



**Planning Commission  
Community Auditorium and Zoom  
1915 Main Street, Forest Grove, OR  
Monday, May 17<sup>th</sup>, 2021, 7:00 pm**

**1. CALL TO ORDER AND ROLL CALL:**

Chair Phil Ruder called the Planning Commission public hearing to order at 7:01 p.m. via Zoom Video Conference.

**COVID-19:** Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the Planning Commission limited in-person contact and social distancing. **The Planning Commission conducted the meeting remotely by video conferencing.** The meeting was remotely video conferenced by Planning Commission Coordinator Cassi Bergstrom as well as televised live from the projector screen at the Community Auditorium by Tualatin Valley Community Television (TVCTV) Government Access Programming LIVE Channel 30 on their website. To view the recorded meeting, please visit <http://tvctv.org/>. The public was allowed to attend via Zoom or observe in the Community Auditorium as space allowed (no more than 10 persons total at one time). Written comments on items not on the agenda and written testimony regarding the public hearing were accepted if submitted by May 17<sup>th</sup>, 2021, 3 p.m. to Senior Planner James Reitz.

**Roll Call:**

**Planning Commission Present via Zoom Remotely:** Phil Ruder, Chair; Commissioners Lisa Nakajima, Ginny Sanderson, Dale Smith, Joel Redwine, and Julie Danko.

**Planning Commission Excused:** Vice Chair Hugo Rojas.

**Staff Present:** Bryan Pohl, Community Development Director (remotely via Zoom); James Reitz, Senior Planner (in the Community Auditorium); Dan Riordan, Senior Planner (remotely via Zoom); Shannon Reynolds, Planning Commission Coordinator (in the Community Auditorium).

**2. PUBLIC MEETING:**

**A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:**

None.

**B. PUBLIC MEETING:**

**(1.) File No. 311-21-000012-PLNG – Conditional use permit for a marijuana retailer at the location of 2420 Pacific Avenue.**

Chair Phil Ruder opened the quasi-judicial public hearing at 7:03 p.m., reading the hearing procedures, criteria, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were no conflicts of interest and no challenges from the audience.

Senior Planner James Reitz gave a Power Point presentation, showing the location and aerial view of the site. Mr. Reitz summarized the application, explaining that this is a conditional use application to allow a recreational cannabis dispensary within an existing building located within the Town Center Transition (TCT) zoning district, and staff found nothing out of the ordinary for this application. Architectural renderings were shown to the Commissioners, including elevations, landscaping, parking lot arrangement, and exterior finishes. The garage to the rear of the property is not part of the application, as the property owner still utilizes the storage space. There is a dead street tree that will need replaced.

Staff recommends approval of the conditional use permit for a marijuana retailer at 2420 Pacific Avenue with the following conditions: 1. The applicant is bound to the project description and all representations made by the applicant during the application and decision making process; 2. The applicant shall comply with all applicable City building and development standards and public works specifications, including the replacement of the dead street tree.

Chair Ruder wondered how the property owner will access the garage when the facility is utilizing the parking behind the front structure. Mr. Reitz responded that since the property owner has moved to a larger building they have not been parking in that area at all.

**CORRESPONDENCE:**

Two emails from the same party were sent late in the afternoon, and the senders are in the audience to testify in person.

**APPLICANT:**

**Danny Radditz, Realtor for Applicant, 34058 SE Sturgeon St, Scappoose, OR 97056:**

Mr. Danny Radditz stated he did not have anything further to present, but would like to respond to any objections in the rebuttal period.

Chair Ruder inquired why Forest Grove was selected as a location for a cannabis shop, and Mr. Radditz stated that the Oregon market is heavily populated with dispensaries. Forest Grove is close to Hillsboro, and Hillsboro has very specific guidelines on where dispensaries can be placed whereas Forest Grove does not. The current applicant has a dispensary located in Corvallis and it has had no negative impacts to the community.

**Sona Akopyan, Applicant, 7806 Cherry Stone Avenue, Panorama City, CA 91402:**

Ms. Sona Akopyan introduced herself as the wife of the applicant and is available to answer any questions as well.

**PROPONENTS:**

None.

**OPPONENTS:**

**Tammy & Bruce Clark, 2405 Pacific Avenue, Forest Grove, OR 97116:**

Ms. Tammy Clark came to the front of the auditorium and voiced concerns about having another dispensary in Forest Grove. Ms. Clark stated there are going to be five dispensaries in Forest Grove, and that is not a good impression for people who visit or locate to the town. Hillsboro, which is much larger in population, has five dispensaries.

Ms. Clark voiced concerns regarding the parking for the dispensary, as there are only seven parking spots total for their employees and customers. If another dispensary is going to be allowed, it should be located on the west side. Ms. Clark presented two articles that were part of her original correspondence in regards to crime and graduation rates in relation to marijuana shops.

Mr. Bruce Clark stated that Hillsboro is four times the size of Forest Grove, and we are saturated with dispensaries. Mr. Clark went on to say that Forest Grove needs more code like Hillsboro to limit where dispensaries can be located.

**Eric Canon, 1923 Elm St, Forest Grove, OR 97116:**

Mr. Eric Canon testified via Zoom, and explained that he owns the duplex east of the building. There is a shared driveway and easement between the subject property and Mr. Canon's duplex. The parking spaces for his duplex, in the past, have been used by the previous business, and he voiced concerns regarding parking when it turns into a dispensary. His renters will have issues with the inadequate parking.

**OTHER:**

None.

**REBUTTAL:**

The applicant rebutted, stating she is respectful of everyone's opinion. They will ensure parking remains open to the renters, and regardless of whatever business was in there the parking issues would remain. Currently, at their location in Corvallis, they have had no complaints from the current neighbors. The articles submitted are outdated when there were not many established legal dispensaries, and they are willing to do whatever it takes to work with the neighbors.

Commissioner Nakajima inquired how the building signage would be displayed, and Ms. Akopyan stated a logo on the building window would be put up but multiple signs are not proposed.

Commissioner Nakajima inquired how the parking would work for the two employees and customers. Mr. Radditz stated that the employees will park in the existing garage to the rear of the property to leave spaces open.

Chair Ruder closed the public hearing at 7:40 p.m.

**COMMISSIONER DISCUSSION:**

Chair Ruder asked for any questions or discussion regarding the conditional use application.

Commissioner Nakajima mentioned the preschool at Pacific University and wondered if it was taken into consideration for the buffer requirement of 1,000-feet. Mr. Reitz responded that it was not, but it will be investigated. Commissioner Redwine commented that the preschool now serves up to fourth grade. Mr. Reitz stated that if the state determines the school is within 1,000-feet the application will be denied regardless of the approval of the conditional use permit request.

Chair Ruder reminded Commissioners on how determinations are made when it comes to conditional use applications and the applicable standards and criteria, as the Planning Commission cannot pick and choose which businesses they want in town.

Commissioner Nakajima asked Mr. Canon what kind of sufficient signage would be needed to keep his rental parking spaces open, and Mr. Canon did not have a good solution as he thinks signage is ignored. The problem is not ever going to go away.

**Commissioner Sanderson moved a motion to approve file number 311-21-000012-PLNG – Conditional use permit for a marijuana retailer at the location of 2420 Pacific Avenue subject to conditions set forth by staff. Commissioner Redwine seconded the motion.**

**Roll Call Vote on Motion: AYES: Chair Ruder; Commissioners Sanderson, Smith, Nakajima, and Danko. NOES: None. ABSTAIN: None. ABSENT: Vice Chair Rojas. MOTION CARRIED 6-0.**

C. **ACTION ITEMS:**  
None.

D. **WORK SESSION ITEMS:**

**(1.)Westside Urban Growth Area Infrastructure Based Time Extension Request (IBTER) Application**

Senior Planner Dan Riordan gave a presentation regarding the IBTER application along with House Bill 2001 (HB 2001) and the work the City has to begin implementing the code. The Council will be presented with the Infrastructure Based Time Extension Request (IBTER) on June 14<sup>th</sup> for a resolution.

Mr. Riordan went on to explain that the David Hill urban growth area is an example of an area that has significant infrastructure deficiencies and an IBTER will be applied specifically for that area. The area lacks transportation infrastructure, storm drainage, sewer services and water pressure, which is why an IBTER would apply.

The City received a grant from the Oregon Department of Land Conservation and Development (DLCD) to prepare a complete IBTER application and the requirements to apply. The total infrastructure costs are very costly, and the system development charges are not adequate to fund the projects. The application is due to the DLCD by June 30<sup>th</sup>.

Mr. Riordan explained to Commissioners the implementation of House Bill 2001 and the Development Code changes that will need to take place: Duplexes on any lot zoned residential and tri-plexes, quad-plexes, cottage clusters, and townhomes in areas that are zoned residential. A clear and objective approval process must be made available to applicants.

The DLCD prepared a model code for HB 2001 for cities to adopt, and the city can choose to: Adopt the model code in its entirety; modify the model code standards to be less restrictive; or prepare a code distinct from the model code. The City also needs to demonstrate a method of affordability for middle housing. Currently the City has adopted methods to make housing more affordable by deferring or waiving certain system development charges but lacks a construction tax.

Mr. Riordan explained the implementation measures in order to adopt the HB 2001, and staff recommends that the Planning Commission form a subcommittee to address policy questions with stakeholder involvement.

Chair Ruder inquired how many Commissioners would make up the subcommittee, and Mr. Riordan responded that two or three would be appropriate.

Commissioners Nakajima, Sanderson, and Danko volunteered to form the subcommittee with an anticipation of two or three meetings. The consensus from Commissioners would be to adopt the state model code with local modifications. An initial kick off meeting would occur in July, and the public hearing process should start after the first of the year to meet the State's timeline for adoption.

Commissioner Nakajima moved a motion for the Planning Commission form a subcommittee of implementation of House Bill 2001 with Commissioners Danko, Nakajima, and Sanderson. Commissioner Danko seconded. All in favor.

**3. BUSINESS MEETING:**

**A. APPROVAL OF MINUTES:**

Commissioner Redwine moved to approve the minutes of the April 5<sup>th</sup>, 2021 meeting. Commissioner Smith seconded. Motion passed 6-0.

**B. REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**

Chair Ruder wondered where the Commission stood regarding the Development Code for the cannabis facility location. Commissioners Sanderson, Nakajima, and Danko would be in favor of the Development Code being re-examined regarding the distance from schools and parks. Mr. Reitz explained the process in order to change the current Development Code.

**C. DIRECTOR'S REPORT:**

Mr. Reitz informed Commissioners of a pre-application meeting for a 150-lot planned unit development off Watercrest and Thatcher Road. The Popeye's Restaurant on the corner of Poplar Street and Pacific Avenue was approved through land use. Mod Pizza is considering the tenant space available in the Pacific Grove commercial building.

Mr. Riordan updated Commissioners on Site B Urban Renewal project at the Jesse Quinn has shown some development interest in the form of a boutique grocery store with residential units above.

**D. ANNOUNCEMENT OF NEXT MEETING:**

The next meeting is to be determined.

**E. ADJOURNMENT:**

The meeting was adjourned at 8:45 p.m.

Respectfully submitted by:

---

Cassi Bergstrom  
Planning Commission Coordinator