



## Meeting Minutes

<b>Police Advisory Board</b>	
<b>Date &amp; Time:</b>	April 02, 2015
<b>Location:</b>	Sherwood City Council Chambers 22560 SW Pine Street, Sherwood, OR
<b>P.A.B. Members:</b>	<b>Council Liaison:</b>
Laurie Zwingli-Chair	Linda Henderson
Bob Silverforb-Vice Chair	<b>City Staff:</b>
Diane Foster	Jeff Groth-Police Chief
Sean Garland	Angela Hass-Executive Assistant
Dave McCart	Ty Hanlon-Police Captain
Rich Miller	Michelle Miller-Senior Planner
Amy Miller-Juve	
Christian Verkest	
Chris West	

### Attendees

#### 1. Call to Order (Silverforb)

The meeting was officially called to order at 7:05 p.m.

#### 2. Roll Call (Silverforb)

**Board members present:** Vice Chair Bob Silverforb, Diane Foster, Sean Garland, Rich Miller, Amy Miller-Juvé, Christian Verkest, Chris West, Chair Laurie Zwingli (*arrived at 7:08*)

**Board members absent:** Dave McCart

**Staff members present:** Chief Jeff Groth, Captain Ty Hanlon, Senior Planner-Michelle Miller and Angela Hass, Executive Assistant.

#### 3. Business (Silverforb/Zwingli)

##### a. **Marijuana Discussion**

Senior Planner Michelle Miller introduced herself and presented a PowerPoint going over the code amendments to take back to the Planning Commission (see Exhibit A). It was pointed out that tonight's discussion is not about recreational marijuana. (*Chair Zwingli arrived and took her position as Chair for the meeting.*) Recreational marijuana will be touched upon at another time.

The City was granted a moratorium on medical marijuana dispensaries for one year, which is due to expire soon. We are looking to place more strict guidelines, as a city, which we are allowed to do.

The City of Sherwood is looking to put limited buffers in place, where children might be present, same as Salem, Newberg and Tigard. The City would notify property owners within 1,000 feet when a dispensary would be going in. Ms. Miller stated that all of the blue text shown on the Plan Amendment (see Exhibit B) was updated to the draft code language. She announced that a public hearing is scheduled for April 14<sup>th</sup> and noted that the moratorium expires on May 1<sup>st</sup>. Ms. Miller stated that the commission had concerns about the YMCA and therefore has deemed it an area where a dispensary would not be allowed. Dispensaries are allowed to be no larger than 5,000 square feet.

Vice Chair Silverforb asked Ms. Miller's opinion about the results of the survey. She stated that she felt that several people aren't aware that we can't completely ban the dispensaries and that we have to take the results for what they're worth. It was mentioned that City of Sherwood voters opposed recreational use whereas Washington County approved. This makes it more challenging to regulate something that folks don't really want. Mr. Garland asked what Portland was doing. Ms. Miller stated that Portland is basically following the State guidelines. Mr. West asked if the Planning Commission or City staff are recommending the 5,000 square foot limitation. Ms. Miller stated it was probably more on the Planning Commission side. It was presented and no-one opposed. Mr. West believes that 5,000 square feet is very big. He asked about building codes and if there is a requirement to put in sprinkler systems. Ms. Miller stated it would depend on the site. If it was required for the State building code, it would most likely be required. TVF&R would also have to take a look at it and a Building Official would review.

Ms. Miller-Juvé asked about seating in the dispensaries and if there would be restrictions to having a secondary business in the dispensary, more specifically a hookah bar. Ms. Miller stated that smoking in buildings is illegal. Chief Groth added that State law prohibits smoking in dispensaries. Mr. Garland asked if there is law against eating the edibles while in the dispensaries. Captain Hanlon stated that they cannot. Chair Zwingli said that an employee can, however. Captain Hanlon said employees can, but only if they have an OMMP card. Ms. Miller-Juvé asked if there has been any discussion about staffing requirements. Ms. Miller believes it would be the same as the State requirements, but will look into. Ms. Miller-Juvé asked if there are currently any liquor stores located near the areas where a dispensary would be allowed. Ms. Miller stated that there is only one liquor store in Sherwood. Mr. Garland asked if the only reason dispensaries are not allowed in current shopping centers is because of schools and park locations. Captain Hanlon asked for clarification on "plaza". The definition of "plaza" is, a square in a city or town; an open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit, and sometimes shops. Chair Zwingli asked if patients are required to go to a specific dispensary. Captain Hanlon said they are not required to. Chair Zwingli suggested that closing at 6 pm might make it difficult if a patient works during the day. Ms. Miller has received that same input and has learned that the busiest time for the dispensaries is 5-7 p.m. Mr. Garland asked about the difference between "dispensary" and "facility". Ms. Miller stated that verbiage should state "dispensary". The State uses the word "facility".

Ms. Miller-Juvé asked if marijuana can be delivered. Ms. Miller stated that mobile businesses are not allowed. Chair Zwingli asked about fees and fines for non-compliance. In regards to signs, Ms. Miller stated that we currently already have a sign code that would be enforced. There are different rules for commercial and industrial zones. The Code Enforcement Officer

would levy signs as needed. Chief Groth explained how it works and replied that we would follow the same enforcement process as with any other business. Chief Groth stated that some of the violations would fall under criminal. In the past we typically send a letter of warning, etc. He wasn't sure exactly how it will be handled if it was a violation of hours. The remedy would be to come into compliance. Ms. Miller believes that this will be covered in the municipal code. Mr. West asked if the Police Advisory Board (PAB) would want to recommend fines for violations such as delivery prohibition, hours, etc. Also asked if the PAB could recommend action with regards to the municipal code. Chief Groth stated, "yes" but to keep in mind to stay within time, place and manner. It is important to understand that the State has regulatory language. The OLCC will be covering the recreational marijuana. Unfortunately, we do not have this on the medical marijuana side, which is what concerns him. Captain Hanlon stated that growers are going to be regulated, but things could look completely different in 6 months. Medical marijuana businesses are trying to get both recreational and medical to be sold out of one facility. This is all just still in the works, but believes it will happen, in time.

Mr. Miller has a concern about security. Asked if there have been studies conducted regarding criminality in dispensaries. Ms. Miller stated that there is a study out from Texas showing that they have not seen any increase in crime within these types of businesses. There isn't a lot of data regarding this, as dispensaries haven't been around very long. The City doesn't regulate what landlords allow for businesses. Questions about criminality seem to be common, though.

Mr. Garland asked if the main reason for the buffers around the parks was because of kids. Ms. Miller stated that the idea was to not have near children and that the location of the parks is predominantly in residential areas. Crafting around parks seemed like a logical decision. Mr. Garland stated that there seems to be a lot of empty businesses in our shopping centers and it would be nice to fill some of those spots. Ms. Miller stated that they have heard this from others as well.

Vice Chair Silverforb commented on the study done by the University of Texas and said that it was pretty interesting information. Mr. West asked if the City requires secure storage of product and cash? Chair Zwingli stated that the State does have requirements for secure storage of product. Captain Hanlon stated that is being discussed right now. Mr. West is more concerned about product. Ms. Miller-Juvé read part of an article that showed increased crime in relation to cash.

Mr. West commented on Chief Groth's preference for industrial areas. Mr. West is concerned about these businesses being out and away from view, for safety reasons. Chief Groth stated that he is not concerned about increased crime as there is no evidence to support that. He is more concerned about who the product is given to. He is not aware of dispensaries being hit. He thinks that there is an assumption that business owners are going to do what they can to keep their product secure and doesn't believe that is going to be an issue. His concern is solely holding them accountable for following City and code regulations. He reported that the Sherwood Police Department has had very few instances where there were issues with the Oregon Medical Marijuana Program. Stated that there is language in the City Municipal Code which does address this. He then went over possible violations and fines, etc.

Mr. Garland stated that he knows that the City can't tell business owners what to put on signs, but wondered if the City has any recommendations. Ms. Miller said that it has been recommended that they keep the codes the same as what they currently have. We really don't want to make separate regulations for marijuana businesses. This would make for a real legal challenge. The Chief said that it is important to keep in mind that we are only talking about

the medical marijuana program and that it has not been an "in your face" program. It is based on providing medicine for people who have been given a prescription to use. Mr. Miller thanked Chief Groth for reminding everyone of that and feels that it is important to get the word out. Chief Groth stated that even if the medical marijuana program hasn't caused a lot of problems, the reality is that marijuana is becoming more socially accepted, we need to think about it possibly becoming a problem. He asked Ms. Miller what would be the soonest someone could open a business once an application has been received and approved. Ms. Miller replied that there would be a 30 day completeness review. Generally 6-8 weeks after an application has been completed. The Chief stated that we could be looking at no sooner than July and as we process through this, we need to consider that with the timing of recreational marijuana becoming legal, we would be looking at more than just the medical marijuana.

Chief Groth went over the role of the Code Enforcement Officer and stated that he's not sure how comfortable he would be having a non-sworn, unarmed officer responding to these types of businesses. Chair Zwingli asked about procedures when a minor tries to buy liquor. Chief Groth stated that it is considered a criminal offense and that it could be the same for medical marijuana. Mr. West asked if they can ask the City Council to empower Officers to take care of these types of calls. Chief Groth stated that he believes these are already in place through the State or City codes. The code language could be changed if needed.

Chair Zwingli asked if someone who holds a card is allowed to smoke in public? The answer was "no". Ms. Miller-Juvé asked if someone does not possess a card, are they allowed in a dispensary? The answer was "no". Captain Hanlon stated that the medical marijuana dispensary business owners are very serious about this being medicinal and are following the rules. Ms. Miller-Juvé asked if a sign could be required stating that no-one is allowed that doesn't hold a marijuana card. Captain Hanlon believes that may already be in place. Ms. Miller said that she could look into it. Vice Chair Silverforb stated that the rules are very specific and believes that the people running these programs are going to be very careful to follow so that they don't get shut down. The concern seems to be whether or not people are going to be allowed in that shouldn't be and Chief reiterated that is his concern as well. Often times these places charge more than they are supposed to and in some cases selling to those who don't possess cards. Some dispensaries have unknowingly allowed undercover Officers in which resulted in them getting raided, books seized and their businesses shut down. Washington County Drug Team has had to shut some down. The City has to do what is best at their end and the Police Department will handle as best they can. Ms. Miller-Juvé wondered if the board could make a recommendation for a larger buffer. Chief Groth asked Ms. Miller if the City can put a limit on how many dispensaries we'll allow. Ms. Miller replied that the LOOC discourages doing so. Ms. Foster said that with the current buffers, we would have limits.

Mr. Garland commented that given the late hour, the board may need to begin getting some recommendations ready. Chair Zwingli asked about residential areas and a discussion ensued about the 5,000 sq. foot limit. Mr. West asked Chair Zwingli if he could make some recommendations for the City Council. Chair Zwingli suggested they work with time, place and manner, when providing the recommendations.

Mr. West's recommendation included that dispensaries are only allowed in industrial, to change the word "facility" to "dispensary" and to go with times included in draft. He would like to have the code say mobile and delivery services prohibited. He stated that he has an issue with allowing the businesses to be 5,000 square feet. It was mentioned that Washington County lists 3,000 sq. feet. He would like to recommend 2,500 sq. feet. Ms. Foster asked what businesses currently have. Ms. Miller stated that they are all different. Mr. Verkest shared that

Red Robin is 6,000 sq. feet and Mod Pizza is 2,000. Mr. Garland asked why folks are concerned about size of business. Chair Zwingli stated that the bigger they are the more product they would have. Mr. West says it would be easier to deal with a confined space and keeping track of customers in the store. Chief Groth said he would suggest that the board would recommend to use the State regulations. Ms. Miller says that State language is already included. Mr. Miller asked if dispensaries will be selling accessories, edibles, etc. Ms. Miller said that edibles are allowed, but has not ran across the accessories. Captain Hanlon said that they are allowed to sell paraphernalia, but that is not the norm. The recreational piece coming into place will have more regulations. Mr. West asked if the City can state we only allow the dispensary with no retail section, no paraphernalia. He would like to add restriction to selling only medical marijuana. Ms. Miller has not seen anything in the guidelines regarding this issue. Mr. West will keep in his recommendation.

Chair Zwingli asked if there was any discussion regarding limiting to industrial. Ms. Foster would prefer allowing in both light industrial and industrial. Input was given. Mr. Miller agreed to keep in industrial. Chair Zwingli would like to change hours to extend to 7 p.m. That was acceptable per other board members. Chair Zwingli asked if there was discussion regarding adding the word "delivery". All seemed to agree it was okay to add. Chair Zwingli asked about size. Discussion ensued. Ms. Miller shared that legal felt that it was decided to keep same as other businesses in industrial zones. Ms. Miller said that 5,000 sq. feet would be the maximum, but it would be up to the business owner. 5,000 sq. feet is the limit in the industrial zone. It would be somewhat new if we were to limit the size. Mr. Garland shared that he didn't foresee these types of businesses being that large. Captain Hanlon said that no-one will be getting into these businesses without an Oregon Medical Marijuana card. Mr. Miller felt that we should start out with the smaller limitations and if we want to change down the road, we can.

Chair Zwingli asked if there were any thoughts on limiting to sales of just medical marijuana. Mr. Garland thought that it might be unfair to ask a patient to be able to buy their medicine but not be allowed to purchase what they would need to take the medicine. Mr. West shared why he feels it is important to limit. Vice Chair Silverforb shared his feelings on why he feels it is important to allow the sale of paraphernalia so that the patients can take their medicine. Ms. Miller-Juvé asked Chief Groth if it would make his job more difficult. He explained that currently there is a municipal code regarding no possession of paraphernalia. Ultimately, he believes the issue will take care of itself. Mr. West asked if that will go away with the legalization of marijuana. Chief Groth said not unless it is appealed.

Chair Zwingli went over the recommendations agreed upon for Ms. Miller to include in her Staff Report that she will present to the Planning Commission:

- 1) Limit to industrial areas only.
- 2) Add definition for term of "plaza"
- 3) Change facility to dispensary
- 4) Change the hours to Sunday-Thursday to 7 p.m.
- 5) Should not operate as a mobile or delivery business
- 6) Limit size to 2,500 sq. feet

Mr. Miller seconded the motion. Ms. Foster and Mr. Garland opposed. Chair Zwingli said the motion was approved.

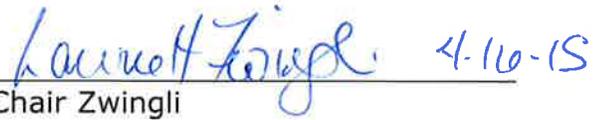
Mr. West asked if the recommendations could still go to the City Council if the recommendations don't move forward by the Planning Commission. Ms. Miller stated that the recommendations

will follow to the City Council as well. Chair Zwingli asked if there were any other items to discuss. Captain Hanlon shared two websites that the board members may want to check out: leafy.com and weedmaps.com. These websites will give everyone an opportunity to see dispensaries that are already up and running.

#### 4. Adjourned

Ms. Miller-Juvé motioned to adjourn the meeting at 9:31 p.m. Ms. Foster seconded the motion. All members voted in favor and the meeting was adjourned.

Approval of Minutes:

 4-16-15  
\_\_\_\_\_  
Chair Zwingli

Attest:

  
\_\_\_\_\_  
Angie Hass, Executive Assistant