was dropping into the sewer clean out. CA Zimmerman asked if he was paying for sewer. Jim said he thought he was.

Chair Cramblett closed the hearing at 7:16 PM. PCM Mohr moved, seconded by PCM Munkhoff, to approve a 24 month extension for the temporary permit. The motion passed unanimously. The extension will be granted until March 10, 2018.

IV. Workshop

A. Conditional Uses. Chair Cramblett said the owner of the KOA Campground has some frustrations so he told him about this workshop. He said he also feels frustrated about what can be talked about at this workshop and referenced the last paragraph of the staff report.

PC Foster said one concern regarding conditional uses was manufacturing. He spoke of the standards in other communities. He explained that he did not find any prohibition to an establishment that produces for incidental sales outside their retail space. He said if the Planning Commission decides there needs to be some restriction for that then it could be a slippery slope. He said we are talking now about the Downtown and Commercial Zones, not the Public Zone. PC Foster gave an example of Deschutes Brewery, which has a brew pub and a bottling plant. He said selling food and other items would be an acceptable location for producing your product.

PCM Munkhoff said the government has classified brewing beer as manufacturing. He said for the City's protection he would like to know where we stand with the issue of brewing beer. He said there is a difference between food processing and brewing according to the federal government. PCM Munkhoff asked if this is going to be an issue that could come up for the City. PC Foster said if the City is consistent it won't be a problem. He said Oregon State Statutes said there is a provision to maintain the microbrewery status based on gallons per year. Dave said the new federal law reclassified breweries that produced less than 60,000 barrels of beer per year. He said Thunder Island Brewery hopes to produce 700 barrels of beer this year. He said Thunder Island is a microbrewery and has sold 99.9% of its beer inside the retail establishment. PC Foster said as long as the City is consistent there should not be a problem. Chair Cramblett asked if the City needs to be worrying about truck traffic into the downtown. Dave said the distinction would have to be where the sales are happening and how the business is operating. He gave an example of a coffee roasting company.

PC Foster said staff would be asking applicants what their intended volume of production would be for the brewery or cider operations. Dave reported that the Department of Agriculture has turned over the management of breweries to the Health Department. Dave said industry wide is 50/50 food to alcohol served. He said OLCC regulates the beer in the tank and ingredients used but not the cleanliness of the tanks.

Dave reported on the process of their future business expansion.

Chair Cramblett thought Kevin Benson would be attending the workshop discussion. CA Zimmerman said that the KOA Campground is operating under a conditional use by the County before the City annexed. He said Mr. Benson can apply and go through the process with the City. Chair Cramblett said he doesn't like to see frustrated business people. PC Foster said he is used to people being angry at the lack of clarity and the slow moving process. He said it is designed so that there is a lot of transparency. He said the City isn't going to please everyone. He said the coffee shop is a good example of tolerance by the City. He said the City can't change state statutes or the code to fit the desires of everyone. CA Zimmerman said the City is not allowed to spot zone either so rezoning wouldn't be allowed.

CA Zimmerman explained the Oregon Government Ethic Commission online filing. CR Woosley said she registered the Planning Commissioners and they should be receiving an email letting them know that they have to personally register and file before April 15<sup>th</sup>.

PC Foster said there would be a meeting next month. CA Zimmerman reported on the number of building permits for single family homes and about series partitioning for a large acre parcel. He said the City requires the best use of the land and that services would have to accommodate the highest use of the parcel. PCM Munkhoff said he thought the division is what created the requirement to build roads, etc. PC Foster said the market will drive the property owner to develop the property so the City wants the infrastructure designed to accommodate the plat they come up with. He said it isn't realistic to have a mini-farm on a four acre parcel inside city limits. CA Zimmerman said larger size lots with larger sized homes could be planned for and not have the serial type partitioning. PC Foster said the City can't allow people to avoid subdivision requirements and the City has to anticipate the infrastructure that will be required to serve the property. He said the City is doing the citizens a favor by doing this. PCM Munkhoff

said the code should be clear as to when the subdivision requirements would kick in. PC Foster said because the City is landlocked they need to make sure that the land is used to its best use. He said he would encourage this to be a discussion item to be clearly stated in the future code amendments.

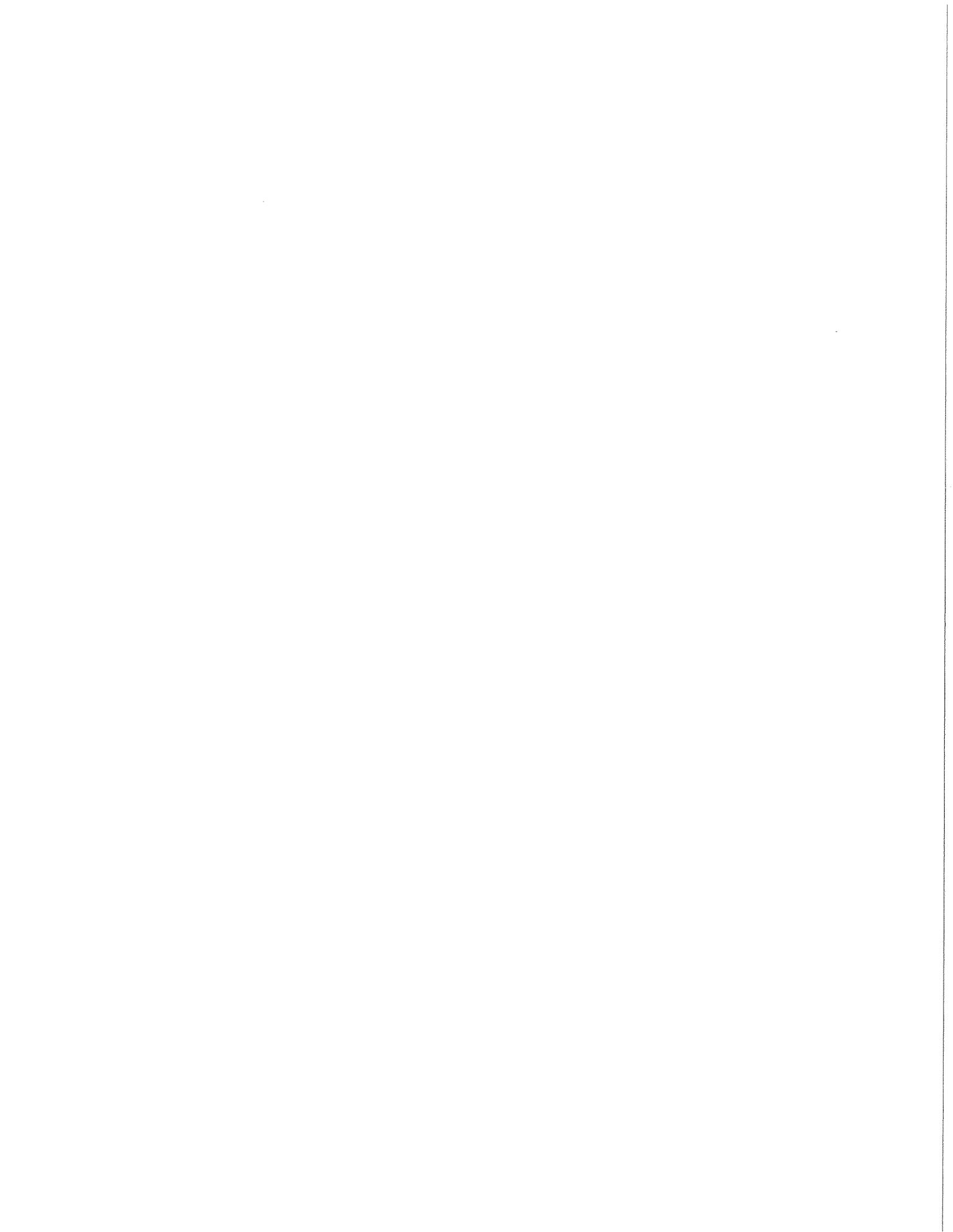
- V. Adjournment. PCM Mohr moved, seconded by PCM Munkhoff, to adjourn. The motion passed unanimously. The meeting was adjourned at 8:08 PM.

Prepared by  
Kathy Woosley, City Recorder

APPROVED:

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Larry Cramblett, Chair



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Cascade Locks Planning Commission, at its meeting on May 12, 2016 at 7:00 PM, in the City Council Chambers of the City Hall, Cascade Locks, Oregon, will consider the following application:

**FILE TITLE:** Grant Hou/Zilong Wen - Variance Request 16 - 005

**APPLICANT:** Zilong Wen  
627 Forest Lane  
Cascade Locks, OR 97014

**REQUEST:** To secure a variance approval allowing a former church building to be divided into two single family residential homes with a common wall construction between the two units.

**LOCATION:** 2N 8 6 C, Tax Lot 800 and 900  
627 Forest Lane  
Cascade Locks, OR 97014

**APPLICABLE REVIEW CRITERIA:** Cascade Locks Community Code Sections 8-6.156, 8-6.160, 8-6.152, 8-6.56, 8-6.148.

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

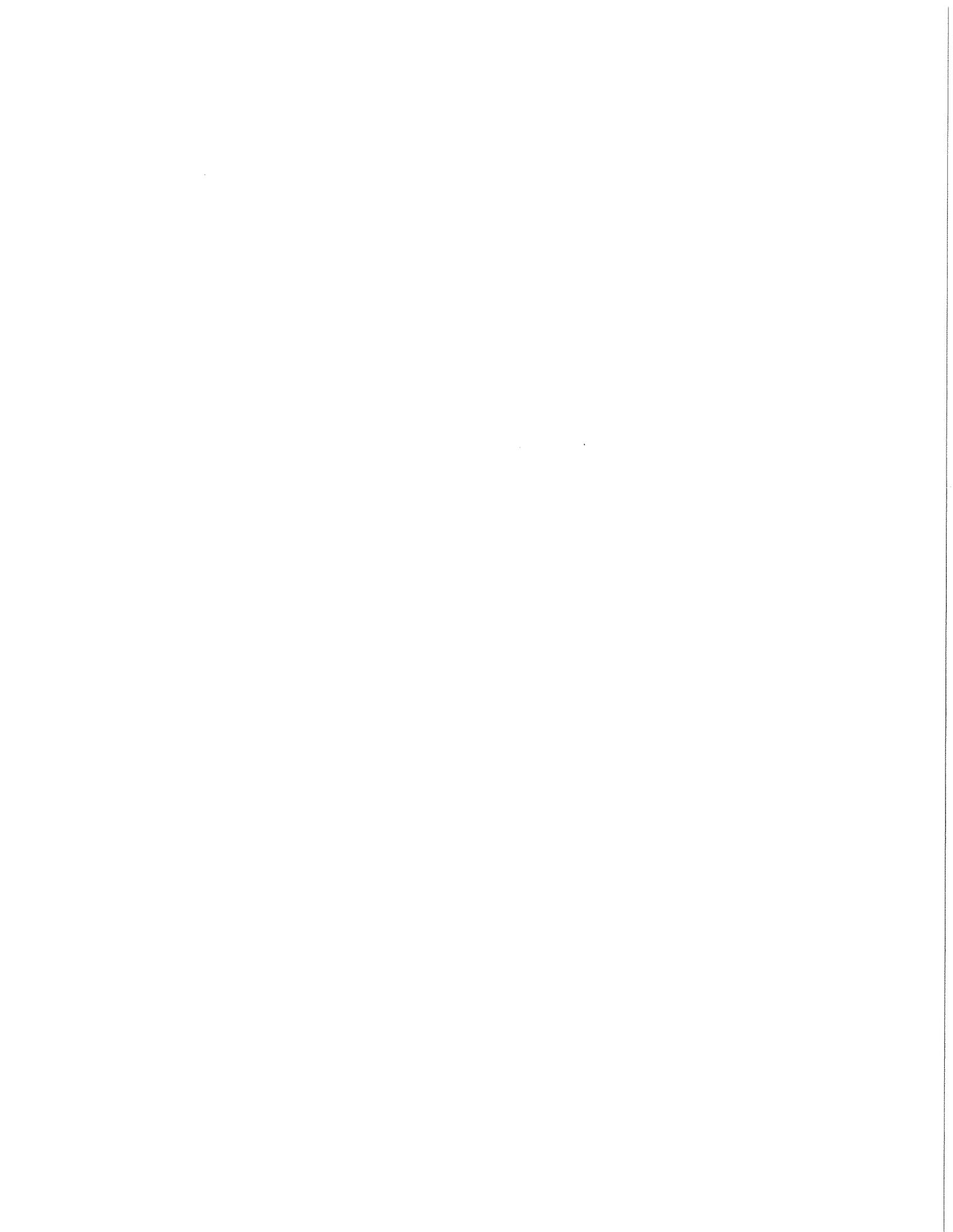
The Public Hearing on this matter will be conducted in accordance with the rules contained in the zoning ordinance adopted by the Cascade Locks City Council, which is available at City Hall.

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

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

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

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



CITY OF CASCADE LOCKS  
PLANNING STAFF REPORT  
April 14, 2016

**Application File Number:** 16-005  
**Applicant Representative:** Grant Hou  
**Type of Action Requested:** Variance  
**Code Authority:** Variance (8-6.160)  
**Application certified as complete:** March 19, 2016  
**Action Deadline:** July 18, 2016 (120 days)  
**Approval Criteria:** 8-6.160 (Variance)  
8-6.184 (Lot Line Adjustment)  
8-6.152(Conditional Use permits)  
8-6.56 (Low Density Residential)  
8-6.156 (Non-Conforming Situations)  
8-6.148 (Site Review Review)

**Applicant(s):** Zilong Wen ([zilong@ust.hk](mailto:zilong@ust.hk))

**Location:** 627 Forest Lane  
Cascade Locks, Oregon 97014

**Township: T 02N**      **Range: R 08E**      **Section: 6C**    **Taxlot: # 800/900**

**Zoning:** (LDR) Low Density Residential

**Minimum Lot Size:** 6500 with 7500 overall average

**Specific Action Requested:** To secure a variance approval allowing the applicant to divide a former Church building into two single family residential homes with a common wall construction between the two units.

**Staff Summary:** Staff has reviewed the application and the relevant criteria governing development in the Low Density Residential zone. The applicant is residing in a former Church building which was “grandfathered” into the plan as a non-conforming use eligible for placement in the zone through a conditional use permit. The Church is no longer operating as a religious facility and rather is serving as a single family residence. The owner has requested the opportunity to divide the property through the middle of the building creating two single family

dwelling units with a common wall construction (subject to all state building codes regulating the common wall construction). While this is not an outright permitted use, it is consistent with goals of the comprehensive plan to create more housing in Cascade Locks and the creation of two single family dwelling units out of a non-conforming use would meet the criteria of addressing those “unforeseen” conditions which warrant exceptions to a hard and fast interpretation of the code requirements. The applicant has developed a site plan which preserves minimum lot sizes and through a lot-line adjustment maintains the two tax lots that currently exist on the property. Housing is in critical need in Cascade Locks and the creation of two single family residential dwellings out of this large building would seem to be a desirable use for this former religious facility. This request will require the Planning Commission to apply multiple portions of the code and comprehensive plan to this decision. The decision in this action is entirely within the discretion and judgement of the City Planning Commission as they interpret the needs and suitability of this request as it relates to the long-term needs of Cascade Locks.

### **FINDINGS:**

CDC Section 8-6.156 (Non-Conforming Situations) establishes the criteria for the review and determination of the suitability of this use for this parcel. The criteria is listed below along with findings on the proposal’s conformance.

1. 8-6.156.030 Type of non-conforming situations are those that do not fit with the existing zoning districts. The Church building in question was “grandfathered” into the zone, so no conditional use permit was ever sought or granted for the subject parcel. Now the owners wish to create two single family dwellings out of the existing structure which is not permitted as an outright use because of the request to establish these units with a common wall construction on two separate tax lots.

**The proposed building exist on two tax lots and is a large building created for community religious gatherings so is generally too large for a single family dwelling. The applicant has requested approval for the creation of two single family dwellings on two separate tax lots (through a lot-line adjustment). The creation of two single family residences would actually reduce the non-conformity by creating a residential use where a “grandfathered religious facility” has been established.**

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

**The property is two tax lots and is large enough to support the requested development for two separate single family dwellings except there is no provision in the LDR zoning district for common wall construction. There are other developments within Cascade Locks which provide for common wall townhouses, multi-plexes and other housing types. The unique nature of an existing building which is suitable for re-purposing into two single family residences and the need for more single family housing in Cascade Locks may justify the Planning Commission approving this request as a variance to the zoning code. “8-6.156.050 Non-conforming development or structures may be expanded, enlarged or modified only**

**if such change does not increase its degree of non-conformity". Staff believes that a residential use would be MORE consistent with the intent of the underlying zoning district.**

3. Lot line adjustment approval criteria is;
  - A. A maximum of two lots are involved in the lot line adjustment
  - B. An additional lot is not created
  - C. No reduction of lot size is allowed in violation of the site development regulations
  - D. Both lots have minimum street frontage of 15 feet.
  - E. Conforms with all state regulations set forth in ORS 92 Subdivisions and Partitions.

**The lot line adjustment was approved and is consistent with the rules and meets all criteria required for approval.**

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

**Water, sewer, and electric facilities are more than sufficient to service the building as they already exist. Two hook-ups would be required if the two dwellings are approved by the Planning Commission**

5. 8-6.160.050 Approval Criteria for variance may be approved when;
  - A. Proposed variance will equally or better meet the purpose of the regulation being modified.
  - B. There are special circumstances (sic) over which the applicant has no control.
  - C. The intended use is compatible with the applicable zoning district
  - D. Existing natural or physical systems will not be adversely affected by this use.
  - E. The hardship is not self-imposed and the variance requested is the minimum variance necessary.

**Approval of a variance to allow common wall construction creating two single family dwellings in this zone would allow the repurposing of a previously grandfathered non-conforming use building to be utilized in a manner consistent with the underlying zone and would not materially affect the surrounding properties.**

6. The applicable criteria set forth is Section 8-6.152.(B) Conditional Uses.

1. "It shall be determined that the use at the particular location is desirable to public convenience and welfare and not detrimental or injurious to the public health, safety or to the surrounding neighborhood or area."

**Staff believes the granting of a variance on the prohibition on common wall single family residences in the LDR zone is appropriate in this case due to the existing non-conforming building on this site and the proposal being more consistent with the underlying zoning district. Since approval of this request would require a variance to the "detached single family residence" requirement in this zone, it is critical that the Planning Commission consider this request as**

**unique due to the existing building on the site and the fact that the requested use is consistent with the intent of the underlying zoning district. Approval of this request would not create an opportunity for future development to create more multi-family units in the zone, but rather recognizes the unique nature of this single request utilizing a surplus non-conforming building for purposes consistent with the underlying zone.**

7. **8-6.56 Low Density Residential Zone (LDR)**

1. "The purpose of the LDR is to provide land for housing opportunities for individual households. The zone implements the Comprehensive Plan policies and regulations that are intended to create, maintain, and promote single family residential neighborhoods."

**Approval of the request would not materially alter the neighborhood as the existing building would remain in its current location and the use would shift to a single family residential use. It might be worth considering that Day care, group homes, and Bed and Breakfast facilities are permitted either as outright uses or conditional use permits under this zone. Each of these type of developments would have the potential to impact the neighborhood in a more dramatic manner than allowing two single family residences with a common wall boundary between the two units. Furthermore, if an applicant which to develop a LDR zoned property for maximum number of units, zero side setbacks and townhomes are allowed as new development under the code.**

2. Minimum dimensional requirements for single family dwellings in LDR zone, unless modified by a PUD or a variance is;
  - a. Front yard is 15'
  - b. Side yard is 5'
  - c. Side yard on a street side is 10'
  - d. Rear yard is 15'
  - e. Garage vehicle entrance is 20'

**Approval of this request will require a variance to the side yard setback to zero. In 8-6.50 B of the LDR code there is a provision for zero side yard setbacks for dwellings which are developed under a Planned Unit Development (PUD), so it is conceivable that a developer of property under the LDR zone could propose zero side setbacks creating a common wall townhouse style development. The applicant is repurposing an existing non-conforming building into a consistent residential use envisioned under the code.**

3. Facilities that will generate significant traffic volumes shall have direct access to a collector or arterial street. Access to a local street may be allowed only if it is found that adverse traffic impacts will not be created for surrounding properties. The

approval authority may grant an exemption to these requirements when access is limited by City; Hood River County; or Oregon Department of Transportation requirements. However access must be approved by the Fire Chief.

**There will be no change in traffic volume.**

**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 the variance subject to Planning Commission deliberation and consideration of the above findings.

**DECISION:**

\_\_\_\_\_ Planning Commission denies the request based on the testimony and consideration of the circumstances and regulations which govern development of the subject property within the LDR zone.

\_\_\_\_\_ Planning Commission approves the request for a variance based on consideration of the testimony received and the findings provided herein. Furthermore, Planning Commission acknowledges that an affirmative decision in this matter is singular in nature based on the unique conditions on this property and intended use of the proposed dwellings.

**CONDITIONS OF APPROVAL:**

1. Applicant will be required to secure a legal survey and description defining the lot line adjustment which shall be filed with the City of Cascade Locks and Hood River County prior to any action on the subject parcel.
2. Applicant will draw up two deeds for each proposed residences with legal descriptions defining each parcel as approved by the Planning Commission
3. Applicant will secure two entrances from Forest Lane serving each residence separately.
4. Applicant will provide architectural features as part of the repurposing of this building which creates two residences and does not appear to be a multi-family housing unit.
5. Applicant will connect residences to two separate city service lines and pay the associated SDC charges for the separate city hook-ups.
6. Residences shall be separately metered on the electrical service.
7. Parking will be provided for each residence adequate to park two cars on the parcel and may not be shared parking.

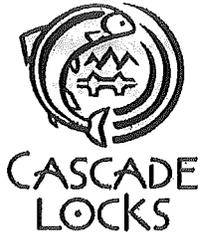
8. Applicant shall provide landscaping which further defines the two separate residences visually from Forest Lane and shall present a plan for landscaping to the City of Cascade Locks for approval
9. Applicant shall pay all fees and charges necessary prior to this permit being in effect.
10. Applicant shall comply with all building requirements for a common wall construction between dwelling units as set forth by the Oregon Uniform building code and as interpreted by the County Building official.
11. By reference herein, the full staff report and conditions of approval shall constitute the order hereof.

\_\_\_\_\_  
Larry Cramblet, Planning Commission Chair

\_\_\_\_\_  
Date

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

*"The Heart of the Columbia River Gorge"*



## CASCADE LOCKS PLANNING COMMISSION PROCEDURES

**CHAIR:** Good evening, my name is \_\_\_\_\_. 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 \_\_\_\_\_ Case No. \_\_\_\_\_; an application by \_\_\_\_\_.

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 \_\_\_\_\_. 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

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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

