

City of Pendleton Planning Commission
PUBLIC MEETING AGENDA
May 25, 2017
7:00 p.m.
 City Hall Council Chambers
 500 SW Dorion Ave., 2nd Floor



1. CALL TO ORDER

PLEASE TURN OFF OR SILENCE ALL ELECTRONIC DEVICES

2. COMMUNITY DISCUSSION

(A time for the public to discuss with the Commission any matter not on the agenda)

3. CONSENT AGENDA

a. Minutes of the April 27, 2017, and May 11, 2017, Planning Commission meetings

4. SCHEDULED MATTERS: PUBLIC HEARINGS

a. **CUP17-04(Thurman):** Conditional use request to operate a recreational marijuana retail store at 1608-1616 SE Court Ave and 511 SE 17th Street, within the C-3 zone identified as 2N32 11AA Tax Lots 02800, 03200, 03300, Umatilla County. Recreational marijuana retail sales are a conditional use in the C-3 Service Commercial Use zone. (*postponed from May 11, 2017, meeting*)

Proponents and opponents will be given an opportunity to present oral or written testimony before the close of the public hearings. Failure to raise an issue in person or in writing or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. **Please see the back of this sheet for more information regarding testimony and public hearing conduct.**

5. UNFINISHED BUSINESS

a. None

6. NEW BUSINESS

a. None

7. REPORT OF THE CITY PLANNER

a. Marijuana Workshop – Functions of the Industry: Brandon Krenzler

8. ADJOURN:

TENTATIVE TIMELINE FOR UPCOMING PLANNING EVENTS

	<u>2017</u>	<u>June 8</u>	<u>June 22</u>
Quasi:	AMD17-07 AMD17-06 AP17-01	CUP17-05 RP17-03(Admn) MV17-01 to MV17-04(Admn) MV17-05 (Admn)	VAC16-02
Leg:	Res Stnd – Aug/Sept RQ Plan – June/July Hist Stnd – Aug/Sept	Sign Code – Oct/Dec	

(OVER)

Material submitted by the applicant is available ten days in advance of the meeting. Staff reports are available seven days in advance of the meeting at the Planning Department, City Hall. If you would like to obtain additional information regarding any of the matters to be discussed or if you have questions, please contact the City Planning Director, City of Pendleton, 500 SW Dorion Avenue, Pendleton, Oregon 97801-2090. Telephone 966-0204, TDD 966-0230; fax 966-0251.

If special accommodations for hearing, visual, or manual impairment are needed to allow an individual to participate, or if an interpreter is needed, please contact the City Planning Director by the Monday before the meeting. The criteria for approval of a land use action are contained in the staff report(s). Copies of all staff reports are available at the hearing on the table near the door. If none are available, staff will make additional copies.

If you wish to participate in this hearing, including challenges for bias or conflict of interest, you must complete the sign in form located on the table at the west side of the room and deliver it to the Secretary; please do so immediately.

Testimony will be taken in the following order:

1. Applicant
2. Testimony in favor
3. Testimony in opposition
4. Rebuttal by applicant
5. The Chair may open the hearing to additional testimony, followed by a final applicant rebuttal.
6. Hearing closed to public comment
7. Planning Commission deliberation and a decision.

When recognized by the Chair, please come forward to the podium, give your name, address and make your statement. **All testimony, arguments and evidence presented regarding this request must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision. Please address only the applicable criteria for the decision.** Please do not repeat testimony. If you wish, you may choose merely to agree with a previous speaker's statements. The Chair may limit testimony to a certain time limit. When recognized by the Chair, Commissioners may ask questions of staff and participants without affecting time limits.

Please do not speak unless recognized by the Chair. Please do not make comments, noises or gestures that may distract the person speaking, the members of the Commission, or the audience. Once the hearing has been closed and the Commission begins deliberation, no further public testimony will be accepted.

An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the Commission and the parties an adequate opportunity to respond to each issue. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision makers and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Failure of persons to participate in the public hearing, either orally or in writing, precludes that person's right of appeal to the city council or LUBA. Written testimony submitted prior to the hearing constitutes participation in the hearing.

Failure of the applicant to raise constitutional or other issues related to proposed conditions of approval with sufficient specificity to allow the decision maker to respond to the issue precludes an action for damages in Circuit Court.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The Commission shall grant such request by continuing the public hearing pursuant to the standards contained in ORS 197.763.

If the hearings authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.

If the hearings authority leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue.

A continuance or extension shall be subject to the limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179, unless the continuance or extension is requested or agreed to by the applicant.

Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179.

The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given.