

**CITY OF JOHN DAY
PLANNING COMMISSION MINUTES
JOHN DAY, OREGON**

October 6, 2021

COMMISSIONERS PRESENT:

Ken Boethin, Commission Chair
Liz Aleman, Commissioner
Sarah Brown, Commissioner
Tim Unterwegner, Commissioner
Neale Ledgerwood, Commissioner
Heather Rookstool, Ex Officio Member
Dave Holland, Ex Officio Member

COMMISSIONERS ABSENT:

Tom Wilson Commissioner

STAFF PRESENT:

Nick Green, City Manager

GUESTS PRESENT:

Nick Ducote, applicant- Burnt River
Shawn McKay, applicant- Burnt River
John Rowell (virtual)

Agenda Item No. 1—Open and Note Attendance

Chairman Boethin called the Planning Commission meeting to order at 6:00 PM and reviewed the public hearing procedures and appeal requirements.

Agenda Item No. 2— Approval of Prior Minutes

None presented

Agenda Item No. 3— Appearance of Interested Citizens

Chairman Boethin asked if any members of the public were present for items not listed on the agenda. *None appearing.*

Agenda Item No. 4—Temporary Use Permit (Type III) TUP-21-01 Amendment 01 – Dave Lynn RV Extension

Chairman Boethin opened the hearing for TUP-21-01 at 6:04 pm and noted that a quorum was present.

Boethin asked if any member of the commission wished to declare any conflicts of interest or significant ex-parte contact. *None appearing.*

Staff briefly reviewed the purpose of the temporary use permit.

Chairman Boethin invited the applicant to speak. *None appearing.*

Chairman Boethin asked if any members of the public wished to speak in favor or in opposition to the proposal. *None appearing.* The public hearing was closed at 6:05 PM and opened for discussion among the planning commission.

Dave Holland inquired if 6-9 months would be sufficient? City Manager Green answered that the materials and plans for the build have been adjusted for completion as soon as possible.

Commissioner Unterwegner inquired about the current progress. City Manager Green that the answered materials have been ordered for vertical structure, but had not begun yet.

Chairman Boethin asked if there was any further discussion. *None appearing.*

Commissioner Ledgerwood motioned to approve the Temporary Use Application TUP-21-01 Amendment 01 based on the findings and subject to the conditions of approval contained in the staff report as amended. Commissioner Brown seconded the motion and it passed unanimously.

Agenda Item No. 5—Conditional Use Permit (Type III) CUP-21-03: Rocky Mountain Dispensary

Chairman Boethin introduced CUP-21-03.

Staff briefly explained the history of the applicant and shared that the location met the criteria under the code and there were no conflicts.

Chairman Boethin noted the public hearing opened at 6:09 PM

Chairman Boethin invited the applicant to speak. *None appearing.*

Chairman Boethin asked if any members of the public wished to speak in favor or in opposition to the proposal. *None appearing.* The public hearing was closed at 6:10 PM and opened for discussion among the planning commission.

Commissioner Brown inquired if there was any tax advantage to having the business move into the City limits? City Manager Green noted they would continue to be subject to the county tax, however there would not be a municipal tax. The advantage for the business would be to be in closer proximity to customers.

Commissioner Aleman noted that she had compared the applications for Rocky Mountain Dispensary and Burnt River Farms as they were for a similar purpose and noticed on the signature page, there was discussion regarding a letter of consent or authorization from the property owner. She did not see an authorization from the property owner. She also inquired about the space regarding fees being blank and inquired if the fees had been paid? City Manager Green answered that the fees had been paid and it was left blank in error. He shared that he did not have the letter of consent in writing, but was told by

the applicant that they had a lease with first right of refusal to purchase. He did not have a letter stating as such.

Commissioner Aleman inquired if they could proceed without the letter? City Manager Green recommended approving the application with an allowance of 72 hours for the applicant to submit the letter of consent.

Commissioner Unterwegner inquired about the restrictions regarding proximity to libraries, daycares and schools. City Manager Green shared the City Council had limited the restrictions to the minimum state requirements for K-12 schools, not to include daycares and libraries.

Chairman Boethin asked if there was any further discussion. *None appearing.*

Commissioner Brown motioned to approve CUP-21-03 based on the findings contained in the staff report with conditions, if any. Chairman Boethin clarified the conditioners were that the owner and applicant were to provide written consent within 72 hours of the hearing. Commissioner Ledgerwood seconded the motion and it passed unanimously.

Agenda Item No. 6— Conditional Use Permit (Type III) CUP-21-04: Burnt River Farms

Chairman Boethin opened the hearing for CUP-21-04 at 6:16 pm.

Staff explained the use met the requirements according to the criteria as adopted by the City Council.

Chairman Boethin invited the applicant to speak.

Nick Ducote, a resident of La Grande shared that he was the license coordinator and consultant. Shawn McKay, a resident of Huntington shared he was excited about the opportunity to do business in town and looked forward to being a good neighbor. Mr. Ducote and Mr. McKay shared a brief presentation about the business and their vision for the John Day store.

Chairman Boethin asked if any members of the public wished to speak in favor or in opposition to the proposal. *None appearing.* The public hearing was closed at 6:25 PM and opened for discussion among the planning commission.

City Manager Green shared that there would be some vision and clearance requirements with ODOT regarding installation of an awning.

Commissioner Brown inquired if they would be hiring people locally?

Mr. McKay shared they currently had 60 employees on staff. They planned to have floor managers rotating into the John Day store from their other stores and would hire 6-10 locals.

Commissioner Aleman asked the applicant about their employee retention and if they would want to continue or change anything from the John Day location?

Mr. McKay shared that between their two locations, they staff about 110 full time employees. They continue to seek improvement in employee/ employer relations. All John Day employees would go to the Huntington location to train. They regularly hire and train, with weekly training being offered at that

time. Mr. Ducote added that there were different classification of employment including seasonal employment on the farm.

Commissioner Aleman noted she appreciated the aesthetic of the building and thanked them for taking that into consideration.

Commissioner Brown inquired why they had chosen John Day? She noted concerns of having two dispensaries in such a small town.

Mr. McKay answered that they believed they would be successful based upon the data they had seen.

Commissioner Brown asked if a colocation with another business might be possible. Mr. Ducote answered that there were limitations about what types of businesses could collocate and he did not expect they would have extra space for another business there.

Chairman Boethin asked if there was any further discussion. *None appearing.*

Commissioner Aleman motioned to approve CUP-21-04 based on the findings contained in the staff report. Commissioner Unterwegner seconded the motion and it passed unanimously.

Agenda Item No. 7— Land Partition (Type III)—LP-21-03: City of John Day

City Manager Green reviewed the proposal to replat lots 4, 5, 6 and 7 and a portion of lot 29. Lot 4 would increase from one acre to three acres; Lot 5 is unchanged; Lot 6 would increase from one acre to three acres; lot 7 is unchanged; and lot 29 would decrease by six acres. He noted that sale closed, Lots 8-13 would be the only remaining lots available.

Chairman Boethin opened the hearing for LP-21-03 at 6:35 pm. He asked if any members of the public wished to speak in favor of the proposal.

Mr. McKay shared that he believed it would be a great use of the land. He asked if there would be any restrictions for RVs? City Manager Green answered he would provide information outside of the meeting as it could become involved and he wanted to convey the information accurately.

Chairman Boethin asked if any members of the public wished to speak in opposition of the proposal. *None appearing.* The public hearing was closed at 6:40 pm and opened for discussion among the planning commission.

Commissioner Unterwegner inquired if the land acquisition had anything to do with Commissioner Brown's question, why they chose John Day? If having the land available was an added bonus?

Mr. McKay and Mr. Ducote both stated they would have planned for the dispensary regardless of the land at the Industrial Park.

Commissioner Unterwegner motioned to approve Land Partition LP-21-03 based on the findings and subject to the conditions of approval contained in the staff report. Commissioner Ledgerwood seconded the motion. Commissioner Brown inquired if the City Council had approved yet? City Manager Green shared the Council would need to approve the sale and he would oversee the planning portion. The motion passed unanimously.

Other Business and Upcoming Meetings

City Manager Green asked if the Committee would like to secure a larger venue for the next meeting which would include discussion on the pool. There was discussion amongst the committee about possible venue options.

Chairman Boethin inquired what they would be reviewing regarding the pool? City Manager Green shared that they would be reviewing a conditional use permit application. It would be a time to accept public comments and to make decisions based upon the design and restrictions. Chairman Boethin noted that comments would be limited to the code criteria.

Chairman Brown asked how the hearing would be advertised. City Manager Green answered that the hearing would be noticed in the newspaper and to residents within 100 feet.

The committee discussed the possible date of the next hearing. City Manager Green felt they could tentatively plan for the second week of November if a completed application was received in time.

Chairman Boethin asked if there was any other business to present.

Commissioner Aleman inquired about the minutes. City Manager Green answered that the following meeting they would catch up on all minutes.

Commissioner Ledgerwood motioned to close the meeting at 6:53 PM. The motion was seconded by Commissioner Brown and passed unanimously.

Meeting adjourned.

Respectfully Submitted:

Nicholas Green
City Manager

ATTEST



Ken Boethin, Chairman

06-06-2022
Date