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**Planning Commission
Community Auditorium and Zoom
1915 Main Street, Forest Grove, OR
Monday September 19th, 2022, 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.

The meeting was held in person in the Community Auditorium and remotely video conferenced by Planning Commission Coordinator Shannon Reynolds. To view the recorded meeting, please visit the City of Forest Grove website. The public was allowed to attend via Zoom or observe in the Community Auditorium.

Roll Call:

Planning Commission Present In Person and via Zoom Remotely: Chair Phil Ruder (in person); Commissioners Lisa Nakajima (in person), Ginny Sanderson (in person), Teri Bjorn (in person), Tim Farrell (in person), Joel Redwine (in person); and Julie Danko (in person).

Planning Commission Excused: None

Staff Present: Amy Kreimeier, Senior Planner (in the auditorium) Dan Riordan, Senior Planner (in the Community Auditorium); Shannon Reynolds, Planning Commission Coordinator (in the Community Auditorium)

2. PUBLIC MEETING:

A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

None.

B. PUBLIC HEARING:

(1.) File No. 311-22-000029-PLNG – Conditional Use Permit for Commercial Cannabis Retailer located at 3130 Pacific Avenue.

Chairman Phil Ruder opened the Public Hearing at 7:02 p.m. by reading the Quasi-Judicial public hearing script. Ruder asked if any members of the Planning Commission needed to disclose any ex parte contacts, bias, or conflicts of interest by a roll call vote. None were noted.

Senior Planner Amy Kreimeier provided Commissioners with a presentation. The application is for a commercial cannabis retailer in an existing retail building located at 3130 Pacific Avenue.

There are no proposed changes to the building's exterior or parking lot and landscape. There will be some interior remodeling at a later date. The site has two parcels totaling .38 acres. The site will be required to correct deficiencies in several areas. Parking area will need to be re-striped, fallen tree removed, trash enclosure installed, and new signage installed. These are all requirements to be in compliance with Forest Grove Development Code.

In conclusion Staff recommends approval of the application for conditional use permit for the proposed cannabis retailer at 3130 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 proceeding.
2. The applicant shall continue to comply with all applicable City building and development standards, including all dimensional standards and public works specifications.
3. All defective parking area paving and striping shall be brought up to standard, in compliance with DC §17.8.110(A) *Access and Circulation - Continuing Obligation of Property Owner* and DC §17.8.525(J) *Design & Maintenance Standards for Off-street Parking and Loading*. The deadline for completion shall be March 31, 2023.
4. All defective landscaping shall be brought up to standard, in compliance with DC §17.8.410(A) *Landscaping – Obligation to Maintain* and 17.5.120(A) – *Street Trees*. A landscape plan shall be submitted to the Community Development Director by December 1, 2022 and the installation completed by March 31, 2023.
5. Solid waste storage areas shall be constructed in compliance with DC §17.7.205 et. seq. *Size, Location, Design and Access Standards for Storage Areas*. Construction shall be completed by March 31, 2023.
6. Submit a copy of OLCC license to the Building Division upon receipt.
7. Provide a minimum of one portable fire extinguisher rated 2A 10B C for the building.
8. The building shall be identified with address digits at least 6 inches tall that contrast with their background. Address digits shall be clearly visible from each direction of travel on Pacific Avenue (FGC §150.098 *House Numbers*).
9. If any changes are needed to the existing electrical service, contact Jason O'Dell at (503) 992-3294.
10. Failure to comply with any condition of approval shall be grounds for revocation of the permit pursuant to DC §17.1.320 and grounds for instituting code enforcement proceedings.

CORRESPONDENCE:

Public notice was mailed to property owners and residents within 300 feet of the property subject to the Conditional Use Permit on August 29th, 2022 and was also published in the *News Times* on September 7, 2022 as required by Development Code.

One letter of public comment in opposition was received and added to the record and provided to commissioners for review.

APPLICANT:

Brock Binder, H&W Forest Grove, LLC, 1435 NW 9th St., Unit 201, Corvallis, OR 97330

Mr. Binder provided testimony on why he would like to open a cannabis retail location in Forest Grove. He currently owns and operates a dispensary in Corvallis, OR. He was the first dispensary in Benton County. He chose Forest Grove as a dispensary location due to its culture of sustainability and celebrating nature. He maintains good standing with the Oregon Liquor Control and Cannabis Commission.

Ruder asked Mr. Binder what the draw is for dispensaries to continue to come to the Forest Grove market. Binder responded that the ratio by population isn't as significant as other cities.

PROPONENTS:

None

OPPONENTS:

None

OTHER:

None

REBUTTAL:

None.

The public hearing was closed at 7:22 p.m.

COMMISSIONER DISCUSSION:

Commissioners deliberated and discussed various elements of the above-mentioned item. Chair Ruder inquired if there were any questions for staff. Bjorn asked Kreimeier what the current distance is between property lines from the La Mota retail location and this site. Kreimeier responded roughly less than 100 ft. Bjorn questioned the proposed code changes that was submitted for distances between cannabis retailers and other retailers and schools. Kreimeier responded

that City Council had denied the Planning Commission's proposed code change. The only distance regulation for both medical and commercial dispensary locations is 1000 ft. from a school. Bjorn asked for further clarification on the decision. Kreimeier responded the Council did not want to regulate the "free market". There is no other business type in the city that would be subject to these standards. Redwine inquired as to how distances are determined. Kreimeier stated the applicant was asked provide a survey of the site and distances to schools as well as the analysis completed from the GIS mapping system. Nakajima proposed abstaining from a Planning Commission decision and allowing City Council to rule on this file. Mr. Riordan mentioned a decision needs to be based on the current Development Code standards in effect. An option is for the Planning Commission to deny the applicant's request allowing the applicant the ability to elevate their appeal to City Council. Riordan strongly recommended that the Planning Commission make a decision based on the criteria that is in the current code. Ruder suggested the vote on the planning file based on the existing code and the Planning Commission follow up with a letter(s) to City Council outlining their position on this matter.

Commissioner Redwine moved a motion to approve file number 311-22-000029-PLNG – Conditional Use Permit for a Commercial Cannabis Retailer located at 3130 Pacific Avenue with the conditions of approval specified by staff. Commissioner Bjorn seconded.

Roll Call Vote on Motion: AYES: Chair Ruder; Commissioners Sanderson, Danko, Bjorn, Redwine, and Farrell. NOES: Commissioner Nakajima. ABSTAIN: None. ABSENT: None. MOTION CARRIED 6-1.

(2.) File No. 311-22-000030-PLNG – Annexation and Zoning Map Amendment to designate property located at 2805 & 3131 NW Highway 47

Chairman Phil Ruder opened the second public hearing item on the agenda at 7:38 p.m. and reading the Quasi-Judicial public hearing script. Ruder asked if any members of the Planning Commission needed to disclose any ex parte contacts, bias, or conflicts of interest by a roll call vote. None were noted.

Senior Planner Dan Riordan provided a presentation of the subject property located at 2805 & 3131 NW Highway 47. Currently this property is under agricultural use with three existing single-family homes. The annexation will involve 42.8 acres of land that was included in the Westside Refinement Plan and was added to the Urban Growth Boundary by the Oregon legislature in 2014. A Zoning Map Amendment is needed to assign a zone designation to property annexed into the City and to implement the comprehensive Plan Map designations.

The Planning Commission will provide a recommendation to the City Council on this decision. Staff finds the application meets the requirements of the applicable review

criteria and therefore recommends the Planning Commission adopt a motion accepting the findings of fact and the Commission recommend City Council approve the requested annexation and Zoning Map amendment assigning City zoning designations to the property subject to annexation.

AGENT FOR APPLICANT:

Tony Mills, AKS Engineering & Forestry LLC 12965 SW Herman Rd, Suite 100 Tualatin, OR 97062

Mr. Mills stated he is working on behalf of Allied Development on this project for annexation and development. He mentioned Riordan covered the application well and asked the Commissioners for any questions. Commissioner Redwine inquired if the market would be able to sustain this amount of growth. Mills responded this would be a question for the developer and could not provide expertise in this area.

APPLICANT:

David Hill, Allied Development, 5005 LBJ Freeway, Suite 325, Dallas, TX 75244

Mr. Hill thanked Riordan for his complete explanation of the project and opened the discussion for questions. No questions were asked.

PROPONENTS:

None

OPPONENTS:

None

OTHER:

REBUTTAL:

None.

The Public Hearing was closed at 7:54 p.m.

COMMISSIONER DISCUSSION:

Bjorn made mention she feels this is valid annexation that will benefit the City of Forest Grove. No other discussion was made.

Commissioner Bjorn moved a motion to recommend approval to City Council regarding file number 311-20-000030-PLNG – Annexation and Zoning Map Amendment to designate property located at 2805 & 3131 NW Highway 47. . Commissioner Sanderson seconded.

Roll Call Vote on Motion: AYES: Chair Ruder; Commissioners Sanderson, Danko, Bjorn, Redwine, Nakajima and Farrell. NOES: None ABSTAIN: None. ABSENT: None. MOTION CARRIED 7-0.

C. ACTION ITEMS:

None.

3. BUSINESS MEETING:

A. APPROVAL OF MINUTES:

The August 8th minutes were approved by acclimation.

B. DIRECTOR'S REPORT:

Riordan provided the Director's update. The state has been developing new rules regarding climate change called The Climate Friendly & Equitable Communities Rules. Several cities have concerns about the rule changes that were made without legislative action. City Council will hold a work session to consider if the City of Forest Grove will choose to be part of the state wide law suit. However, there will be other changes on the horizon regarding parking and electric vehicle charging stations that will coming soon as well.

Commissioners continued discussion on how they could better convey their disagreement on Councils denial decision of Code Amendment changes for distances from schools in regards to cannabis retailers.

E. ANNOUNCEMENT OF NEXT MEETING:

The next Planning Commission meeting is scheduled for Monday, October 3rd, 2022 at 7 p.m.

F. ADJOURNMENT:

The meeting was adjourned at 8:22 p.m.

Respectfully submitted by:

Shannon Reynolds
Planning Commission Coordinator