
City of Sherwood, Oregon
Planning Commission
April 14, 2015

Planning Commission Members Present: Staff Present:

Chair Jean Simson

Vice Chair Russell Griffin

Commissioner Chris Flores

Commissioner Michael Meyer

Commissioner Alan Pearson

Commissioner Lisa Walker

Joseph Gall, City Manager

Tom Pessemier, Assistant City Manager

Julia Hajduk, Community Development Director

Brad Kilby, Planning Manager

Michelle Miller, Senior Planner

Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent:

Commissioner James Copfer

Council Members Present:

Council President Sally Robinson

Councilor Jennifer Kuiper

Councilor Jennifer Harris

Legal Counsel:

Chad Jacobs

1. Call to Order/Roll Call

Chair Jean Simson called the meeting to order at 7:02 pm.

2. Consent Agenda

Chair Simson accepted a motion.

Motion: From Vice Chair Russell Griffin to approve the Consent Agenda, Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor (Commissioner James Copfer was absent).

3. Council Liaison Announcements

Council President Sally Robinson said she was thrilled to have a full Planning Commission again and the City Council was looking forward to a recommendation for medical marijuana dispensaries with the first reading in a special meeting on April 28, 2015 and the second reading at the May 5, 2015 regular meeting. She said the ordinance would have an emergency clause to make the legislation effective immediately.

4. Staff Announcements

Brad Kilby, Planning Manager, announced the two new Planning Commissioners as Chris Flores and Michael Meyer. He reminded commissioners to fill out their Statements of Economic Interest for the State. He announced a Public Forum to be held for the Sherwood West Preliminary Concept Plan project on May 21, 2015 at 6:30 pm at Edy Ridge Elementary School. Brad noted that over sixty property owners in the concept area have been interviewed as part of the outreach for the project. He commented that many of those property owners have history because they have lived in the Sherwood area for many years and sent their children through the school system.

5. Community Comments

There were no community comments.

6. New Business

a. Public Hearing – PA 15-02 Medical Marijuana Dispensary Code Amendments

Chair Simson read the public hearing statement and explained that the Planning Commission would be making a recommendation to the City Council on the matter. The City Council was the final hearing authority and will have the first hearing on April 28, 2015.

Senior Planner, Michelle Miller gave a presentation (see record, Exhibit 1), she explained that the hearing was not about recreational marijuana and indicated that the state rules are not in place yet. The council has indicated in previous work sessions that the City Council will not consider banning Medical Marijuana Dispensaries (MMD) outright because that would likely face legal challenges.

Ms. Miller gave a history of medical marijuana in Oregon:

- 1998-Voters approved Oregon Medical Marijuana Act, caregivers and card holders could obtain marijuana
- 2013-HB 3460- required a dispensary to register with the Oregon Health Authority
- 2014- Senate Bill 1531 authorized local jurisdictions to regulate dispensaries by imposing time, place, and manner restrictions on their operations
 - Allowed a moratorium on dispensaries through May 1, 2015
 - Sherwood enacted a moratorium

Ms. Miller then explained the statewide regulations that were put in place regarding Medical Marijuana Dispensaries (MMD):

- Dispensary must be located in Commercial, Industrial, Mixed Use or Agricultural zone
- Cannot be in same location as a Grow site
- Cannot be within 1,000 feet from a school-public or private, or another dispensary
- Background check required for owner
- Must be a Registered Business in Oregon
- Must install a Security System
- Cannot be Mobile

Ms. Miller showed a map with the school buffers delineated that showed locations where MMD's would be allowed per the state regulations in the General, Retail, and Office Commercial and General and Light Industrial zones. During the course of evaluating whether the City wanted to imposed more restrictions than the state so staff conducted some public outreach. We had a public work session on March 10, 2015 where the planning commissioners met in small groups with citizens, we had an online survey that ran from March 6-31 and generated over 180 responses, details are in the staff report. Staff met with the police advisory board on April 2, 2015 and they came up with some additional thoughts on regulating medical marijuana dispensaries.

The proposed code language includes amendments to the code that added a medical marijuana and mobile vendor definition and also added, based on public outreach, a restriction on zoning limiting the zones to the general and retail commercial and the general and light industrial zones. (Restricting use in the office and neighborhood commercial and the employment industrial zones). Public

outreach indicated a preference for added buffers around our public parks. She showed a map with added buffers around public parks.

We heard that a type II land use process was the recommended course. A type II is a staff level decision. It will be reviewed under a special use category with a 14 day notice to property owners within 1000' feet and they can comment on the proposal. A public notice for the application will be published at five locations throughout the city and any appeal would be heard by the Hearing Officer.

In the special use category, language and criteria were added that regulate time, place, and manner restrictions with hours of operation, buffers, and various security measures. Also an important component was the registration and compliance with the Oregon Health Authority (OHA) regulations found in ORS 175.314 which was the Oregon Medical Marijuana Act. Any violations of the OHA rules would be a violation of the Development Code.

The police advisory board had some recommended language:

- Limiting the land use zoning to Industrial Land only
- Reduce the allowable size of a dispensary to 2,500 square feet (current is 5000 square feet)
- Allow the dispensary to remain open to 7 pm during the week days
- Add a definition for public plaza

Ms. Miller displayed a comparison of how other local jurisdictions regulate MMD's that included different zoning, added buffers, hours of operation, and other regulations. She noted that the City of Tigard was regulating both medical and recreational marijuana at the same time and was restricting Retail marijuana sales to be on 99W or Main Street. She pointed out that Tualatin and Washington County had reduced the size of a dispensary to 3000 square feet and that the City of Hillsboro had increased the buffer between dispensaries to 2000 feet. Ms. Miller displayed a map of the northeast portion of the city showing the location of where Tualatin might place a dispensary and the state's required 1000 foot buffer that overlapped into the city. She noted, as an example that no properties in the City's General Industrial zone within 1000 feet of a dispensary in Tualatin would be permitted to site a dispensary. Chair Simson asked if there was a dispensary located there now and was informed that there was not, but whoever had a dispensary first would prevent another one within 1000 feet.

Ms. Miller stated that staff recommended adding definitions to Chapter 16.10, Medical Marijuana to the Use Categories in Commercial and Industrial zones, placing Medical Marijuana Dispensary under a Type II process, and adding criteria for a Medical Marijuana Dispensary in the Special Use category with hours, additional buffers for parks and plazas, and the additional security measures.

Ms. Miller explained that the Commission had the Staff Report with findings and recommendation; Exhibit A, the Proposed Code Amendments; Exhibit B, the Final Rules for Medical Marijuana Dispensary Program (OARS); Exhibit C, the Police Advisory Board Recommendation; Exhibit D, a citizen comment regarding hours of operation; Exhibit E, a letter from Chief Groth regarding Time, Place and Manner Regulations he was recommending; and Exhibit F, the School and Parks Buffer Map of Sherwood. Ms. Miller asked for questions from the Commission and asked that the public hearing be conducted.

Chair Simson asked if any commission members had questions for staff regarding the presentation.

Commissioner Pearson pointed to news reports that showed Tualatin was committed to the industrial area shown in Ms. Miller's presentation. He said the state mandated that each city has to have an opportunity for at least one dispensary and the area was the only place in Tualatin where a dispensary would be permitted. Commissioner Pearson suggested that the City assume as much for intergovernmental relations purposes.

Chair Simson opened the hearing for public testimony.

Anthony Bevel, Sherwood resident, commented that the map showed a refined area where dispensaries could be located. He asked how many actual dispensaries were anticipated coming to Sherwood and advocated that medical marijuana was non-issue because it was prescribed by a doctor similar to any prescription. Mr. Bevel asked the Commission to give the matter a hard look beyond the areas identified.

Sheri Ralston, resident on Lebeau Road, said she provided the hours of operation information for staff and she had attended several different cities' meetings regarding medical marijuana regulation. She said there are currently over one hundred and one medical marijuana dispensaries in the state of Oregon and some have been open for several years. Ms. Ralston asserted that issues or problems with dispensaries are not in the paper or on the news and they have been running efficiently and quietly the entire time. She asked the Commission to take that into consideration when deciding on the hours of operation, adding that most of the medical marijuana patients she knew worked. Ms. Ralston commented that having a dispensary open until 8 o'clock pm would be consistent with what many other cities were voting for and the hours of operation for many of currently open dispensaries. She added that there are dispensaries on the east side open until 10 pm or 24 hours a day as allowed by the state regulations. Ms. Ralston disclosed that she was a medical marijuana patient and had an application in to the state for a dispensary in Sherwood.

Commissioner Walker commented on the hours of operation and said the Police Advisory Board discussed them. She said the Police advisory Board wanted to set the hours of operation so that different work scheduled could be accommodated. Ms. Walker asked Ms. Ralston if she thought the dispensaries should be open past 8 pm on the weekends.

Ms. Ralston responded that it would be great to have them open until 9 pm but to her it seemed that medical marijuana dispensary open times were similar to liquor stores, even though they are run like a drug store. She commented that she had her personal opinion on the hours and what she thought customers would prefer.

Dave Poarch, Sherwood resident said he was late to the party and had reached out to the mayor about banning dispensaries similar to in LaGrande, Oregon. He said he had a lot of questions and had heard the State of Washington was retracting all of their medical marijuana licenses because of the approval of regular marijuana dispensaries. Mr. Poarch asked if it was futile to pass medical marijuana legislation only to have its license pulled. He asked about the requirement to have one dispensary in every city and about the timeline for the moratorium. Discussion followed and Chair Simson indicated that staff would answer Mr. Poarch's questions.

Mr. Poarch asked about the Statement of Economic Interest mentioned by the planning manager at the top of the meeting. Chair Simson responded that the Statement of Economic Interest was a requirement for any public official to turn in a form to the State of Oregon and has nothing to do with medical marijuana dispensaries but with public officials reporting their income to the state and was outside of the hearing process.

Chair Simson asked staff to clarify this action to regulate medical marijuana dispensaries in Sherwood, compare it with the impact of recreational marijuana regulation as in the State of Washington, and if the City was required to site one here.

With no other public testimony, Chair Simson closed the public testimony portion of the hearing.

Ms. Miller responded that it was not too late to get involved in the process as there would be at least two more hearings before the City Council with the next hearing on April 28th and offered to speak with Mr. Poarch offline. She said the difference between medical and recreational marijuana can get really confusing because of the recent passage of legalizing recreational marijuana. Ms. Miller clarified that medical marijuana is regulated by the Oregon Health Authority (OHA) and recreational marijuana will be regulated by Oregon Liquor Control Commission (OLCC); currently the agencies are not planning on merging the programs.

Ms. Miller explained the medical marijuana dispensary program has been in place since fall of 2013 with final regulations coming about a year later. In March 2014, a house senate bill passed that allowed local jurisdictions to regulate time, place, and manner of medical marijuana dispensaries and for local jurisdictions to pass a

moratorium that expires on May 1, 2015. She affirmed that the issue of banning gets into murky legal territory; on one hand we have a strong home rule principal which allows local jurisdictions to make a number of regulations if they are not expressly forbidden by the state, on the other Medical Marijuana Dispensary bans are now being litigated in a couple of jurisdictions that have opted to ban them, which could be tied up for several years in court.

Ms. Miller reprised that City Council indicated early on in this process that they did not want to face legal challenges because of a Medical Marijuana Dispensary ban. Council directed staff to find out what the local community wanted to do regarding time, place, and manner regulations.

Ms. Miller indicated that the City would tackle recreational marijuana after completing medical marijuana legislation and when more information regarding how the OLCC will regulate recreational marijuana and its dispensaries is available. She said the state is required to start accepting applications in January 2016, but may not be issuing licenses for retail until 9 months after that.

Chair Simson indicated that when language for hours of operation was being crafted for Medical Marijuana Dispensaries the Commission looked for guidelines from the hours of operation for liquor stores. Ms. Miller said the OLCC had given guidelines indicated that a liquor store must be open at least 8 hours a day, but it was up to each individual operator how late they wanted to be open.

Ms. Miller concluded by saying the Oregon legislature was working on laws concerning combining medical and recreational marijuana sales, in a recent conference she attended it appeared to be going nowhere, but we do not know for sure.

Chair Simson synopsised the Medical Marijuana Dispensary became a City of Sherwood issue in March of 2014 when the State of Oregon allowed local jurisdictions to regulate time, place, and manner and the City put a complete moratorium in place until May 1, 2015 to give the community time to research. She said the research was done and it was time to put something together for our community.

Commissioner Walker asked if recreational licenses would be issued in July. Ms. Miller responded that personal recreational use would be permitted, but it was unknown how one would obtain the marijuana because there was no place to legally obtain it in Oregon.

Ms. Miller disclosed that the number of dispensaries required within a jurisdiction had not been legally tested and there may be issues if the City restricted the number be limited to one. Chair Simson commented that regulating the distance between dispensaries, given the linear feet inside the city limits, restricted the number of dispensary locations available.

Chad Jacobs indicated that the state law allowed jurisdictions to create reasonable time, place, and manner restrictions, so any legal challenge would be to whether or not the restrictions were reasonable. If the City could demonstrate that, given the size and population of Sherwood, one or two dispensaries were enough then they would have a strong argument that those are reasonable regulations. He commented that imposing restrictions so broad that it was basically a ban, hit the unreasonable point. Chair Simson remarked that Hillsboro and Washington County had each expanded their buffers so it was reasonable to add to the distance between dispensaries and the City would not be outside of reasonable. Mr. Jacobs cautioned looking at the distance used by other jurisdictions because they may have a larger size or different zoning. He suggested looking at the map provided by staff and determining areas where the dispensaries can be located based on those restrictions and decide if that was a reasonable number of dispensaries based on population.

Chair Simson explained that there were two versions of the proposed language. One provided by staff and a second with suggested amendments by the Police Advisory Board. She acknowledged the extra work performed by the Police Advisory Board and asked for comments from the Commission.

Chair Simson asked about the definition of a public plaza on page 63. She commented that the definition could fit an area similar to the open area next to Rose's Restaurant and she was hesitant to use a definition that

could be used to define any landscaped open space in the city. She expressed concern the definition would restrict the remainder of the city, because there are open green spaces with amenities throughout both the commercial and industrial zones

Ms. Miller noted that it was the dictionary definition of a plaza; when there was ambiguity staff refers to a dictionary definition. She said one solution would be to define a public plaza as owned by the city.

Chair Simson noted that a public park was defined as being controlled, operated or managed by the city. *Under the control, operation or management of the City* was added to the definition of a public plaza.

Chair Simson commented that she was quoted in the newspaper as being concerned about Medical Marijuana Dispensaries being in the industrial areas. As a Planning Commissioner, she had always heard the value of not using industrial land for retail purposes. She expressed that the public work session helped her to understand public sentiment and with feedback from the Police Advisory Board and Chief Groth the importance of looking at the industrial zones as a viable alternative for Medical Marijuana Dispensaries.

Chair Simson said she was in support reducing the size of the facility to 2500 square feet as recommended by the Police Advisory Board because it was not a secondary use to a large manufacturing facility.

Commissioner Walker stated she was in complete agreement with the Police Advisory Board language. The Commission went through each section of the Policy Advisory Board's recommended code language.

Commissioner Walker commented on the definition for a *mobile vender*. She asked about items that could be prepared offsite then brought to a site and stated she would consider that mobile. Discussion followed. Staff suggested the following, which was accepted by the Commission.

Mobile Vendor: A service establishment operated from a licensed and moveable vehicle that vends or sells food and/or drink or other retail items.

Chair Simson noted that the Police Advisory Board had removed dispensaries from the permitted uses in the Commercial Zones. Commissioner Walker commented that the majority of the people at the public work session wanted the dispensaries in the Industrial Zone; however the staff recommendation was both commercial and industrial zones. Chair Simson clarified that the public work session consensus was both commercial and industrial, but the online survey was mostly in favor of industrial zones.

Commissioner Walker pointed to page 16 of the packet that stated 54% of the 180 persons taking the online survey wanted industrial zones and in the public meeting there were 27 people. She said the survey might be a better representation of what the public wanted.

Ms. Miller responded that the survey information given about zoning issues was limited and many of the responses came before the public meeting. When we dug a little deeper at the public work session and discussed the alternatives, a different response was generated. She said it was up to the commission to gauge the sentiment across the community as to what was preferred, but from a land use perspective these dispensaries are more of a pharmacy (retail type of use). Ms. Miller stated the Commission would have to come up with a reasonable restriction that medical marijuana dispensaries are better served in the Industrial Zone. She allowed that from a safety point of view the Police Chief thought the Industrial Zone was better for the community.

Chair Simson said it was the exact opposite of where she started because she was preserving the industrial land. She remarked that Chief Groth had a compelling argument when he explained that medical marijuana dispensaries are contrary to a pharmacy; they are not a retail for profit business that needs to be out on the street corner with big signs to gather in the public. Chair Simson held that if placement works in the Industrial Zone it would be easier to put it in one zone and expand to add commercial zones at a later date then to remove a zone. She said she was more comfortable with industrial only when taking into account the Police Advisory Board's recommendation and the online survey results. Chair Simson asked for other comments about medical marijuana dispensaries being restricted in the Commercial Zone.

Commissioner Pearson commented there were empty storefronts in the Commercial Zone, the state run liquor store was in the commercial zone, and a medical marijuana dispensary used plant based derivatives like most pharmaceuticals. He said the Commission was responding in fear and eliminating commercial areas with established buildings. Commissioner Pearson pointed out that the City would not mandate the landlord must rent the space for medical marijuana; they have the right to refuse. He stated there were no buildings in the Industrial Zone to house a medical marijuana dispensary so a new building would have to be built, which would cause further delay and may lead the City to a law suit which the it was trying to avoid. He stated he had no objection to allowing commercial and industrial and the police already patrol in the commercial areas because those businesses need protection.

Chair Simson asked for the presentation slide that showed what other jurisdictions were doing.

Commissioner Walker stated that she gave a lot of credence to what the police thought and Chief Groth's letter in regard to advertising was something she had not thought about. She commented on dispensary advertising needs and referred to the possibility that, at some point, medical and recreation marijuana dispensaries may be merged, as in Washington. She said if that happens the businesses would already be in the retail area and she did not know if that was something people in Sherwood wanted, and she had heard not.

Chair Simson said there was a comment that we don't need to hide dispensaries in the back corner like it was a dirty little secret and commented we also don't need to advertise it in our community. She stated there were two more hearings and the Planning Commission would give their best recommendation taking the Police Advisory Board's recommendation into account and the City Council would make their own decision. Chair Simson expressed greater comfort starting with one zone to see how it worked and fit in our community and then add another zone later.

Commissioner Walker asked if Tualatin's manufacturing zone was the same as our Industrial Zone and if Commissioner Pearson was correct that this was the only location in Tualatin where Medical Marijuana Dispensaries would be allowed. Brad Kilby, Planning Manager, responded that the map provided with Tualatin's legislation showed a very small area adjacent to Sherwood.

Michelle Miller commented that it was semantics, because if you look Sherwood's busiest thoroughfares; either Tualatin Sherwood Road near the industrial zones or 99W where the commercial zones are, they are both heavily travelled areas. Keeping Medical Marijuana Dispensaries out of public view was going to be pretty impossible. Chair Simson countered that we don't have to have Medical Marijuana Dispensaries right next to the movie theater and we should start small and if it works well we can add it to the Commercial Zone.

Vice Chair Griffin commented that Sherwood liked to be found in the middle; not too extreme one way or the other. He thought Tualatin might be a little too restrictive whereas others have gone the other direction being open until 10 pm. He said it was smart to start with our industrial zone and Tualatin Sherwood road goes right through the middle of it intersecting with roads leading behind the scenes so it was an easily trafficked area and easy to patrol for the police. He agreed with starting with one zone in a busy area and deciding later because of need or because it was the will of the people to expand to other zones. Vice Chair Griffin stated he did not think it was too restrictive or out of fear but careful planning.

Commissioner Mike Meyer asked if dispensaries are restricted to the Industrial Zone are there buildings for these facilities to locate. If there aren't and we restrict to that zone only does that make it an unreasonable restriction for those businesses, because they have to go to the expense of building the entire infrastructure and they are supposed to be a not for profit facility.

Brad Kilby clarified that restricting facilities to industrial zones as proposed would include both Light Industrial and General Industrial zones.

Vice Chair Griffin added that he takes Herman Road to downtown Portland and he noticed a number of signs indicating there was space for lease in those light industrial plazas.

Mr. Kilby agreed that there are spaces available in Light and General Industrial that could locate a dispensary. The only struggle would be ensuring they do not exceed the 2500 square feet. He commented the location where Two Kilts was sited as having suites small enough and it was light industrial.

Chair Simson said what she was referring to earlier was that Metro wanted us to not burn all of our light industrial with commercial activities such as the light industrial across the street from Home Depot, but the area looks very commercial in those bays. She said all the properties along Tualatin Sherwood Road and north along 99W was light industrial and there was a lot commercial application.

Commissioner Flores requested clarification regarding Commissioner Pearson commented that landlords are not required to lease the spaces to commercial uses and asked if it was the same in the industrial area.

Michelle Miller responded that they could decline to rent unless the potential business was a protected class. Chad Jacobs confirmed that Ms. Miller was correct and as long as they are not refusing to rent the space for an illegal reason such as because the renter was in a protected class (i.e. a female). He continued by stating a landlord had the right to refuse to rent because the type of business was medical marijuana (which is prohibited by federal law) and would not be illegal for a landlord to refuse. Mr. Jacobs said if there were no landlords within Sherwood who wanted to rent to a medical marijuana dispensary then there would not be any dispensaries in the city.

Chair Simson noted that it was whether the City provided the opportunity and even if the landlord says “no” the City of Sherwood has complied with the regulations by offering it in those zones.

Vice Chair Griffin commented that he did not have any direct involvement because he did not have a need for medical marijuana, but there was obviously a need for it and he did not want to heavily restrict it for those individuals. He wanted them to be able to get to what they needed, and as a citizen of Sherwood, they have as much right to that as those that do not need it. He said if there was a need then opportunity would open the door.

Chair Simson acknowledged that Commissioner Pearson was in favor of retaining the original staff recommended language and asked for a response for taking the Police Advisory Board’s recommendation to restrict dispensaries from commercial zones and to make them a permitted use in Light and General Industrial zones from the other commissioners. All other commissioners were in favor of the Board’s recommendation.

Chair Simson asked about the size limitation of 2500 square feet. Vice Chair asked how much space a dispensary needed. Commissioner Walker commented that two other jurisdictions limited the space to 3000 square feet. Discussion followed with the consensus to allow up to 3000 square feet of space for a dispensary.

Chair Simson moved to Medical Marijuana Dispensaries being a Type II land use process. She reminded that in the public discussion it was indicated that a Type II application for a Medical Marijuana Dispensary was the appropriate place, because it utilized objective standards that staff can review. She said there was no need for large fees or for applicants to come to the Planning Commission when objective standards are used.

Chair Simson noted the characteristics of a Medical Marijuana Dispensary and stated the big one was hours of operation. In earlier discussions it was noted that the Sherwood Liquor Store closed earlier than other retail establishments. She said the Police Advisory Board recommended a 7 pm closing time on weekdays and 8 pm on the weekends, which was nine hours open during the weekday and someone working an eight hour shift would have time to go before or after work. Ms. Miller noted that the Sherwood Liquor Store was open 10:30 am to 7:30 pm Monday through Thursday and 10:30 am to 8 pm on Friday and Saturday; closed on Sunday.

Commissioner Pearson suggested using liquor store hours. Ms. Miller replied that those hours were imposed by the local operator, at their discretion, and the times could change. Vice Chair Griffin suggested 10 am to 8 pm, seven days a week and said it put Sherwood in line with other jurisdictions. The Commission was in agreement.

Chair Simson asked if there were any other concerns for the proposed language. Commissioner Walker asked what prohibited colocation meant. Ms. Miller responded that a dispensary may not be located at the same address as a manufacturing facility or a grow operation. She added that you cannot consume at the same location either.

Chair asked about the information on page 68 that said the addition of a dispensary may not operate as a mobile business to deliver medical marijuana. Ms. Miller responded that a concern was raised that if there was a dispensary, then deliveries should not be permitted. She noted that there was opportunity for caregivers to obtain the medical marijuana for the patient.

Commissioner Walker asked about number 5 regarding drive-through or walk-up sales. She suggested using the word “access” instead of “window”. Discussion followed. Ms. Miller commented that it was a provision from the ORS and checked the statute. Chad Jacobs suggested the Sherwood code should mirror the state language. He suggested *a medical marijuana dispensary may not engage in sales outside of the facility through means such as a walk-up window or drive-through access*. The Commission changed the language to such.

Commissioner Pearson pointed out that 6.c should include a public park or a public plaza as discussed earlier.

The Commission discussed the proximity restrictions but did not make and other changes.

Chair Simson said Chief Groth suggested in his letter that ORS 475.314 be adopted as part of the Sherwood Municipal Code. She said staff explained to her that this was the intent of proposed language for 16.38.020A.2, as shown on page 67 of the packet. The language requires dispensaries to register with the Oregon Health Authority under ORS 475.314 and failure to comply was a violation of the Code. She described that because the language was in our code, the Police Chief would have jurisdiction.

Ms. Miller noted some scrivener’s errors. The first under the Medical Marijuana Dispensary definition where she asked to change the word “plans” to “plants”. She said she referenced Chapter 16.22 in the staff report as Residential Land Use and it should have been Commercial Land Use zones.

Chair Simson noted that staff had been in contact with the OHA and their process was sixty days out so the passage of this language in Sherwood should put code in place prior to any applications in Sherwood.

With no other discussion, the following motion was received.

Motion: From Vice Chair Russell Griffin to forward a recommendation of approval to the City Council for Medical Marijuana Dispensary Code Amendments (PA 15-02), based on the applicant testimony, public testimony received, and the analysis, finding and conditions with the stated modifications. Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor (Commissioner James Copfer was absent).

Chair reminded that the first hearing with the City Council would be a special session on April 28, 2015. They will take public testimony at that time.

7. Planning Commissioner Announcements

Chair Simson commented on the great turnout for the public meetings regarding Sherwood West Preliminary Concept Plan. The eighteen Community Advisory Committee members were all in attendance at the last meeting with twenty seven additional people. She said Brad and Connie have been conducting one on one meetings with the property owners in the area and the engagement process has been going very well. Chair Simson expressed excitement regarding how the process would move forward and invited all to take the opportunity to attend the May 21, 2015 meeting to get more information.

Vice Chair Griffin reported that the next play “Into the Woods” will be July 8-11 at Stella Olsen Park.

Commissioner Pearson commended Ms. Miller for her efforts.

The Planning Manager solicited for a Planning Commissioner to serve on the Local Trails Advisory Committee for the Cedar Creek Trail. Commissioner Flores accepted the call to serve.

8. Adjourn

Chair Simson adjourned the meeting at 8:39 pm.

Submitted by:

Kirsten Allen

Kirsten Allen

Planning Department Program Coordinator

Approval Date: June 23, 2015