



Home of the Tualatin River National Wildlife Refuge

Memorandum

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To: Sherwood Planning Commission

From: Michelle Miller, AICP Senior Planner

RE: Recreational Marijuana Facilities Code Update

Date: April 15, 2016

This memo provides the Commission with an update on regulations for recreational marijuana facilities. Public engagement to date has included an online survey on the issue and a more in-depth public work session with community small group discussions on the issue. We have scheduled another Public Work Session to discuss the options for regulating recreational marijuana facilities. The meeting will be April 26, 2016 in the Community Room of City Hall. The community event will be similar to the last public work session on the issue with Commissioners and Police Advisory Board members leading the discussion facilitated by staff.

Public Work Session

The Planning Commission and the Police Advisory Board (Board) hosted a Public Work Session on March 10, 2016 concerning regulation of recreational marijuana facilities in Sherwood. Approximately twenty people attended the event and discussed the options for marijuana facilities regulations. Any proposed regulations would be implemented only if Sherwood voters decided not impose a ban on recreational marijuana facilities locating in Sherwood. This issue of a ban along with a local recreational marijuana tax will be decided in November 2016.

Staff described the five different license types of recreational marijuana facilities. These are producers, processors, retailers, wholesalers and laboratories. Staff discussed the state rules concerning land use related regulations for recreational marijuana facilities and introduced where the license types would be located if there were no additional regulations implemented by the City. Staff then introduced the City aerial maps with a covered overlay of the commercial and industrial properties.

The two primary discussion questions at the small group tables were:

1. Which zones do you think each of the different facility license types should be located in Sherwood either a commercial or industrial zone?
2. What if any additional restrictions would you like to be placed on a recreational marijuana facility?

At the end of the small group discussion, each table leader gave a synopsis of the discussion.

Three options for regulating recreational marijuana facilities in Sherwood came to light:

Option One: regulate all recreational marijuana facilities similar to Medical Marijuana Dispensaries located in Sherwood

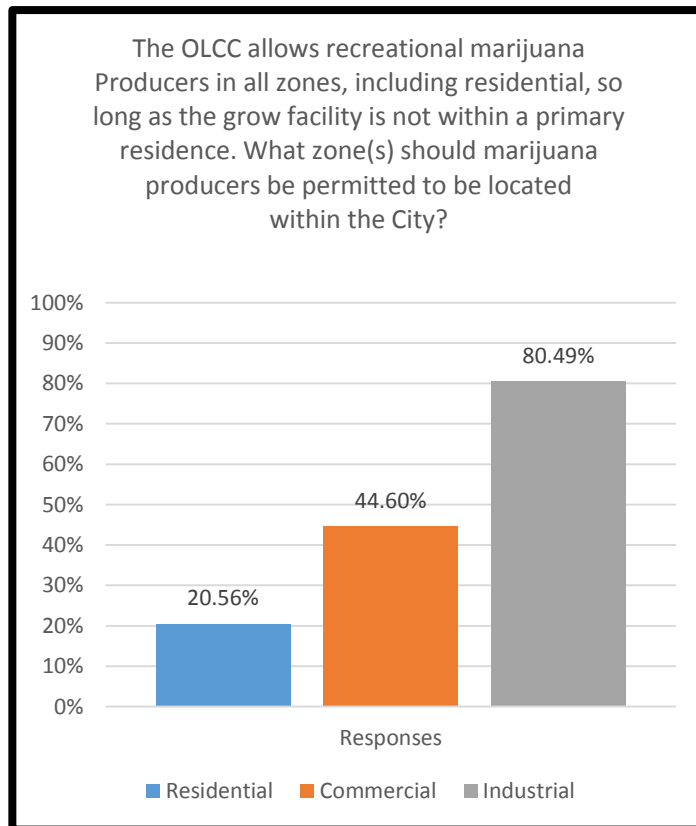
Option Two: limit recreational marijuana licensed facilities to the industrial zone with the possibility of allowing retail facilities in at least one of the commercial zones (Implement State and local law)

Option Three: require some or all recreational marijuana facilities to submit a conditional use permit. This option will require a Type III land use process with a hearing before the hearings officer for recreational marijuana facilities.

Any new regulations would be put in place ONLY if the voters do not ban recreational marijuana facilities locally. Implicit with that outcome is the view that recreational marijuana businesses are acceptable businesses to the majority of Sherwood voters should appropriate rules be put in place.

Online Recreational Marijuana Facilities Survey

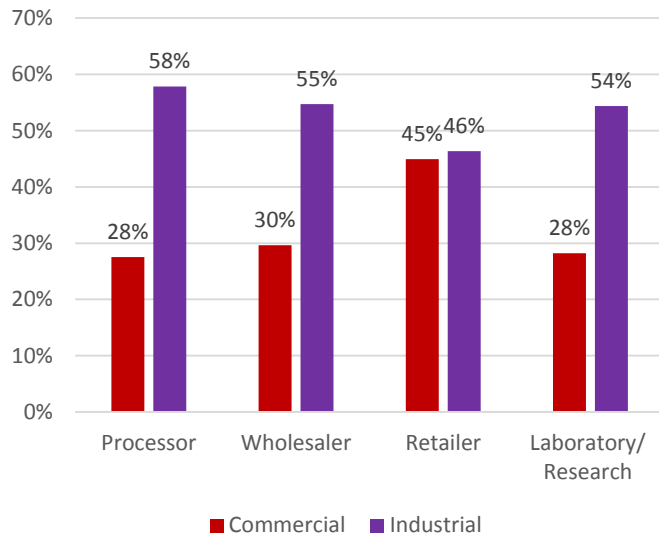
The online survey ran from March 1-31 and the City received 289 responses. Individual internet provider (IP) addresses were recorded and we received five duplicate addresses with two responses and one IP address providing three responses. Otherwise, all of the responses were unique. We asked the following four questions and had a general comment space. The comments are attached to this memo in their entirety.



Question 1 asked which zone(s) should a producer be allowed to locate. A recreational marijuana producer grows and cultivates marijuana.

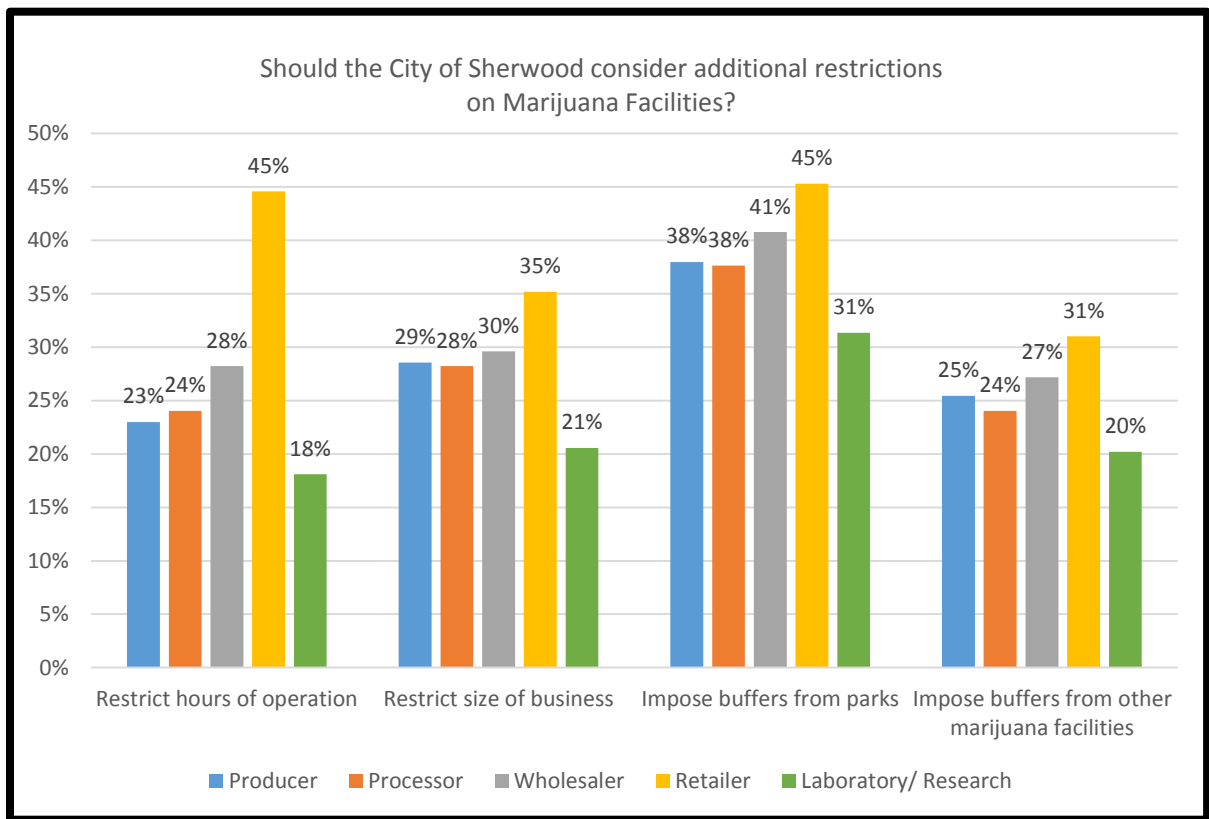
Currently, the Oregon Liquor Control Commission allows producers to be in the residential, commercial or industrial zones. A response could generate more than one answer.

The OLCC allows all other recreational marijuana facilities to be located in the commercial or industrial zone. Marijuana Retailers are not allowed to be within 1000 ft. of a public or private elementary or secondary school. In looking at the following four other marijuana facilities be permitted to be located within the City?
(Check all that apply)



Question 2 asked respondents about the zoning for the four other license types. The OLCC does not allow any of these license types to be located in the residential zone.

Retail marijuana businesses must be at least 1000 feet from a school. There was a general preference to allow processors, wholesalers or laboratories to be located primarily on industrially zoned properties. Survey responses did not indicate strongly one way or the other where retailers should be located.



The next question asked whether additional restrictions should be placed on the various recreational marijuana license types. These are similar to the time, place and manner restrictions developed for medical marijuana dispensaries. No restriction received overwhelming support but restrictions on retail marijuana businesses received the most support and labs received the least support for additional regulations.

Finally we asked two demographic questions, whether the respondent owned commercial or industrial property in the City and whether they were a resident of Sherwood. Of the 289 responses, 72 answered NO or left the question blank. Four respondents said they both lived and owned commercial or industrial property. One respondent was not a resident, but owned commercial or industrial property.