

REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF AMITY, OR

Minutes

A Regular Meeting of the City of Amity Planning Commission was held at 6:30 p.m. on Monday, April 12, 2021 in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon, and by Zoom phone and video conferencing platform.

Members Present:

Steve Ruyle (Commissioner), Lou Savage (Commissioner) and Ryan Jones (Chairman)

Members Absent:

None

Staff Present:

Chrisy Worthington (City Clerk), Natasha Johnson (City Recorder), Michael Thomas (City Administrator) and Holly Byram (City Planner MWVCOG)

Guests Present:

Peter Brock (Applicant via Zoom) Josh Peak and Patrick Donaldson, Harka Architecture (Applicant's Architects via Zoom) Lars Barnes (citizen)

Call to Order:

Chair Jones called the meeting to order at 6:30 PM.

Approval of Minutes from March 2021

Chair Jones asked if the Commission wanted to entertain a motion to approve the minutes from the March 15, 2021 Planning Commission meeting. Commissioner Savage moved to approve the minutes; Commissioner Ruyle seconded. Motion passed 3-0.

Comments from Citizens

Chair Jones asked for comments from citizens. There were none.

Old Business

There were none.

New Business:

A. File no. 2102-01SDR: Property 108 S Trade Street in Amity, Tax lot R5420CD00400, Application submitted by Harka Architecture LLC, requesting Site Design Review approval to develop a 2,380 square foot commercial retail building with site improvements including parking lot and landscaping. The proposed business is Canna Bros, a marijuana dispensary, as licensed by the OLCC. The location is more than 1,000 feet from schools.

Chair Jones opened the public hearing for city file#2102-01SDR at 6:35 PM and read the standard land use hearing script, stating that all testimony must concern the approval criteria, failure to raise an issue precludes future appeals to LUBA, and that any party may request a continuation.

Chair Jones asked Planning Commissioners for declarations of ex-parte contacts, conflicts of interest, bias, or site visits concerning the application. Commissioner Ruyle said he has made a site visit; Commissioner Jones has driven by the property. Both can make an unbiased decision. Chair Jones asked if anyone in the audience would like to challenge the Commissioners' declarations. There were none.

Chair Jones asked for the presentation of the Staff Report.

Planner Holly Byram went over the staff report in the Planning Commissioner's meeting packet dated April 6, 2021. Commissioner Savage asked Planner Holly Byram regarding Planning Commission authority regarding permissible usage. Planner Holly Byram explained his question regarding permissible usage, that the adopted Development Code is silent on marijuana related uses, and that the City didn't opt out of any of the six marijuana-related uses permitted by the State of Oregon. He asked if it is Planning Commission authority or Council authority. She explained that a Type 2 action is a Planning Commission decision, and then goes to Council only if there is an appeal. Planner Holly Byram continued going over the staff report.

Chair Jones asked if any Commission members had any questions for staff. There were questions. Commissioner Savage asked Planner Holly Byram to explain the difference between option one and option two for Commission options regarding the motions. Planner Holly Byram explained the difference that option two allows the Planning Commission to make revisions to the recommended findings or conditions.

Commissioner Ruyle asked regarding about all the GC properties in Amity being within 1,000 ft from a school. Planner Holly Byram explained how this property is not within 1,000 ft from any schools, and that it was likely the only commercial property in Amity located outside the 1,000 ft buffer. Commissioner Ruyle asked if the property is touching the boundaries. She explained further and that the property is not affected by the buffer. Planner Holly Byram also noted that the State's rules about 1,000 ft apply to the "premises" of the dispensary, which is the building footprint itself rather than the property boundaries, as measured from the school campus boundaries. Commissioner Ruyle asked about any other property that the school owns that would become within the 1,000 ft to the property. She explained that she is not aware of any. Commissioner Ruyle asked how this property will affect future development from the school that could become within 1,000 ft. She explained that it wouldn't because this application was approved prior to any development. He asked if there would be product usage on site. She explained the applicant would be able to answer that during their presentation.

Chair Jones asked if there was a presentation from the applicant. There was from the applicant's Architects. Josh Peak from Harka Architecture went over the design of the business and they tried to meet all the requirements from the City. They moved the structure as far back as they could from the neighboring residence. He explained the applicant was intending to place a monument sign design because it would be the most attractive, but that it doesn't appear to meet the City's requirement for the clear vision area for safety of pedestrians on the sidewalk near the driveway. The applicant will make sure to meet the requirements for signs and clear vision areas when they submit for a sign permit. Patrick Donaldson from Harka Architect explained further the design plans for the business and how they want to be good neighbors to the residents next door and make the building look nice. He said the business will be retail only and no onsite consumption of the product per OLCC rules.

Commissioner Savage asked regarding the parking issue and why they couldn't do parking in the

rear. Patrick explained that it wouldn't physically fit with the driveway and all the parking spaces with room for backing, also less visibility for crime abatement.

Commissioner Savage asked regarding the signage. They explained their plans regarding the signage. Commissioner Savage asked if they have any issues with staff recommendations. Property owner Peter Brock explained they do not have an issue with the recommendation. There were no more questions for the Applicant.

Chair Jones asked for testimony from proponents: Testimony from a Zoom attendee was given: Peter Brock the property owner explained to Commission all the benefits for allowing this to come to Amity, including an attractive building design, another reason for visitors to stop in Amity, and potential tax revenue to the City if a local 3% marijuana sales tax was adopted, as allowed by the State. Mr. Brock estimated that the proposed dispensary could result in approximately \$30,000 tax revenue to the City annually.

Chair Jones asked for testimony from any opponents. Testimony from Zoom attendees were given. Lars Barnes (citizen, 104 W 2nd Street) asked regarding the zoning and many Trade Street properties converting from residential to commercial in 20 years. Chair Jones explained the properties are all zoned commercial. There was no more testimony.

Chair Jones asked for testimony from neutral parties. There was written testimony submitted from Melissa Jensen. Chair Jones read her testimony into the record. Ms. Jensen's comments pertained to the 1,000 ft buffer and potential traffic impacts of the business next door to the new Dollar General store, and whether ODOT had reviewed it. Chair Jones went over her questions and answered them. There was no more testimony.

Chair Jones asked if there was any more testimony of proponents, opponents, neutral parties including government bodies. There were none.

Chair Jones asked for rebuttal from the applicant. There was rebuttal. Applicant Peter Brock explained regarding the 1,000 ft measurement, and that he trusts the surveyors.

Chair Jones asked for motions to continue the hearing or leave the record open. There were none.

Chair Jones opened for discussion by the Planning Commission. There was no discussion from Commissioners.

Chair Jones closed the public hearing at 7:35 PM.

Chair Jones asked if there were any more questions from the commissioners. There were none.

Commissioner Savage made motion to approve the Site Design Review Application, file #2102-001SDR as submitted, and adopt the findings and recommended conditions of approval included in the staff report dated April 6, 2021. Commissioner Ruyle seconded and with no further discussion motion passed 3-0.

Chair Jones explained that the Planning Commission's decision may be appealed to the City Council within 12 calendar days from the mailed notice of decision.

Next Meeting Date:

Chair Jones set the next meeting to May 10, 2021 at 6:30 pm, and the Commission all agreed to the meeting.

Adjournment:

Chair Jones adjourned the Planning Commission meeting at 7:47 p.m.

Respectfully submitted,

N. Johnson, City Recorder

Attested

Ryan Jones, Chair