



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, August 16, 2016**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**

**5:30 pm City Council Work Session**

**7:00 pm City Council Regular Meeting**



### **5:30 PM WORK SESSION**

1. **City Manager Evaluation Process Review** (J. Soper)
2. **Transportation SDC Update** (Julia Hajduk)

### **REGULAR SESSION**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
  - A. **Approval of June 14, 2016 City Council Meeting Minutes**
  - B. **Approval of July 19, 2016 City Council Meeting Minutes**
  - C. **Resolution 2016-051 Reappointing Rob Rettig to the Planning Commission** (Brad Kilby)
  - D. **Resolution 2016-052 Reappointing Meerta Meyer to the Budget Committee** (Cathy Brucker)
6. **PRESENTATIONS**
  - A. **Recognition of Eagle Scout Award Recipients**
  - B. **Recognition of Sherwood High School Students-Academic Performance**
  - C. **Employee Spotlight**
7. **CITIZEN COMMENTS**
8. **PUBLIC HEARINGS**
  - A. **Ordinance 2016-011 Renaming a Segment of SW Columbia Street to SW Odge Gribble Lane**  
(Community Development Director Julia Hajduk) (*Second Reading*)
  - B. **Ordinance 2016-012 Amending multiple sections of the Zoning and Community Development Code including Divisions I, II, and III as it relates to the regulation of Recreational Marijuana Facilities** (Michelle Miller, Sr. Planner) (*First Reading*)

### **9. CITY MANAGER REPORT**

### **AGENDA**

#### **SHERWOOD CITY COUNCIL August 16, 2016**

**5:30 pm Work Session**

**7:00 pm Regular Meeting**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140**

## 10. COUNCIL ANNOUNCEMENTS

## 11. ADJOURN

### **How to Find Out What's on the Council Schedule:**

City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), by the Thursday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the Sherwood YMCA, the Senior Center, and the Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library. **To Schedule a Presentation before Council:** If you would like to schedule a presentation before the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or [murphys@sherwoodoregon.gov](mailto:murphys@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**June 14, 2016**

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:41 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Sally Robinson, Dan King, and Jennifer Kuiper. Councilor Renee Brouse was absent.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier and City Attorney Josh Soper. **Media Present:** Ray Pitz with the Sherwood Gazette.

4. **TOPICS:**

- A. ORS 192.660 (2)(h) Legal Counsel and ORS 192.660(2)(f) Exempt Public Records.

*Record Note: Councilor Robinson left the meeting at 7:10 pm.*

5. **ADJOURN:**

Mayor Clark adjourned the executive session at 8:11 pm.

Attest:

---

Sylvia Murphy, MMC, City Recorder

---

Krisanna Clark, Mayor





**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**July 19, 2016**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:02 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Dan King, Renee Brouse, and Linda Henderson. Councilor Jennifer Kuiper arrived at 6:11 pm and Councilor Sally Robinson was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, Police Chief Jeff Groth, Interim Finance Director Cathy Brucker, Community Development Director Julia Hajduk, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
4. **TOPICS:**

**A. Oregon Property Tax System Discussion**

TVFR Fire Chief Mike Duyck, Division Chief Brian Sherrard and Public Affairs Officer Stefan Myers were present and Fire Chief Duyck presented information on, "Navigating through Difficult Times". Chief Duyck stated that TVFR is a special district and is 100% property tax funded. He stated there are some small segments of their business that generate some fees. Chief Duyck recapped the presentation and explained the Oregon Property Tax System, (see record, Exhibit A).

5. **ADJOURN:**

Mayor Clark adjourned the work session at 6:55 pm and convened to a regular session.

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:05 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Dan King, Renee Brouse, Jennifer Kuiper, Linda Henderson and Sally Robinson.

- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Police Captain Ty Hanlon, Interim Finance Director Cathy Brucker, Public Works Director Craig Sheldon, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, City Engineer Bob Galati, Administrative Assistant Angie Hass, Administrative Assistant Julie Chiamulera, Library Manager Adrienne Doman Calkins, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark addressed the next agenda item and stated the TVFR Fire Chief Mike Duyck has requested to present the TVFR State of the District report, she motioned that the agenda be amended to add the presentation as item 6.C. No objections from the Council were received.

**4. APPROVAL OF AGENDA:**

**MOTION: COUNCILOR KUIPER MOTIONED TO APPROVE THE AGENDA AS AMENDED, SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.**

Mayor Clark addressed the next item on the agenda.

**5. CONSENT AGENDA:**

- A. Approval of June 21, 2016 City Council Meeting Minutes**
- B. Resolution 2016-042 Reappointing David Sorensen to the Parks and Recreation Board**
- C. Resolution 2016-043 Amending the City of Sherwood Home Rule Charter as Approved by City Electors at the May 17, 2016 Election**
- D. Resolution 2016-044 Authorizing the City Manager to execute a construction contract for the Sunset Blvd Sanitary Sewer Project**

**MOTION: FROM COUNCILOR ROBINSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.**

Mayor Clark addressed the next item on the agenda.

**6. PRESENTATIONS:**

**A. Recognition of Sherwood High School Students Academic Performance**

Mayor Clark welcomed Sherwood High School students and families and the City Council recognized the students that received a 4.0 GPA for the 2015-16 school year. City Manager Joseph Gall called forward students and the City Council presented them with Certificates of Achievement.

## **B. Employee Spotlight**

City Manager Gall recognized Police Department Administrative Assistant Julie Chiamulera and stated she has been with the Police Department since 1998. He said she has been loyal to the department in spite of challenging times. He noted that recently she provided leadership as the department transitioned into a new regional records management system which has added more work and overall responsibility which she has tackled admirably and without complaint. He thanked Julie for all of her work over the past 18 years.

Mr. Gall said the City has two new employees and asked their supervisors to introduce them.

City Attorney Josh Soper introduced Legal Assistant Jennifer Matzinger. He said Jennifer has worked in a variety of legal positions. He stated she relocated to Sherwood in 2003 and worked as a Judicial Assistant for the State of Oregon before transitioning back into the private sector. He said prior to this position she worked for a private law firm. The Council welcomed Jennifer.

Assistant City Manager Tom Pessemier introduced Oregon Local Government Fellow Craig Wiroll and stated he is an intern that we share with the City of West Linn. He said Craig graduated with a Masters of Public Administration from the University of Oregon. He said Craig has a Journalism Degree from the University of Wisconsin. Tom briefly explained what Craig will be working on during his time at the City. The Council welcomed Craig.

## **C. TVFR State of the District**

TVFR Fire Chief Mike Duyck provided a handout to the Council (see record, Exhibit B) and updated the Council on emergency communication systems, recruitment efforts and regional partnerships. He said Sherwood incidents for 2015 trended similar to how they have in the past. He said typically 70% of incidents are EMS and 25% are public assistance calls. He noted that Sherwood had 1,353 incidents with 79% being dispatched as EMS. He said the number of incidents has increased as has the population of Sherwood. He noted that most calls are in the afternoon and early evening hours. He thanked Sherwood for helping pass the Emergency Communication Bond. He commented on efforts to prevent emergencies and discussed the partnership they have with providers and their recent successes. He spoke of their efforts in preventing cardiac arrests. He said TVFR is recruiting new fire fighters and has expanded into Newberg and Central Washington County.

The Council thanked Chief Duyck and Mayor Clark addressed the next agenda item.

## **7. CITIZEN COMMENTS:**

Kate Noreen, Mud Puddle's owner and representative of the Sherwood Chamber of Commerce approached the Council and introduced Allison Bertalotto with It's All Arranged and the Sherwood Chamber of Commerce. She said the mission of the Chamber is to give value to our members and community through innovation and bold leadership. She asked the Council to pass a resolution opposing Initiative Petition 28. She said IP28 will be on the November 2016 ballot and proposes a 2.5% tax on Oregon sales. She said the nonpartisan Legislative Revenue Office (LRO) has

estimated that it will generate more than \$6 billion in new state tax revenues. She said the LRO's analysis concluded that 2/3 of the increased corporate taxes will ultimately be paid by Oregon consumers in higher prices on items that Oregonians purchase every day. She said the LRO also concluded that there are no plans for how the \$6 billion in revenues would be spent but the economic effects show a projected loss of 38 private sector jobs and high consumer pricing averaging more than \$600 a year. She said on June 21 the City of Hillsboro approved and adopted a resolution opposing IP28 and they are hoping other cities will also oppose IP28. She provided the Council with a copy of Hillsboro's resolution.

Kurt Kristensen, Sherwood resident approached the Council and discussed the increased level of impatient car traffic in Sherwood and the need for long term planning with traffic surveys all over the City. He said the current crossing system is not safe because drivers do not uniformly stop. He asked the City Manager to include notices of School Board Meetings in the Archer and discussed the importance of citizens getting involved in the School Board hearings with the projected growth in Sherwood and the need for future school bonds. He encouraged the Council to pay attention to limiting revisions of the City Charter to deliberations by the Charter Review committee that was formed and the recommended 6 year review. He said this will overload voters if changes are made too often.

Susan Danz and Sandy Wallace with the Robin Hood Festival Association came forward and thanked the Council, the City and citizens that helped and enjoyed the 63<sup>rd</sup> Annual Robin Hood Festival. Sandy Wallace said she has been the Archery Chair since 1979 and she informed the Council that Sherwood won the competition this year. She commented on the success of the event and thanked the City and the School District for their support. Susan Danz thanked Council Liaison Jennifer Kuiper for all of her support to the RHFA and congratulated her on being knighted.

Mayor Clark addressed the next agenda item.

## **8. NEW BUSINESS:**

### **A. Resolution 2016-045 Adopting Criteria to be Used in the Annual Performance Evaluation of the City Attorney**

Assistant City Manager Tom Pessemier said the Council discussed the criteria in a work session on June 7. He said the City Attorney evaluation is due before November. He stated he took the comments from the work session and put them together in Exhibit A to the legislation. He noted this is a compilation from the City of Klamath Falls and The Dalles. He stated that Councilor Robinson informed him of a number of typographic errors. He commented on other Scribner errors such as some on the boxes being checked that will also be corrected.

Councilor Henderson asked if each of the 7 categories are equally weighted. Mr. Pessemier said in the past each section has been averaged and then there is an overall average.

Councilor Henderson referred to Section IV Summary Rating and asked if that is a subjective rating. Mr. Pessemier said this was taken from the City Manager evaluation document and it is a

summary rating. Councilor Henderson asked if it is a subjective answer and said she is trying to understand the purpose of that section.

Mr. Soper said he does not have a strong preference either way but does recall that during the City Manager evaluation a concern was raised that this kind of summary question at the end was not consistent with individual rankings throughout. He noted his intention for the next City Manager evaluation is that section will be the calculated average.

Mr. Pessemier noted that it does seem redundant and unnecessary and proposed to eliminate Section IV. Council agreed and said the evaluations should be consistent.

Councilor Henderson referred to the 4<sup>th</sup> item under Process which states that only the Mayor and the Council President will tabulate and summarize the results of the evaluation forms submitted and create a compiled evaluation. She said during the City Manager review they had problems with Survey Monkey and said Human Resources should be involved to see that the product is performing correctly. Mr. Pessemier said the City Attorney and City Manager work directly for the City Council and said there could be occasions where the Council does not want Human Resources or another group involved. He said this is language from Klamath Falls and is also reflective of what the City has done in the past. He noted that Council can have Human Resources involved if they choose.

Mr. Pessemier said if the Council has no further questions they may want to consider amending the resolution for Scribner errors and removing IV Summary Rating from Exhibit A.

**MOTION: FROM MAYOR CLARK TO CORRECT THE SCRIBNER'S ERRORS AS NOTED AND REMOVE ITEM IV. SUMMARY RATING MAKING FUTURE GOALS AND OBJECTIVES ITEM IV. IN ITS PLACE. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0.**

*Recorder Note: Councilor Robinson stepped away and did not vote.*

**MOTION: FROM COUNCILOR HENDERSON TO ADOPT RESOLUTION 2016-045 AS AMENDED, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0.**

*Recorder Note: Councilor Robinson stepped away and did not vote.*

Mayor Clark addressed the next item on the agenda.

**B. Resolution 2016-046 Approving Ballot Title and Explanatory Statement and Submitting to the Voters A Proposed Charter Amendment Regarding Ordinance Adoption**

City Attorney Josh Soper said this is the first of five resolutions related to possible items to send to the voters in the November election regarding amending the City Charter. He provided background and stated that the Council met in a work session on February 16 and June 7, 2016 to discuss possible items to bring to the voters to amend the City Charter. He said as a result of those conversations he has prepared resolutions, ballot titles and explanatory statements for each of the five items identified by the Council. He said if these resolutions are approved they will be

submitted to the voters in the November 2016 election. He stated this resolution will amend Section 16(a) of the City Charter to provide that the proposed ordinances shall be posted to the City's website and that, generally, adopting an ordinance requires two separate readings but only a single vote. He noted that the current process requires voting at the first hearing to move it to a second hearing and voting at the second hearing to adopt. He said this resolution also removes language from Section 16(a) that is redundant with Section 16(b) regarding amendments to ordinances after they have been posted. He noted the financial impact of approving this resolution is limited to the cost of publishing a notice in the newspaper which is estimated at \$1000 per ballot measure.

Mayor Clark noted that the ordinance process has been cumbersome since coming out of the Charter Review Committee and she supports the proposed change.

Mayor Clark opened a public hearing to receive testimony.

Neil Shannon approached the Council and outlined the history of the City Charter. He stated that less than 3 years ago the City formed a Charter Review Committee which consisted of members of the City Boards and Commissions and citizens to review the Charter. He noted that he served as Vice Chairman of the committee and Councilor Kuiper was a citizen representative, and Councilor Brouse was an alternate and attended most of the meetings and Councilor Henderson was the Council representative. He said the committee was born out of a poorly organized attempt by a prior City Council to revise the Charter in 2011. He stated that the Council put a Charter revision on the ballot which was defeated. He said in response to the defeat and in recognition that the Charter was in need of review the Charter Review Committee was formed. He stated the committee met for several months and reviewed the Charter and took citizen comments and as a result of that, the Charter Committee provided the Council with recommendations that were submitted to the voters in 2014 and all of the amendments were adopted. He said less than two years after this major Charter revision the City Council is duplicating the same mistakes made by the 2011 City Council by recommending major Charter changes without consulting the citizens prior to the submission. He referred to the provision in the Charter to adopt an ordinance in two readings and said this change was suggested by the Charter Review Committee and accepted by 65% of the electorate. He said the change being proposed is to eliminate the need for the City Council to place a vote in the record for the acceptance of the ordinance in the first reading. He stated it is important for each Councilor to take a position on the first reading so the constituents can be clear on their position. He stated he opposes this amendment.

With no further public comments, Mayor Clark closed the public hearing and asked for Council comments.

Councilor Henderson referred to the ballot title which states that the text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance and asked if that was six calendar days. Mr. Soper said that unless otherwise specified it would be six calendar days. Councilor Henderson asked if the City meets those criteria now. Mr. Soper stated that is the current policy.

Councilor Henderson referred to the ballot title which states that an ordinance may be adopted at a single meeting of the Council by unanimous vote of all sitting Councilors on the question upon being read by title twice and asked if he wants the Council to read the ordinance twice and then vote unanimously. Mr. Soper said that is the current language in the Charter and is not a proposed change and is the language used in the League of Oregon Cities (LOC) model Charter. Councilor Henderson asked if Council has adopted an ordinance in a single meeting by reading the title twice. Mr. Soper said yes.

Council President Harris said the way it is now we are not voting based on our feeling of the ordinance, we are voting to pass the ordinance to the next meeting. Mr. Soper said it is open to interpretation as to what they are voting for. He said there needs to be a majority vote in favor to move the ordinance to the second hearing. He stated you could consider that you are just voting to move it to a second hearing. He noted that understandably a number of Councilors feel uncomfortable voting in favor of something that they oppose even if it is just to move it to a second hearing. He said this new proposed process has two readings but only a vote at the second reading. He noted the current Charter language requires a vote at the first reading in order for it to move to a second hearing and at the second hearing there is a vote to adopt the ordinance.

Mayor Clark said this allows the public two opportunities to give feedback and then a vote is taken. She said the current process is cumbersome and confusing and she supports the proposed change.

Council President Harris stated that the intention was to allow the public to have more opportunity to provide feedback. The following motion was stated.

**MOTION: FROM COUNCILOR KUIPER TO ADOPT RESOLUTION 2016-046, SECONDED BY MAYOR CLARK. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.**

Mayor Clark clarified that the Council is approving that these proposed Charter amendments go before the voters. She referred to a citizen comment that the Council was circumventing the public process and said if approved these proposed Charter amendments will go before the voters and the Council is not circumventing the public process.

She addressed the next item on the agenda.

**C. Resolution 2016-047 Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Regarding the City Budget**

City Attorney Soper said there have been preliminary discussions regarding the City wanting to move to a biannual budget rather than an annual budget. He said there are two sections in the Charter that make references to the budget being an annual budget. He stated this proposed Charter amendment would strike the word "annual" from Sections 33 and 37.

Mayor Clark opened the public hearing and noted that she is not required to have a public hearing but stated she is open to hearing from the public.

Neil Shannon, Sherwood resident came forward and said the duties of the City Manager are to prepare the annual City budget and said this appears to be a minor change but can have major ramifications. He said the only reason he can see for the change is to provide for multi-year City budgets and if that is the purpose of the change then he opposes this amendment. He noted that he has served on the Budget Committee and stated the annual exercise, preparation and presentation of the budget is an important role that allows for citizen participation. He noted that the Charter Review Committee established a process for reviewing the Charter every six years and this Council without consultation of the citizenship seeks to change major portions of the Charter and he suggests that this is a waste of time, money and effort and these proposals should be tabled until a regularly provided Charter review opportunity.

With no further public comments, Mayor Clark closed the public hearing.

Councilor Kuiper referred to the process of proposing to change the Charter and asked if there is a law that precludes Council from proposing Charter amendments. Mr. Soper said the Oregon Constitution requires that Charter amendments be approved by the voters but the origin can come from a citizen initiative, from a Charter Review Committee that is appointed by the City Council or directly from the City Council.

Councilor Robinson referred to the biannual budget discussion and asked how many other cities do biannual budgets. Mr. Gall said more cities are moving to biannual budgets and it seems to be a trend and is working in other communities.

Councilor Kuiper asked if 2 year budgets include public involvement. Mr. Gall said the adoption of a 2 year budget would go through the same budget process and to adjust the budget would require a supplemental budget which includes public involvement.

Mayor Clark said this allows flexibility and does not make the decision to move to a biannual budget. Mr. Gall said this is being proactive.

Mayor Clark asked if the voters approve this amendment will there still be a public process before making any changes to the current budget process. Mr. Gall said yes. Mayor Clark commented on the costs of having an annual budget versus a biannual budget and said this could possibly be a cost savings. Mr. Gall said that is correct.

Councilor Henderson asked if there is a biannual budget and the budget has to be amended what are the budget limitations. Mr. Gall said it is the same as now where there is a percentage and a certain number that triggers a supplemental which is a more public process. He said he would anticipate more supplemental budgets but you only have to do the budget process once. He noted the supplemental budget process is public and dictated by Oregon Budget Law.

Councilor Henderson asked if supplemental budgets would go to the Budget Committee first. Mr. Gall said currently supplemental budgets only go before Council and said this procedure could be changed. With no further comments, the following motion was stated.



**MOTION: FROM COUNCIL PRESIDENT HARRIS TO ADOPT RESOLUTION 2016-047, SECONDED BY MAYOR CLARK. MOTION PASSED 6:1 (MAYOR CLARK, COUNCIL PRESIDENT HARRIS, COUNCILORS KING, BROUSE, ROBINSON AND KUIPER VOTED IN FAVOR. COUNCILOR HENDERSON VOTED AGAINST).**

Mayor Clark addressed the next item on the agenda.

**D. Resolution 2016-048 Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Regarding the City Recorder Reporting Structure**

City Attorney Soper said the proposal amends Section 34 to remove all of the references to the City Council or Mayor and replace with the City Manager with the effect being that the City Recorder who currently reports to the City Council would instead report to the City Manager.

Mayor Clark opened the public hearing.

Neil Shannon, Sherwood resident approached the Council and said Sherwood has a strong City Manager form of government with the City Council providing oversight to the City Manager. He said only the City Recorder and the City Attorney are outside of the City Manager preview. He said it is important to remain this way so there are independent voices that can raise concerns and communicate directly to the City Council without fear of retribution.

Alan Pearson, Sherwood resident came forward and said Sherwood's governmental structure is a Council/Manager form of government with strict separation of function. He said the Council's duties are legislative and policy making and the City Manager's duties are administrative and to carry out the policies. He said the City Manager and staff are not permitted to make policy decisions on their own. He stated that structurally and philosophically the Council is not equipped to be administrators and the City Recorders functions are administrative. He noted that logically the City Manager should supervise an administrative function. He stated the City Recorder should be under the control of the City Manager.

With no further public comments, Mayor Clark closed the public hearing.

Mr. Soper clarified that the Municipal Judge also reports directly to the City Council. Mayor Clark asked Mr. Soper to explain why that is. Mr. Soper said it is common and it probably relates to similar concepts of the separation of power at the Federal level. He noted that the Police Department reports to the City Manager and this helps reduce perception of bias.

Councilor Henderson said she has reservations about putting this on the ballot because the transition has not been explained. She referred to past evaluations of the City Recorder and said there have not been issues with the process. She stated this transition process is unclear in regards to salary, administrative leave and several other issues that have not been addressed. She agrees with Mr. Shannon that there is a level of independence currently and provided examples of why that is important. Mr. Soper agreed that the effect of this change may not be simple. He clarified that the only change that would necessitate if this amendment is approved by

the voters would be who the City Recorder reports to. He said the other issues such as salary and PTO do not have to change. He said the City Recorder could continue to be a contract employee under the same terms of the existing contract. He noted that the City Recorder's contract expires at the end of this calendar year and regardless of whether this amendment is approved the terms of the contract will have to be negotiated. He stated the only change this necessitates is who the City Recorder reports to.

Mayor Clark stated that this is as simple as stated.

Councilor Robinson referred to the explanatory statement which states the City Council reviewed the City Recorder reporting structure in other cities and found that in most cases the City Recorder reports to the City Manager and commented on the difficulties of the evaluation and performance review of the City Recorder because the Council does not have the same interaction with the City Recorder that the rest of the staff does. She said this proposed amendment is more efficient.

Mayor Clark referred to the City Recorder reporting structure in other cities that Councilor Robinson referred to and said this information was provided in a prior work session which is a listing of multiple cities and the reporting relationship of the Recorder. Mr. Soper noted that there are 21 cities on the list and 4 City Recorders report to the City Council, including Sherwood.

Councilor Brouse said she has concerns similar to Councilor Henderson and has been asked by citizens what is the rationale for amending the Charter when the system has worked. She said although it seems like a simple change in her experience it is never as simple as it seems.

Councilor Kuiper referred to Councilor Henderson's comments and asked if the measure has to take effect January 1, 2017. Mr. Soper said the soonest the change can take effect is 30 days after the election and can take place at a later date if specified. He said with the contract expiring on December 31, 2016 having an effective date of January 1, 2017 is the cleanest way.

Mayor Clark noted that this is a simple change of reporting. She stated she supports the resolution and said it has been cumbersome to have the City Recorder report to the Council. The following motion was stated.

**MOTION: FROM MAYOR CLARK TO ADOPT RESOLUTION 2016-048, SECONDED BY COUNCILOR ROBINSON. MOTION PASSED 4:3 (MAYOR CLARK, COUNCILORS KING, HARRIS AND ROBINSON VOTED IN FAVOR. COUNCILORS HENDERSON, KUIPER AND BROUSE VOTED AGAINST).**

Mayor Clark addressed the next item on the agenda.

**E. Resolution 2016-049 Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Regarding the Mayor's Term of Office**

Mayor Clark stated that she has a potential conflict of interest being that she has filed to run for Mayor in the November election.

City Attorney Soper said this amendment proposes to change the term of the Mayor from 2 years to 4 years. He stated that if this Charter amendment is approved in the November election it would take effect January 1, 2017 and the person elected as Mayor will serve a 4 year term.

Mayor Clark opened the public hearing.

Neil Shannon approached the Council and referred to the Charter Review Committee's review of the terms of office for both the City Council and the Mayor and said there was extensive discussion. He said the committee recommended that term limits be established and the exception was the Mayor since the term was only two years and the electorate could properly term limit the Mayor. He said he felt that a majority of the City Council should stand for election every two years. He stated that if the Mayor has a 4 year term that will not happen. He said he is concerned that this proposal does not establish term limits.

Tony Bevel, Sherwood resident came forward and said he supports compensating the Council. He commented on the 4 year term and said our neighboring cities have 4 year terms and he is in support.

Alan Pearson approached the Council and said this is a Council/Manager form of government. He said the Mayor under the City Charter is a legislator just like the rest of the Council. He stated the Mayor has no veto power and the additional functions include setting the agenda and chairing the meetings. He noted the Mayor has only one vote and this position is similar to a Council President. He said the primary role of the Mayor in Sherwood is to be a City Councilor and they have 4 year terms. He stated being the Mayor should not be a penalty, and running for office every two years is expensive.

With no further public comments, Mayor Clark closed the public hearing.

Councilor Robinson said she agreed with Mr. Pearson and said there is no reason why the Mayor should not serve a 4 year term and it is important for the Mayor to build relationships regionally. She stated Mayor Clark attends a number of meetings and the citizens have benefitted. She commented that relationships take time and a 4 year term would be more beneficial to our community. She referred to an email the Council received from Kathy Hollamon in support of the measure. The City Recorder referred to another email from Dave Heironimus that the Council also received, both of which would be part of the meeting record.

Council President Harris agreed that the Mayor does not have a lot more power than the other Councilors and having a two year term is like punishing the Mayor.

Mayor Clark said this proposed amendment is about the position of Mayor and whether the voters want the position to be a 4 year term.

Councilor Brouse referred to comments regarding the time required to be Mayor and noted that a 4 year term could lead to burnout and a downward trend of functionality. She said by allowing the public to vote on the position every two years makes more sense.

Councilor King said it is important to keep individuals accountable, especially the Mayor with the power of setting the agenda. He said he is in favor of anything that promotes more accountability and he is in support of keeping the 2 year term. He said the 2 year term has served Sherwood in the past. He said he agrees with Councilor Brouse regarding burnout. He noted that he does not see any reason to change the term.

Mayor Clark referred to a handout that the Council considered in a previous work session which compared term limits for elected officials in neighboring cities. She noted that Sherwood is 1 of 3 cities with 2 year terms. She stated that it is time for Sherwood to grow up and join the other growing cities and serve our citizens fully. She said after serving as Mayor for 1½ years she has noticed that the public process moves slow and the City staff puts in a lot of effort and time working towards the goals that the Mayor brings before Council. She commented on the dog park and said that she was elected in the middle of the dog park process and if she was elected and did not support the dog park the City would have spent thousands of taxpayer dollars and the time of City staff and the project would have died. She said she does not want that kind of thing to happen in Sherwood. She commented on future projects that will take time and said if there is constant change it is difficult to get projects through the public process. She expressed concern about the wastefulness of staff time and said Sherwood is now big enough to make the Mayor's term equivalent to that of the City Councilors. She made a correction and said that Damascus was one of the three cities with a 2 year term for Mayor and they are gone so the only cities with 2 year terms for Mayor are Sherwood and Cornelius.

Councilor Henderson referred to Damascus and said it was due to a tax limitation. She referred to Mr. Shannon's comments, which she agrees with, and said she is in favor of accountability. She referred to the Mayor's comments that it is difficult to get projects completed if the Mayor has to run for office every 2 years and provided examples of the projects that have been completed in the past. She said she does not agree projects would not get done if the Mayor has to run for office every two years. She said the Charter Review Committee had extensive conversation about the Mayor and they decided that Sherwood needed accountability. She commented that these proposed Charter amendments are coming solely from the Council and have not been solicited by the public and the public has not requested them. She said she does not think the system is broken and is in favor of accountability. She said if it was inefficient to have a 2 year term for Mayor, Sherwood would not have the accolades they have. She stated the public weighed in on this issue during the Charter revisions and said it is a disservice not to reinstitute the Charter Review Committee at this time. She said changing the Charter is changing Sherwood's constitution. She stated this is a volunteer position and it has accountability. She said she is not in favor of a 4 year term at this time and she supports the process that was used in the past.

Councilor Henderson called the question and stated that it was 9:00 pm and there is a meeting following the Council meeting.

Mayor Clark asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT HARRIS TO ADOPT RESOLUTION 2016-049, SECONDED BY COUNCILOR ROBINSON. MOTION PASSED 4:3 (MAYOR CLARK, COUNCIL**

**PRESIDENT HARRIS, COUNCILORS ROBINSON AND KUIPER VOTED IN FAVOR. COUNCILORS HENDERSON, BROUSE AND KING VOTED AGAINST).**

Mayor Clark addressed the next item on the agenda.

**F. Resolution 2016-050 Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment Regarding Mayor and Council Compensation**

Mayor Clark stated that she has a potential conflict of interest being that she has filed to run for Mayor in the November election.

City Attorney Soper asked if other members of the Council are claiming a potential conflict of interest.

Councilor Brouse, Council President Harris, Councilor Kuiper and Councilor Robinson claimed a potential conflict of interest.

Mr. Soper said this would amend Section 37 of the Charter to allow for the Mayor and the City Councilors to receive a level of compensation specified in the Charter language at \$500 per month for the Mayor and \$250 per month for the Councilors. He said the amount is indexed to inflation and would be adjusted annually. He said this would be phased in to avoid actual conflict of interest. He noted that the 4 positions that are up for election in November of 2016, those would be eligible for compensation in January 2017 if approved by the voters.

Mayor Clark opened the public hearing.

Tony Bevel, Sherwood resident approached the Council and spoke of a visit to Britain where he went to the Parliament and witnessed vehement arguments. He commented on the Council and said he is not getting a good feeling and things appears to be personal. He referred to tensions in the past and said he hopes that things get better. He commented regarding growing up. He referred to the amount of compensation that is being proposed and said the Council deserves it and more. He said he is hoping to be on the Council in January.

Neil Shannon, Sherwood resident came forward and said he does not wish to show disrespect for the Council and thanked them for their service and stated he opposes the proposal. He said he recalls extensive discussions of this issue with the Charter Review Committee and they concluded that when the Council accepts the position they accepted it as a volunteer. He noted the Charter Review Committee did recognize that there was a level of personal sacrifice and provided for reasonable reimbursable expenses. He said in the election where that provision was adopted, over 85% of the electorate agreed with the Charter Review Committee. He stated that the Charter Review Committee provided for regular review of the Charter and he considers this to be irregular review of the Charter and he plans on opposing all of these amendments at the election.

Alan Pearson, Sherwood resident approached the Council and said he has written on this topic before and had an article published in the Gazette which he printed and provided a copy. He

noted the irony of the 6 people attending the meeting as they are being paid to attend. He stated that the Council members are their bosses and they are not paid. He stated that the Council is the only level of government that he has seen that does not get paid to do the job. He said the Councilors are not volunteers, they ran for an elective office. He stated that everywhere else the elective positions get paid and he is surprised and embarrassed. He said the City asks a lot of the Council and they are responsible for a lot. He stated this is where the average citizen gets most of the government they get. He stated the Council is responsible for a \$50 million annual budget and hundreds of employees and they don't get paid. He said he has not heard a single justification of why the Council should work for nothing. He stated that he is running for a Council position and stated he is not running for the proposed \$250 compensation. He said he has plans of what he will do with the \$250 and it will not go into his bank account. He stated if the Councilors don't want the money they should give it to the foodbank or plant trees or give it back to the General Fund. He noted that some of the Councilors are making significant sacrifices with time away from family and jobs. He stated this is a job and referred to the article in the Gazette regarding the future growth in Washington County and said that means the Council's responsibilities will be growing as well. He noted that in his current campaign he tells citizens that he will be a full time City Councilor and they understand. He stated he does not need the money but realizes that some of the others do.

With no further comments, Mayor Clark closed the public hearing. Councilor Robinson called the question and Mayor Clark asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT HARRIS TO ADOPT RESOLUTION 2016-050, SECONDED BY COUNCILOR ROBINSON. MOTION PASSED 4:3 (MAYOR CLARK, COUNCIL PRESIDENT HARRIS, COUNCILORS ROBINSON AND KUIPER VOTED IN FAVOR. COUNCILORS HENDERSON, BROUSE AND KING VOTED AGAINST).**

Mayor Clark addressed the next item on the agenda.

## **9. PUBLIC HEARINGS:**

### **A. Ordinance 2016-011 Renaming a Segment of SW Columbia Street to SW Odge Gribble Lane**

Community Development Director Julia Hajduk said on June 7, 2016 the Council initiated the process of renaming the segment of SW Columbia Street between Pine Street and Washington Street adjacent to the Arts Center to SW Odge Gribble Lane. She stated that staff proceeded to do the required notices as outlined in the Municipal Code and notified property owners adjacent to the street and posted notice on the street and published notice in the newspaper. She reviewed the criteria for renaming a street and said this is a historic person who has had longevity in the community and the proposal maintains a common name for the entire alignment and stated the designation of lane is appropriate. She reminded the Council that this is the first reading of the ordinance.

Mayor Clark opened the public hearing.

Tess Keis, Sherwood resident came forward and said she has known Odge Gribble for 37 years and said she would support naming a skate park after Odge because for all the years she has known her that has been her goal. She said Odge is an amazing woman and has preserved the history of Sherwood. She supports renaming the street.

With no further comments, Mayor Clark closed the public hearing.

Mayor Clark said she brought this proposal forward and has known Odge for many years. She said Odge has contributed greatly to Sherwood and is an amazing asset to the community.

Council President Harris said she agrees and stated the following motion

**MOTION: FROM COUNCIL PRESIDENT HARRIS TO READ CAPTION AND ADOPT ORDINANCE 2016-011 RENAMING A SEGMENT OF SW COLUMBIA STREET TO SW ODE GRIBBLE LANE, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED: 7:0. ALL MEMBERS VOTED IN FAVOR.**

*Record Note: Ordinance 2016-011 was voted upon at this first reading and will be addressed at a future date for consideration of adoption.*

#### **10. CITY MANAGER REPORT:**

City Manager Joseph Gall provided an update on the Request for Proposal for a feasibility study regarding the City or an outside group operating the recreational facility that is currently operated by the YMCA. He stated the City received 5 solid proposals which have been evaluated and said Ballard King has been selected with an approximate cost of \$30,000. He reminded the Council that the City budgeted \$45,000. He noted there will not be a Council meeting on August 2. He encouraged citizens to attend the National Night Out on August 2 at the Cannery Square. He said the next Council meeting is August 16.

Mayor Clark addressed the next item on the agenda.

#### **11. COUNCIL ANNOUNCEMENTS:**

Mayor Clark thanked Council President Harris for organizing the peace vigil which supported the Sherwood Police Department for what they do every day, their exposure to risk and to encourage peace throughout the community. She said Channel 6 covered the event and highlighted Sherwood. She commented on the success of the Robin Hood Festival and the number of citizens in attendance. She said she attended the Sherwood Wine Festival and congratulated 503 Uncorked for their efforts. She encouraged citizens to attend the Music on the Green on Wednesdays. She thanked Ty Hanlon for driving her in the Woodhaven 4<sup>th</sup> of July parade.

Council President Harris commented on the vigil and thanked Mr. Gall and Captain Hanlon for helping her put the event together. She thanked the speakers and said there was over 100 people in attendance.

Councilor Robinson thanked Councilor Kuiper for driving her in the Robin Hood Festival parade and she thanked those who have helped her after her surgery, either with a meal, donation or stopping by, she really appreciated the support.

Councilor Brouse thanked City Recorder Sylvia Murphy for her efforts in personally driving to the venue of the LOC conference knowing how difficult it is to secure reservations, to make arrangements for the Council members to attend the upcoming LOC Conference. She commented regarding the Chamber of Commerce Awards Banquet and congratulated Citizen of the Year Polly Blankenbaker and said it was a great event for the community and thanked the citizens and businesses for what they do for the community. She announced that she participated in a service project that shows collaboration and partnership and was called, Show You Care with Underwear. She explained the various participating partners in the project and said in the course of a few weeks 7000 pieces of undergarments were collected to provide to homeless people, the served the people a meal and played with the children. She said it showed the art of collaboration and communities coming together and said Sherwood has a lot of those pieces and believes we can do more with the resources in our community. She reminded that there will be a memorial for Jim Haynes on Saturday, July 23 at 11 am at the Sherwood High School. She said Mr. Haynes was a longtime resident, mentor, leader and proponent of businesses in Sherwood. She stated Sherwood Main Street will meet Thursday at 8 am. She said Sherwood School Board will meet next Wednesday and there will be a Just Compassion meeting on August 4. She announced that on July 23 from 3 to 7 pm she will be conducting a Women's Self Defense Class. She said October 1 is the next Neighbor to Neighbor Day and encouraged people to contact Lisa McGuigan at the Faith in Action Providence Community Connections for more information.

Councilor Kuiper congratulated Councilor Brouse for being awarded Business Leader of the Year. She congratulated the Robin Hood Festival Association and all the volunteers for a successful event. She recommended participating in the Neighbor to Neighbor Day on October 1.

Councilor Henderson said the first Missoula Children's Theatre was a success. She thanked Public Works for their assistance during the My Fair Lady performances and Councilor Kuiper for volunteering.

With no further announcements Mayor Clark adjourned the meeting.

## **12. ADJOURN:**

Meeting adjourned at 9:43 pm.

*Record Note: The scheduled Community Enhancement Project Committee meeting did not occur.*

Attest:

---

Sylvia Murphy, MMC, City Recorder

---

Krisanna Clark, Mayor



**City Council Meeting Date:** August 16, 2016

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Brad Kilby, Planning Manager  
**Through:** Julia Hajduk, Community Development Director and Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2016-051, Re-appointing Rob Rettig to the Planning Commission**

---

**Issue:**

Should the Council appoint Rob Rettig to the Planning Commission for a full term?

**Background:**

Rob Rettig was appointed to the Sherwood Planning Commission in September 2015 to fulfill the term of Planning Commissioner James Copfer, who resigned from the Commission. Rob Rettig has served in that capacity since September. Mr. Rettig has expressed interest in serving a full term on the Planning Commission. Mayor Clark and Planning Manager Brad Kilby have discussed the request from Mr. Rettig to be reappointed, and recommend appointment of Rob Rettig to the Commission to serve a full term expiring July 2020.

**Financial Impacts:**

There are no financial impacts from this proposed action.

**Recommendation:**

Staff respectfully recommends City Council adoption of Resolution 2016-051 re-appointing Rob Rettig to the Planning Commission for a full term.



**RESOLUTION 2016-051  
REAPPOINTING ROB RETTIG TO THE PLANNING COMMISSION**

**WHEREAS**, Rob Rettig has served as a Planning Commissioner for the City of Sherwood since September 2015 after being appointed due to the resignation of Commissioner James Copfer; and

**WHEREAS**, the term that Mr. Rettig was appointed to fill ended at the end of July 2016; and

**WHEREAS**, prior to his initial appointment to the Planning Commission, the City posted a request for applications on the City website and announced the vacancy before both the Planning Commission and the City Council; and

**WHEREAS**, Rob Rettig completed an application expressing interest in serving on the Planning Commission and has again expressed interest in reappointment to the Commission for a full term; and

**WHEREAS**, after discussing the request and short appointment to the Planning Commission, Mayor Clark, and the Planning Manager recommend appointment of Rob Rettig to a full term.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The Sherwood City Council hereby reappoints Rob Rettig to the Planning Commission with a term expiring July 2020.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 16<sup>th</sup> day of August 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Cathy Brucker, Interim Finance Director  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2016-052, Reappointing Meerta Meyer to the Budget Committee**

---

**Issue:**

Shall the City Council reappoint Meerta Meyer to the Budget Committee?

**Background:**

Meerta Meyer was appointed to the Budget Committee by Resolution 2015-041 to serve the remainder of the unexpired term of former member Tim Carkin's three year term. Ms. Meyer's partial term has expired and she has requested reappointment. Council Liaison to the Budget Committee Mayor Clark, the Budget Committee Chair and I are recommending Ms. Meyer for reappointment with a term ending June 30, 2019.

**Financial Impacts:**

There are no anticipated financial impacts from this proposed action.

**Recommendation:**

Staff respectfully recommends City Council approval of Resolution 2016-052, reappointing Meerta Meyer to the Budget Committee.



**RESOLUTION 2016-052**

**REAPPOINTING MEERTA MEYER TO THE BUDGET COMMITTEE**

**WHEREAS**, Meerta Meyer was appointed to the Budget Committee by Resolution 2015-041 to fill the remainder of a partial term; and

**WHEREAS**, Meerta Meyer's term expired on June 30, 2016 and she has requested reappointment; and

**WHEREAS**, Council Liaison to the Budget Committee Mayor Clark, Interim Finance Director Cathy Brucker, and the Chair of the Budget Committee are recommending Meerta Meyer for reappointment; and

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The Mayor is authorized to reappoint Meerta Meyer to a three year term pursuant to ORS 294.414 (5), with a term ending June 30, 2019.

**Section 2.** This Resolution is effective upon its approval and adoption.

**Duly passed by the City Council this 16th of August, 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Michelle Miller, AICP, Senior Planner

**Through:** Julia Hajduk, Community Development Director, Joseph Gall, ICMA-CM, City Manager  
and Josh Soper, City Attorney

**SUBJECT:** **Ordinance 2016-011, renaming a segment of SW Columbia Street to SW Odge Gribble Lane**

---

**Issue:**

Shall the City Council rename a segment of SW Columbia Street to SW Odge Gribble Lane?

**Background:**

At the June 7, 2016 City Council meeting, the Council voted to initiate the process of renaming the segment of SW Columbia Street, located between SW Pine and SW Washington Street, to SW Odge Gribble Lane. In support of this process, Mayor Clark noted that Odge Gribble should be recognized and honored for her dedication and support of many of the philanthropic and civic organizations in the Sherwood including Helping Hands, the Sherwood Chamber of Commerce, Friends of Old Town, Sherwood Robin Hood Festival and Cruisin' Sherwood. According to Mayor Clark, she is an "icon and local historian" within the Sherwood community.

City staff informed the abutting property owners of the street renaming, posted notice on the street and published notice in a newspaper as per SMC § 12.06.040.

SMC Chapter 12.06 also requires that Council conduct a public hearing to determine whether the criteria in the chapter are met and whether the name change is in the public interest, prior to adopting an ordinance changing the name of a street.

The criteria to change a street name include: maintaining a common name for the entire alignment, historical or local names shall be used and long names and similar names shall be avoided. In this case, SW Columbia Street jogs at this point between SW Pine and SW Washington and is not directly aligned with the other segments of SW Columbia Street. Additional criteria include that, "No Street shall be given a name that is the same as, similar to or pronounced the same as any other street in the City, unless it is an extension of an already-named street." There are no streets already similarly named.

Classifications for naming the suffix of the street are considered to ensure region-wide consistency for emergency responders so they can quickly navigate to the emergency. Because the roadway is a "short east/west local streets under 1,000 feet in length," "Lane" is considered an appropriate designation for this segment.

There are no addresses that would require an address change based on the new street name as no properties use this segment for their address.

City Council approved the proposed ordinance at the first reading on July 19, 2016, with the second reading scheduled for August 16, 2016.

**Financial Impacts:**

New street signs will be required at each end of the street segment. It is estimated to cost \$500 to make and install the two new signs. This estimate is based on the fee of \$250 for each street sign and installation by the Public Works Department staff charged for development projects.

**Recommendation:**

Staff respectfully recommends City Council adopt Ordinance 2016-011, renaming a segment of SW Columbia Street to SW Ode Gribble Lane.

**Attachments:**

1 – Map of the Street Renaming Segment



# Vicinity Map for Proposed Street Rename







## ORDINANCE 2016-011

### RENAMING A SEGMENT OF SW COLUMBIA STREET TO SW ODE GRIBBLE LANE

**WHEREAS**, the City Council on its own motion initiated the process to rename a segment of SW Columbia Street, located between SW Pine and SW Washington Streets, near the Sherwood Center for the Arts, to SW Ode Gribble Lane; and

**WHEREAS**, the Council proposed the change to recognize and honor Ode Gribble as a long-time resident of Sherwood and steadfast supporter and volunteer of many organizations in the community; and

**WHEREAS**, Sherwood Municipal Code (SMC) Section 12.06.010 provides that street names, whenever practicable, shall be based on historical factors including naming streets after long-time (50 or more years) residents of Sherwood; and

**WHEREAS**, the Council recognizes that Ode Gribble has been a resident of Sherwood for over 50 years and this road segment is an appropriate tribute and representation of her commitment and contribution to Old Town and the arts community in Sherwood; and

**WHEREAS**, SMC 12.06.020 provides the classifications (suffixes) that shall be used in the assignment of all street names and "Lane" is listed as a "short east/west local street under 1,000 feet in length"; and

**WHEREAS**, the street segment proposed to be renamed is oriented east/west and is less than 1,000 feet in length; and

**WHEREAS**, the proposed name change was subject to full and proper notice in accordance with SMC 12.06.040 by posting on the street and in a local newspaper; and

**WHEREAS**, the City Council held public hearings on July 19, 2016 and August 16, 2016 and determined that the proposed name change met the above criteria and all other criteria in SMC Chapter 12.06, continued to be consistent with regional and state standards, and was in the public interest.

### **NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1. Findings.** After full and due consideration of the record, findings, and evidence presented at the public hearings, the Council finds that the proposed name change meets the criteria of SMC Chapter 12.06 and is in the public interest.

**Section 2. Approval.** The proposed street renaming of the segment of SW Columbia Street between SW Pine Street and SW Washington Street to SW Ode Gribble Lane is hereby **APPROVED**.

**Section 3 - Manager Authorized.** The Planning Department is hereby authorized and directed to provide notification of this name change to Washington County Assessment and Taxation and to any



other necessary entities, and to take such other action as is necessary to effectuate this street name change.

**Section 4 - Effective Date.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 16<sup>th</sup> day of August 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Robinson	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Harris	_____	_____
Clark	_____	_____

Agenda Item: Public Hearing, 1<sup>st</sup> Reading

**TO:** Sherwood City Council

**FROM:** Michelle Miller, AICP, Senior Planner  
**Through:** Julia Hajduk, Community Development Director, Josh Soper, City Attorney and Joseph Gall, ICMA-CM, City Manager

**SUBJECT:** Ordinance 2016-012, amending multiple sections of the Zoning and Community Development Code including Divisions I, II, and III as it relates to the regulation of Recreational Marijuana Facilities

---

**Issue:**

Shall the City Council adopt an ordinance amending the Zoning and Community Development Code (SZCDC) in order to establish reasonable time, place and manner restrictions for recreational marijuana facilities?

**Summary:**

The proposal would amend Chapters 16.10 (Definitions), 16.12 (Residential Land Use Districts), 16.22 (Commercial Land Use Districts), 16.31 (Industrial Land Use Districts), 16.38 (Special Uses), 16.72 (Procedures for Processing Development Permits) of the Sherwood Zoning and Community Development Code (SZCDC) in order to regulate recreational marijuana facilities in Sherwood.

Specifically, the proposed Code amendments:

- Add definitions for the five recreational marijuana license facilities types: processing, production, retail sales, testing laboratories, and wholesale operations
- Add the approved location for the five license types to the “Use Table” categories in the Commercial and Industrial zones, and prohibit them within the Residential zones
- Add that recreational marijuana facilities be subject to the Type II review process - staff level decision with posting onsite and notice to property owners within 1,000 feet
- Add criteria for the five license types in the Special Use Chapter 16.38 that creates standards for indoor production and storage of marijuana, compliance with State licensing requirements, odor mitigation measures, public access restrictions, proximity to residential and mixed use zones for all recreational marijuana facility operations
- Add criteria for retail marijuana facilities that includes limiting hours and size, additional restrictive buffers around public parks and plazas, and other retail marijuana and medical dispensaries
- Add limitations on mobile and drive through businesses and specific security measures, size and site requirement for retail outlets
- Prohibit recreational marijuana facilities from locating within the Old Town overlay

The Planning Commission held a public hearing on July 26, 2016 and forwarded a recommendation of approval to the City Council. The Planning Commission recommendation is included as Attachment 1 to this report.

**Previous Council Action:**

Public Hearing: January 5, 2016 approving Ordinance 2016-002, initiating a Ballot Measure to Prohibit Recreational Marijuana Facilities in Sherwood

Work Session: November 15, 2015, update on legislative changes

**Background:**

Oregon voters passed Measure 91 in 2014, legalizing recreational marijuana. Over the past two years, the Oregon legislature and the Oregon Liquor Control Commission (OLCC) have developed statewide regulations and processes in order to implement this measure.

During the 2015 session, the Oregon Legislature made provisions that include the ability of local jurisdictions to “opt out” or ban all types of recreational marijuana licenses within a particular jurisdiction. The Sherwood City Council decided to place this issue on the November ballot and let Sherwood voters decide whether to ban all of the recreational marijuana license types within the City (Ord. 2016-002). Because the issue is on the upcoming ballot, there is a moratorium in place, restricting all recreational marijuana facilities from locating in Sherwood until the issue is resolved by the Sherwood voters with the November 8, 2016 election.

If the voters decide not to make the ban permanent, the Sherwood community has this opportunity with these proposed code and plan amendments to provide additional marijuana related regulations and to confirm the permitted locations for particular facility types beyond the state regulations. If the Council approves the proposed changes, they would take effect if and when, the permanent ban is not approved at the November 8<sup>th</sup> election.

During March 2016, the City initiated an online survey to gauge the community’s level of support for time, place and manner restrictions for regulating recreational marijuana facilities. The Planning Commission and the Police Advisory Board hosted Public Work Sessions on March 10, 2016 and April 26, 2016 concerning regulation of recreational marijuana facilities in Sherwood. Staff attended public events like the Community Service Fair and Music on the Green to inform and gauge opinion from the community on the proposed amendments. The proposed language reflects the issues raised during the public process.

**Financial Impacts:**

It is likely that there will be a minimal cost associated with making the Code updates available online and providing informational materials to the public.

**Recommendation:**

Staff respectfully recommends City Council approval of Ordinance 2016-012 amending multiple sections of the Zoning and Community development code including divisions I, II, and III as it relates to the regulation of recreational marijuana facilities at a first reading on August 16, 2016 with an anticipated second reading on September 6, 2016.

**Attachments:**

Ordinance

Attachment 1: Planning Commission Recommendation to the City Council with Exhibits

Attachment 2: Citizen Comments from John and Judy Carter sent via email on July 30, 2016

## CITY OF SHERWOOD

Date: August 8, 2016  
File No: PA 16-05**Planning Commission Recommendation to City Council**

---

**To: SHERWOOD CITY COUNCIL****From: PLANNING DEPARTMENT**

On July 26, 2016, the Planning Commission held a public hearing to consider amendments to the Sherwood Zoning and Community Development Code that would impose time, place and manner restrictions on recreational marijuana facilities. The Planning Commission considered whether different facility types could be located on the same tax lot, but not at the same address and whether additions needed to be made to the proposed code language. Ultimately, the Commission determined that since the buffers were in place, it limited approvable locations within the City and that co-locations would not negatively impact livability. However, the Planning Commission identified a need to further restrict retail marijuana operations so that they could not be within 100 feet of a residential zone, similar to the other four license types.

After considering the applicant's materials, public testimony, and the findings in the staff report, the Planning Commission voted to recommend approval of the request to the Sherwood City Council. Their decision is based on the facts and findings in this recommendation. The Planning Commission acknowledged the support, guidance and recommendations of the Sherwood Police Advisory Board in development of the recommendation to the City Council.



Signed:

---

Michelle Miller, AICP  
Senior Planner**Proposal:**

The proposal seeks to amend the Sherwood Zoning and Community Development Code Chapters 16.10 (Definitions), 16.12 (Residential Land Uses), 16.22 (Commercial Land Uses) 16.31 (Industrial Land Uses), 16.38 (Special Uses) and 16.72 (Procedures for Processing Development Permits) in order to develop reasonable time, place and manner restrictions concerning recreational marijuana facilities. The proposed text amendment Code language is included as Exhibit A.

Specifically, the proposed Code amendments include:

- Adding definitions for the five recreational marijuana license facilities types: processing, production, retail sales, testing laboratories, and wholesale operations
- Adding the five license types to the "Use Table" categories in the Commercial and Industrial zones and prohibitions in the Residential zones
- Adding the recreational marijuana facilities to the Type II process- staff level decision with posting onsite and notice to property owners within 1,000 feet
- Adding criteria for the five license types in the Special Use Chapter 16.38 that creates general standards for indoor production and storage of marijuana, compliance with State licensing

requirements, odor mitigation measures, public access restrictions, proximity to residential and mixed use zones for non-retail operations

- Adding specific criteria for retail marijuana facilities that includes limiting hours and size, additional restrictive buffers around public parks and plazas, and other retail marijuana and medical dispensaries,
- Adding limitations on mobile and drive through businesses and specific security measures, size and site requirement for retail outlets.
- Prohibiting recreational marijuana facilities from locating in the Old Town Overlay District

## I. BACKGROUND

- A. Applicant: This is a City-initiated text amendment.
- B. Location: The proposed amendment is to the text of the Sherwood Zoning and Development Code and applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission considered the matter on July 26, 2016. At the close of the hearing, the Commission forwarded a recommendation to the City Council who will consider the proposal, and make the final decision whether to approve, modify, or deny the proposed language. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice on the proposed amendment was published in *The Times* on July 21, 2016 and published in the July 2016 edition of the Gazette. Notice was also posted in five public locations around town and on the web site on July 5, 2016.
- E. Review Criteria  
The required findings for the Plan Amendment are identified in § 16.80 (Plan Amendments), Comprehensive Plan Criteria: Chapter 2-Planning Process, Metro Urban Growth Management Functional Plan: Title 4. , Oregon Transportation Planning Rule: (OAR 660-012-0060), Statewide Planning Goals: Goal 1- Citizen Involvement.
- F. History  
Oregon voters passed Measure 91 in 2014 legalizing recreational marijuana. Over the past two years, the Oregon legislature and the Oregon Liquor Control Commission (OLCC) have developed statewide regulations and processes in order to implement this measure.

The Oregon Legislature made significant changes to Measure 91 during the 2015 session in HB 3400 and HB 2041. One of the provisions included the ability of local jurisdictions to "opt out" or ban all types of recreational marijuana licenses within a particular jurisdiction. The Sherwood City Council decided to place the issue on the ballot and let Sherwood voters decide whether to ban all or one of the recreational marijuana license types (Ord. 2016-002). Because the issue is on the upcoming ballot, there is a moratorium in place, restricting all marijuana related businesses or facilities from locating in Sherwood until the issue is resolved by the Sherwood voters with the November 2016 election.

If the voters decide not to make the ban permanent, the Sherwood community has this opportunity with these proposed code and plan amendments to further restrict marijuana-related facility locations or implement other restrictions as needed. Additionally, it is important to clearly confirm the permitted locations for particular facility types. These restrictions would need to be adopted through a plan amendment to the Sherwood Zoning and Development Code.

The OLCC has begun accepting online applications for licenses to operate recreational marijuana-related facilities in Oregon. Various types of recreational marijuana businesses may be allowed in certain zones and may not be allowed in other zones. The OLCC requires an applicant to seek out verification from the local jurisdiction indicating that the proposed use is permitted within the land use zone where the facility is to be located. The required form to be completed by a local jurisdiction is called a "land use compatibility statement," commonly known as a LUCS. The OLCC will only issue licenses for those land uses found to be compatible with local zoning and part of that approval is getting a signed LUCS from the local jurisdiction.

If local marijuana facilities are not banned, staff will have the certainty of knowing the location of where facilities should be located and a process for evaluating their location in our community and ultimately sign the LUCs forms in compliance with the OLCC rules.

#### G. Public Outreach

During March 2016, the City initiated an online survey to gauge the community's level of support for time, place and manner restrictions for regulating recreational marijuana facilities. 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. The survey response memo is attached as Exhibit C.

The Planning Commission and the Police Advisory Board (Board) hosted a Public Work Session on March 10, 2016 and April 26, 2016 concerning regulation of recreational marijuana facilities in Sherwood. Approximately twenty people attended each of the events and discussed the options for marijuana facilities regulations. Generally those in attendance understood that any proposed regulations would be implemented only if Sherwood voters decided not impose a ban on recreational marijuana facilities locating in Sherwood. The issue of a ban along with a local recreational marijuana tax will be decided in November 2016.

At the session, Commissioners and Police Advisory Board members led small group discussions on several issues concerning regulating recreational marijuana facilities. The Commission noted different opinions about the appropriate regulations concerning facilities and their location in the community. When asked which zone would be suitable for the different license types, support was favorable for both industrial and commercial zones and keeping the zoning the same as the State regulations. Those in attendance expressed concern about producers and retail outlets due to the odors, visibility and attracting minors to their location. They also expressed concern about proximity to residential neighborhoods and wanted to ensure that facilities could not be located in Old Town.

Consensus was reached on creating 1,000-foot buffers around the parks where retail facilities could not be located as well as identifying that all license types could be processed under a special use category as a Type II staff level decision. Many agreed that the rules established for medical marijuana dispensaries are appropriate for recreational retail facilities.

Staff met with the Police Advisory Board on February 18, 2016 and June 16, 2016 and provided the draft code amendments concerning recreational marijuana facilities. The Board considered

the language and discussed the various time, place and manner restrictions proposed in the draft language. In considering the proposal, the Police Advisory Board's questions and concerns expressed were focused on visibility of the businesses to the public, proximity to residential neighborhoods and potential oversaturation of the market.

Other outreach included attending the Community Service Fair on May 21, 2016 along with Police Advisory Board members and Music on the Green on July 13, 2016 in which staff discussed the proposed amendments with community members and passed out a summary of the proposed code changes.

Additionally staff prepared articles for the "Sherwood Archer," the City's informational newsletter and kept a web page current with the proposed meeting schedule and other relevant background materials.

## **II. PUBLIC COMMENTS**

Ballot Measure 56 requires local jurisdictions to notify individual property owners when a change to a comprehensive plan or zoning ordinance could result in a rezone of property. The proposed amendments in this application will not change the base zoning classification or be a change that limits or prohibits previously allowed land uses. The proposed amendments do not limit or prohibit currently allowed land uses. The amendments will actually create new permitted uses within the land use categories of retail commercial, general commercial, light industrial and general industrial land use zones. Therefore, Ballot Measure 56 is not applicable to this Code amendment.

Notice on the proposed amendment was published in *The Times* on July 21 2016 and published in the July 2016 edition of the Gazette. Notice was also posted in five public locations around town and on the web site on July 5, 2016.

Since the Planning Commission hearing, staff received one comment from John and Judy Carter, expressing their overall opposition to recreational marijuana facilities being located in Sherwood. The comments are attached to the City Council Staff report as Attachment 2.

**Staff Response:** Council has discretion under time, place and manner regulations to determine the most appropriate hours of operation that are in the community's best interest. The online survey concerning regulating marijuana facilities in Sherwood indicated support for restrictions concerning hours of operation and other locational issues. The Planning Commission Public Work Sessions also indicated support for developing regulations that minimized visibility near residential neighborhoods and establishing rules that addressed the negative odors and other aspects of growing and processing marijuana related products. No other public comments have been received to date, with the exception of the email from the Carters but all comments are welcome up to and at each of the upcoming hearings.

## **III. AGENCY COMMENTS**

Staff sent notice to the Department of Land Conservation and Development on June 21, 2016. They made no comments.

## **IV. PLAN AMENDMENT REQUIRED FINDINGS**

The applicable Plan Text Amendment review criteria are 16.80.030.A and C.

### **16.80.030. A - Text Amendment Review**

**An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.**

#### Consistency with State Statutes and Regulations

State law authorizes the operation of recreational marijuana facilities and provides those facilities with immunity from state criminal prosecution. Although the State of Oregon has passed legislation authorizing marijuana-related facilities and providing criminal immunity under state law, the operation of those facilities remains illegal under federal law.

The City Council has home rule authority to decide whether and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by state statute.

#### **Oregon Revised Statutes (ORS) 475B, Cannabis Regulations.**

The proposed code language is consistent with the statute in that ORS 475B allows local jurisdictions the authority to develop local time, place and manner regulations. The statute allows local jurisdictions to establish reasonable regulations concerning the hours during which retail facilities may operate, reasonable conditions on the manner of operations of a particular license type, and finally reasonable limitations on where a facility may be located within the local jurisdictions.

The proposed code language includes similar definitions for the five license types as regulated by the OLCC and ORS 475 B. Additionally, the statute allows local jurisdictions to prohibit facilities from locating a maximum distance of 1,000 feet from another retail outlet. The proposed local code language includes this provision for retail and medical marijuana dispensary facilities and is therefore consistent with state law.

#### **Oregon Administrative Rules (OAR) 845 DIVISION 25, RECREATIONAL MARIJUANA**

The proposed regulations are consistent with this section which identifies the location and other regulations concerning the five recreational marijuana license types. This section prohibits the location of retail marijuana facilities within 1,000 feet of a school attended primarily by minors. The OAR defines the five license types and requires a licensee to be in compliance with the OLCC regulations before a license is issued, thereby ensuring that any local facility is subject to the minimum regulations as developed by the OLCC. The proposed amendments also include these compliance provisions, and therefore implement and enforce the OAR.

#### Consistency with Local Regulations

The current Sherwood Municipal Code and the Zoning and Development Code do not specifically permit recreational marijuana-related facilities as an allowed use in any of the planning districts, but does regulate medical marijuana dispensaries. Given the statewide authorization of marijuana and its related businesses, the lack of regulations causes legal uncertainty about whether and under what circumstances the five license types could be located within the City. City regulations are needed to clarify this uncertainty and establish which planning zone the five license types are to be located and under what restrictions they may operate within the community.

The proposed amendment would create a Type II land use process for permitting the five recreational marijuana facilities to be located within the City. The following table identifies the permitted zones of the five different license types.

**Table 1. Proposed Zoning for the Recreational Marijuana Facilities**



	<u>Neighborhood Commercial</u>	<u>Office Commercial</u>	<u>Retail Commercial</u>	<u>General Commercial</u>	<u>Light Industrial</u>	<u>General Industrial</u>	<u>Employ- ment Industrial</u>
<b>Producer</b>	N	N	N	N	P	P	N
<b>Processor</b>	N	N	N	N	P	P	P
<b>Wholesale Operator</b>	N	N	N	P	P	P	P
<b>Retail Sales Operator</b>	N	N	N	P	P	P	P
<b>Laboratory and Testing Facility</b>	N	P	P	P	P	P	P

These zones are able to accommodate the facilities with adequate infrastructure. The Neighborhood Commercial zones are not suitable locations for any license as this zone are closer to residential neighborhoods and parks. The limitation of 3,000 square feet in size is comparable to the permitted incidental “retail” uses maximum allowed within Sherwood’s industrial zones and compatible with Metro Title 4 Functional Plan.

State law requires a 1,000-foot buffer zone around elementary and secondary schools, for any retail facility presumably in order to minimize adverse impacts on places where minor children congregate and minimize diversion of marijuana to minors. Parks in Sherwood have outdoor play areas where minors congregate, sometimes unsupervised. The additional buffer around parks is similar to what the requirements are for medical marijuana dispensary outlets.

The proposed amendments establish reasonable restrictions on hours of operation, allowed locations, odor, and design and operational requirements to prevent or mitigate potential offsite community impacts. As detailed in the Buffer Map (Exhibit D), the mapping of the effects of the proposed location restrictions indicates that there are limited areas where potential recreational marijuana facilities can comply with the buffer and zoning restriction, but the restrictions would not create an undue burden on businesses trying to find a location to operate.

The purpose of the proposed amendments is to prevent or mitigate possible adverse community impacts associated with recreational marijuana facilities. These include, but are not limited to the following:

- Diversion of marijuana to minors;
- Crime such as theft, burglary, armed robbery, and kidnapping that can result due to the presence of large amounts of cash, a product that can be resold for significant amounts of money on the black market, and potentially vulnerable users visiting the facilities;
- Threats to health, life and property resulting from facilities not constructed to code; and/or
- Unwanted noise generated by visiting customers during early or late hours

These impacts are intended to be prevented or controlled by creating minimum distances between the five different recreational marijuana license types and residential neighborhoods or other places where children are present, by limiting hours of operation, and requiring minimum design standards to facilitate odor mitigation, security and safety.

#### Consistency with the Sherwood Comprehensive Plan

While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language within the Development Code, which is a component of the larger Comprehensive Plan and is reviewed in that light. There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language, as the Comprehensive Plan does not address or comment on specific types of land uses, like a marijuana facility but rather identifies policy goals for the more general land uses of commercial and industrial uses. The proposed language continues to implement the Land Use goals and policies as they apply to Commercial and Industrial zoning uses.

#### Consistency with Metro Urban Growth Management Functional Plan (Metro Code Chapter 3.07)

Title 4 of the Metro Functional Plan calls for the protection of industrial areas by limiting the size and location of new retail uses. The proposed regulations identify a retail marijuana facility as a use that would be limited in size in the industrial zone. Although recreational marijuana facilities are most similar to a retail uses as they are selling marijuana to the general population over 21, rather than manufacturing a product from raw materials. The Functional Plan limits the size of retail uses within the industrial zone to 5,000 square feet and the proposed amendment is compatible with this size limitation because the size of a retail facility is limited to 3,000 square feet.

#### Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the Comprehensive Plan has been acknowledged by the State, there are no known conflicts with this text change.

The proposed amendments have been discussed in several public venues, and staff has always been available to discuss the proposed changes, and has invited public comments throughout the course of the discussion. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (Land Use Planning).

The applicable Statewide Planning Goals include:

#### **Goal 1 (Citizen Involvement)**

Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1.

**FINDING:** Based on the above discussion, the applicant satisfies this planning goal.

#### **Goal 2 (Land Use Planning)**

**FINDING:** The proposed amendment, as demonstrated in this report is processed in compliance with the local, regional and state requirements.

#### **Goal 3 (Agricultural Lands)**

#### **Goal 4 (Forest Lands)**

#### **Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)**

#### **Goal 6 (Air, Water and Land Resources Quality)**

#### **Goal 7 (Areas Subject to Natural Hazards)**

#### **Goal 8 (Recreational Needs)**

#### **Goal 9 (Economic Development)**

#### **Goal 10 (Housing)**

**FINDING:** The Statewide Planning Goals 3-10 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

**Goal 11 (Public Facilities and Services)**  
**Goal 12 (Transportation)**

**FINDING:** As discussed earlier in this report, the proposed amendments are compatible with existing zoning designations and the public facilities and services. The amendments are consistent with the “Transportation Planning Rule” which implements Goal 12.

**Goal 13 (Energy Conservation)**  
**Goal 14 (Urbanization)**  
**Goal 15 (Willamette River Greenway)**  
**Goal 16 (Estuarine Resources)**  
**Goal 17 (Coastal Shorelands)**  
**Goal 18 (Beaches and Dunes)**  
**Goal 19 (Ocean Resources)**

**FINDING:** The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

**FINDING:** As discussed above in the analysis, there is a need for the proposed amendments in order to clarify the Sherwood Zoning and Community Development Code. The proposed amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

**16.80.030 - Transportation Planning Rule (TPR) Consistency**

- A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**

**FINDING:** The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

- B. “Significant” means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.**
- C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.**

**FINDING:** The code amendments would not significantly affect a transportation facility because the average daily trips will be comparable to the number of trips anticipated with an already identified commercially or industrially zoned property.

**Planning Commission recommendation on Plan Amendment:**

Based on the analysis above, there is adequate information to make findings in support of the proposed amendment. Therefore, the Planning Commission recommends that the Council APPROVE the proposed text amendments.

**V. ATTACHMENTS**

- A. Proposed Text Amendment, with Track Changes underlined in blue
- B. Proposed Text Amendment, clean copy
- C. Recreational Marijuana Facilities Memo concerning survey results dated April 12, 2016
- D. Zoning and Buffer Map

**\*Proposed Additions to the Development Code are identified in Blue underline.**

**Note: footnotes are excluded in the following use tables. No changes are proposed to the footnotes as they currently exist in the City's code.**

## **CHAPTER 16.10 DEFINITION**

Exhibit A

### 16.10.020 Definitions

ADD the following:

**Marijuana Processing:** A building or structure used in whole or in part for processing marijuana as defined in Chapter 614, Oregon Laws 2015 as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is licensed by the Oregon Liquor Control Commission. Processing does not include packaging or labeling.

**Marijuana Production:** A building or structure used in whole or in part for producing marijuana as defined in Chapter 614, Oregon Laws 2015, as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include drying or cultivation of immature plants received from a producer, or the cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

**Marijuana Retail Sales:** A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

**Marijuana Testing Laboratories:** A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

**Marijuana Wholesale Operations:** A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

## **CHAPTER 16.12 RESIDENTIAL LAND USE DISTRICT**

### **16.12.020 - Allowed Residential Land Uses**

#### **A. Residential Land Uses**

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

<b>RESIDENTIAL LAND USES</b>	<b>VLDR</b>	<b>LDR</b>	<b>MDRL</b>	<b>MDRH</b>	<b>HDR</b>
<b><u>RESIDENTIAL</u></b>					
• Single-Family Attached or Detached Dwellings	P	P	P	P	P
• Two Family Dwelling Units	N	N	P	P	P
• Multi-family Dwellings	N	N	N	P	P
• Townhomes-subject to Chapter 16.44	N	N	N	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes	P	P	P	P	P
• Government-Assisted housing	P	P	P	P	P
<b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b>					
<b>VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL, MDRH=MEDIUM DENSITY RESIDENTIAL, HDR=HIGH DENSITY RESIDENTIAL</b>					

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
<b><u>ACCESSORY USES</u></b>					
• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
<b><u>COMMERCIAL USES</u></b>					
• Agricultural Uses	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
• Plant Nurseries	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C
• <a href="#"><u>Recreational Marijuana Processing -not for personal use or consumption</u></a>	<a href="#"><u>N</u></a>	<a href="#"><u>N</u></a>	<a href="#"><u>N</u></a>	<a href="#"><u>N</u></a>	<a href="#"><u>N</u></a>
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL LOW, MDRH=MEDIUM DENSITY RESIDENTIAL HIGH, HDR=HIGH DENSITY RESIDENTIAL					

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
<b><u>CIVIC</u></b>					
• Religious Institutions, Private Fraternal Organizations and Lodges, Country clubs or other similar clubs	C	C	C	C	C
• Public Recreational Facilities	P	P	P	P	P
• Cemeteries and crematory mausoleums	C	C	C	N	N
• Civic Buildings-(such as police and fire stations, post office)	C	C	C	C	C
• Public Use Buildings-(such as libraries, and community centers)	C	C	C	C	C
• Golf Courses	C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL LOW, MDRH=MEDIUM DENSITY RESIDENTIAL HIGH, HDR=HIGH DENSITY RESIDENTIAL					

## **CHAPTER 16.22 COMMERCIAL LAND USE DISTRICTS**

### 16.22.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.



COMMERCIAL LAND USES	OC	NC	RC	GC
<b><u>RESIDENTIAL</u></b>				
• Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.	P	P	P	P
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
<b><u>CIVIC</u></b>				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
<b><u>COMMERCIAL</u></b>				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
<b><u>Entertainment/recreation</u></b>				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Drive-in motion picture theaters	N	N	N	N
• Motion picture and live theaters within enclosed building	N	N	P	P
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities	N	N	P	P
• Hotels and motels	C	N	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
<u>Motor Vehicle-related</u>				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• Junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
<u>Office and Professional Support Services</u>				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL</b></p>				

COMMERCIAL LAND USES	OC	NC	RC	GC
<ul style="list-style-type: none"> <li>Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building</li> </ul>	C	C	C	C
<u>Childcare</u>				
<ul style="list-style-type: none"> <li>Day cares, preschools, and kindergartens, when clearly secondary to a permitted use</li> </ul>	P	P	P	P
<ul style="list-style-type: none"> <li>Day cares, preschools, and kindergartens as a stand-alone use.</li> </ul>	N	P	P	P
<u>General Retail - sales oriented</u>				
<ul style="list-style-type: none"> <li>General retail trade, not exceeding 10,000 square feet of gross square footage.</li> </ul>	P	P	P	P
<ul style="list-style-type: none"> <li>General retail trade greater than 10,000 square feet of gross square footage</li> </ul>	N	P	P	P
<ul style="list-style-type: none"> <li>Tool and Equipment Rental and Sales, Including Truck Rental</li> </ul>	N	N	C	P
<ul style="list-style-type: none"> <li>Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)</li> </ul>	N	N	P	P
<ul style="list-style-type: none"> <li>Wholesale building material sales and service</li> </ul>	N	N	N	P
<ul style="list-style-type: none"> <li>Retail building material sales and lumberyards.</li> </ul>	N	N	C	P
<ul style="list-style-type: none"> <li><a href="#">Recreational Marijuana Wholesale Operations- subject to Chapter 16.38.030</a></li> </ul>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
<ul style="list-style-type: none"> <li><a href="#">Recreational Marijuana Retail Sales- subject to Chapter 16.38.030</a></li> </ul>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL</b></p>				

COMMERCIAL LAND USES	OC	NC <sup>1</sup>	RC	GC
<u>Personal Services</u>				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas <sup>6</sup>	N	N	C	C
<u>Eating and Drinking establishments</u>				
• Restaurants, taverns, and lounges without drive-thru	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
<b>INDUSTRIAL</b>				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• <a href="#">Recreational Marijuana Processing or Production- subject to Chapter 16.38.030</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
• <a href="#">Recreational Marijuana Laboratory or Testing Facility- subject to Chapter 16.38.030</a>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Medical or dental laboratories	N	N	C	P
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC <sup>1</sup>	RC	GC
<b>WIRELESS COMMUNICATION FACILITIES</b>				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters <sup>8</sup>	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
<b>OTHER</b>				
Agricultural uses including but not limited to:				
• Farm equipment sales and rentals	N	N	P	P
• Farming and horticulture				
• Truck and bus yards	N	N	N	P
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL,</b></p> <p><b>GC=GENERAL COMMERCIAL</b></p>				

## **Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS**

### 16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

INDUSTRIAL LAND USES				LI	GI	EI <sup>1</sup>
<b><u>RESIDENTIAL</u></b>						
• Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family				P	P	P
<b><u>CIVIC</u></b>						
• Hospitals				C	N	N
• Police and fire stations and other emergency services				C	C	C
• Vehicle testing stations				C	C	C
• Postal services - Public				C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright				C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards				P	P	C
• Small-scale power generation facilities				P	P	P
• Large-scale power generation facilities				C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements				C	C	C
<b><u>COMMERCIAL</u></b>						
• Commercial Trade Schools, commercial educational services and training facilities				P	P	C
<b><u>Entertainment/Recreation</u></b>						
• Country Clubs, sports and racquet clubs and other similar clubs				C	C	C
• Indoor Recreation facilities such as arcades, mini-golf, or bounce house facilities				C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						

INDUSTRIAL LAND USES	LI	GI	EI <sup>1</sup>
<u>Motor Vehicle Related</u>			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	C
• Vehicle fueling stations or car wash facilities	C	C	C
• Junkyards and salvage yards	N	N	N
• Manufactured home sales and display area	N	N	N
<u>Office and Professional Support Services</u>			
• Business and professional offices	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities <sup>3</sup>	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	P	P	P
<u>Childcare</u>			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed			
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL			



INDUSTRIAL LAND USES				LI	GI	EI <sup>1</sup>
<u>General Retail - sales oriented</u>						
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business				P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage				P <sup>6</sup>	P <sup>6</sup>	N
• Tool and equipment repair, rental and sales, including truck rental <sup>7</sup>				P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)				P	P	N
• Wholesale building material sales and service				C	P	N
• Retail building material sales and lumber yards				C	P	N
• <a href="#">Recreational Marijuana Retail Sales- subject to Chapter 16.38.030</a>				<u>P</u>	<u>P</u>	<u>P</u>
<u>Personal Services</u>						
• Health clubs and studios less than 5,000 square feet in size				P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services				C	C	C
• Public or commercial parking (non- accessory)				N	N	N
• Veterinarian offices and animal hospitals				C	C	C
• Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas				C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						

INDUSTRIAL LAND USES		LI	GI	EI <sup>1</sup>
<u>Eating and Drinking Establishments</u>				
• Restaurants, taverns, and lounges without drive-thru	C	C	C	
• Restaurants with drive-thru services	N	N	N	
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P	
<u>INDUSTRIAL</u>				
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P	P	P	
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations.	C	P	C	
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N	
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P	
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building <sup>9</sup>	P	P	P	
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building	N	P	C	
• <a href="#">Recreational Marijuana Laboratory or Testing Facility subject to Chapter 16.38.030</a>	<u>P</u>	<u>P</u>	<u>P</u>	
• <a href="#">Recreational Marijuana Wholesale Operations- subject to Chapter 16.38.030</a>	<u>P</u>	<u>P</u>	<u>P</u>	
• <a href="#">Recreational Marijuana Processing- subject to Chapter 16.38.030</a>	<u>P</u>	<u>P</u>	<u>P</u>	
• <a href="#">Recreational Marijuana Production- subject to Chapter 16.38.030</a>	<u>P</u>	<u>P</u>	<u>N</u>	
Whereas P=Permitted, C=Conditional, N=Not Allowed				
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL				

INDUSTRIAL LAND USES	LI	GI	EI <sup>1</sup>
• Mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, including biomedical compounding	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards,	C	P	C <sup>4</sup>
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses <sup>10</sup>	P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N
Whereas P=Permitted, C=Conditional, N=Not Allowed			
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL			

## **Chapter 16.38 –Special Uses**

### **16.38.010 - General Provisions**

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

## 16.38.020 - Medical Marijuana Dispensary

### A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475.314. Failure to comply with Oregon Health Authority regulations is a violation of this Code.

### B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process.

### C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.
2. Security Measures Required
  - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.
  - b. Exterior lighting must be provided and continuously maintained.
  - c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.
3. Co-location Prohibited
  - a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.
  - b. A medical marijuana dispensary may not be located at the same address with any facility or business at which medical marijuana is inhaled or consumed by cardholders.
4. Mobile and Delivery Businesses Prohibited
  - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
  - b. A dispensary may not operate to deliver medical marijuana.
5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

  - a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.
  - b. Another medical marijuana dispensary.
  - c. A public park or plaza.

(Ord. No. 2015-005, § 2, 5-5-2015)

## 16.38.030 Recreational Marijuana Facilities.

### A. Characteristics:

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

### B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, a Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

### C. General Standards for Recreational Marijuana Facilities

1. All new construction of marijuana facilities shall comply with Chapter 16.90, Site Planning.
2. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
3. Security Measures Required
  - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
  - b. Exterior lighting shall be provided and continuously maintained per Chapter 16.154, Heat and Glare.
  - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
  - d. No outdoor storage of marijuana, processed marijuana or marijuana waste is allowed at any recreational marijuana facility.
4. Proximity Restrictions. A recreational marijuana production, processing, retail, testing, laboratory or wholesale sales facility shall not be located within 100 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
5. No recreational marijuana facility may be located within the Old Town Overlay District.

### D. Standards for Marijuana Production and Processing Facilities

1. In production facilities, views from the exterior of the building into the area where marijuana is being grown are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.

2. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
3. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems sufficiently designed to prevent detection of marijuana odor from adjacent properties and the public right-of-way. Such systems shall include the following features:
  - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;
  - b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
  - c. Maintenance of negative air pressure within the facility; or
  - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the system described in subsections a-c above.

#### E. Standards for Recreational Marijuana Retail Sales Facilities

1. All new construction of retail marijuana facilities shall comply with Chapter 16.90 Site Planning.
2. Access to a retail marijuana sales facility shall be limited to people over the age of 21.
3. Hours of Operation. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. all days of the week. An individual facility may set hours within those specified, but may not be open outside those parameters.
4. Security Measures Required.
  - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
  - b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.
  - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.
6. Drive-in or Drive-Through Facilities Prohibited. A retail sales facility shall not have a drive-in or drive-through facility, as defined in Section 16.10.020.

7. Proximity Restrictions. A retail facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
- a. Schools. Within 1,000 feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.
  - b. Other Retail Facilities. Within 1,000 feet of another retail recreational marijuana facility or any medical marijuana dispensary.
  - c. Public Plazas and Active Use Parks. Within 1,000 feet of a public plaza or active use park. As used in this paragraph, an active use park includes a park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features that is generally open to the public for park use.
8. No marijuana retail facility may be over 3,000 square feet in area used for the display of retail marijuana and marijuana related products.

#### **16.72.010 - Generally**

##### **A. Classifications**

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

##### **2. Type II**

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.

- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical Marijuana Dispensary Permit
- [k. Recreational Marijuana Facilities](#)



**Note: Footnotes are excluded in the following use tables. No changes are proposed to the footnotes as they currently exist in the City's code.**

## **CHAPTER 16.10 DEFINITION**

Exhibit B

### **16.10.020 Definitions**

ADD the following:

**Marijuana Processing:** A building or structure used in whole or in part for processing marijuana as defined in Chapter 614, Oregon Laws 2015 as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is licensed by the Oregon Liquor Control Commission. Processing does not include packaging or labeling.

**Marijuana Production:** A building or structure used in whole or in part for producing marijuana as defined in Chapter 614, Oregon Laws 2015, as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include drying or cultivation of immature plants received from a producer, or the cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

**Marijuana Retail Sales:** A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

**Marijuana Testing Laboratories:** A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

**Marijuana Wholesale Operations:** A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

## CHAPTER 16.12 RESIDENTIAL LAND USE DISTRICT

### 16.12.020 - Allowed Residential Land Uses

#### A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
<b>RESIDENTIAL</b>					
• Single-Family Attached or Detached Dwellings	P	P	P	P	P
• Two Family Dwelling Units	N	N	P	P	P
• Multi-family Dwellings	N	N	N	P	P
• Townhomes-subject to Chapter 16.44	N	N	N	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes	P	P	P	P	P
• Government-Assisted housing	P	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL, MDRH=MEDIUM DENSITY RESIDENTIAL, HDR=HIGH DENSITY RESIDENTIAL					

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
<b>ACCESSORY USES</b>					
• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
<b>COMMERCIAL USES</b>					
• Agricultural Uses	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
• Plant Nurseries	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C
• Recreational Marijuana Processing -not for personal use or consumption	N	N	N	N	N
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL LOW, MDRH=MEDIUM DENSITY RESIDENTIAL HIGH, HDR=HIGH DENSITY RESIDENTIAL					

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
<b>CIVIC</b>					
• Religious Institutions, Private Fraternal Organizations and Lodges, Country clubs or other similar clubs	C	C	C	C	C
• Public Recreational Facilities	P	P	P	P	P
• Cemeteries and crematory mausoleums	C	C	C	N	N
• Civic Buildings-(such as police and fire stations, post office)	C	C	C	C	C
• Public Use Buildings-(such as libraries, and community centers)	C	C	C	C	C
• Golf Courses	C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL LOW, MDRH=MEDIUM DENSITY RESIDENTIAL HIGH, HDR=HIGH DENSITY RESIDENTIAL					

## CHAPTER 16.22 COMMERCIAL LAND USE DISTRICTS

### 16.22.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

COMMERCIAL LAND USES	OC	NC	RC	GC
<b>RESIDENTIAL</b>				
• Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.	P	P	P	P
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
<b>CIVIC</b>				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
<b>COMMERCIAL</b>				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
<b>Entertainment/recreation</b>				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Drive-in motion picture theaters	N	N	N	N
• Motion picture and live theaters within enclosed building	N	N	P	P
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities	N	N	P	P
• Hotels and motels	C	N	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
Motor Vehicle-related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• Junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support Services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
<ul style="list-style-type: none"> <li>Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building</li> </ul>	C	C	C	C
Childcare				
<ul style="list-style-type: none"> <li>Day cares, preschools, and kindergartens, when clearly secondary to a permitted use</li> </ul>	P	P	P	P
<ul style="list-style-type: none"> <li>Day cares, preschools, and kindergartens as a stand-alone use.</li> </ul>	N	P	P	P
General Retail - sales oriented				
<ul style="list-style-type: none"> <li>General retail trade, not exceeding 10,000 square feet of gross square footage.</li> </ul>	P	P	P	P
<ul style="list-style-type: none"> <li>General retail trade greater than 10,000 square feet of gross square footage</li> </ul>	N	P	P	P
<ul style="list-style-type: none"> <li>Tool and Equipment Rental and Sales, Including Truck Rental</li> </ul>	N	N	C	P
<ul style="list-style-type: none"> <li>Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)</li> </ul>	N	N	P	P
<ul style="list-style-type: none"> <li>Wholesale building material sales and service</li> </ul>	N	N	N	P
<ul style="list-style-type: none"> <li>Retail building material sales and lumberyards.</li> </ul>	N	N	C	P
<ul style="list-style-type: none"> <li>Recreational Marijuana Wholesale Operations- subject to Chapter 16.38.030</li> </ul>	N	N	N	P
<ul style="list-style-type: none"> <li>Recreational Marijuana Retail Sales- subject to Chapter 16.38.030</li> </ul>	N	N	N	P
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL</b></p>				



COMMERCIAL LAND USES	OC	NC <sup>1</sup>	RC	GC
<b>Personal Services</b>				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas <sup>6</sup>	N	N	C	C
<b>Eating and Drinking establishments</b>				
• Restaurants, taverns, and lounges without drive-thru	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
<b>INDUSTRIAL</b>				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Recreational Marijuana Processing or Production- subject to Chapter 16.38.030	N	N	N	N
• Recreational Marijuana Laboratory or Testing Facility- subject to Chapter 16.38.030	N	P	P	P
• Medical or dental laboratories	N	N	C	P
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL</b></p>				

COMMERCIAL LAND USES	OC	NC <sup>1</sup>	RC	GC
<b>WIRELESS COMMUNICATION FACILITIES</b>				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters <sup>8</sup>	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
<b>OTHER</b>				
Agricultural uses including but not limited to:				
• Farm equipment sales and rentals	N	N	P	P
• Farming and horticulture				
• Truck and bus yards	N	N	N	P
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL,</b></p> <p><b>GC=GENERAL COMMERCIAL</b></p>				

## Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS

### 16.31.020 - Uses

- The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- Uses listed in other sections of this Code, but not within this specific table are prohibited.
- Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- Additional limitations for specific uses are identified in the footnotes of this table.

INDUSTRIAL LAND USES				LI	GI	EI <sup>1</sup>
<b>RESIDENTIAL</b>						
<ul style="list-style-type: none"> <li>Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family</li> </ul>				P	P	P
<b>CIVIC</b>						
<ul style="list-style-type: none"> <li>Hospitals</li> </ul>				C	N	N
<ul style="list-style-type: none"> <li>Police and fire stations and other emergency services</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Vehicle testing stations</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Postal services - Public</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Postal substations when located entirely within and incidental to a use permitted outright</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards</li> </ul>				P	P	C
<ul style="list-style-type: none"> <li>Small-scale power generation facilities</li> </ul>				P	P	P
<ul style="list-style-type: none"> <li>Large-scale power generation facilities</li> </ul>				C	P	C
<ul style="list-style-type: none"> <li>Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements</li> </ul>				C	C	C
<b>COMMERCIAL</b>						
<ul style="list-style-type: none"> <li>Commercial Trade Schools, commercial educational services and training facilities</li> </ul>				P	P	C
Entertainment/Recreation						
<ul style="list-style-type: none"> <li>Country Clubs, sports and racquet clubs and other similar clubs</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Indoor Recreation facilities such as arcades, mini-golf, or bounce house facilities</li> </ul>				C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						

INDUSTRIAL LAND USES		LI	GI	EI <sup>1</sup>
Motor Vehicle Related				
• Motorized vehicle and sport craft repairs and service		C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally		P	P	P
• Automotive, boat, trailer and recreational vehicle storage		C	C	C
• Vehicle fueling stations or car wash facilities		C	C	C
• Junkyards and salvage yards		N	N	N
• Manufactured home sales and display area		N	N	N
Office and Professional Support Services				
• Business and professional offices		P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities <sup>3</sup>		P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building		P	P	P
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use		P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use		C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed				
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL				

INDUSTRIAL LAND USES				LI	GI	EI <sup>1</sup>
General Retail - sales oriented						
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business				P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage				P <sup>6</sup>	P <sup>6</sup>	N
• Tool and equipment repair, rental and sales, including truck rental <sup>7</sup>				P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)				P	P	N
• Wholesale building material sales and service				C	P	N
• Retail building material sales and lumber yards				C	P	N
• Recreational Marijuana Retail Sales- subject to Chapter 16.38.030				P	P	P
Personal Services						
• Health clubs and studios less than 5,000 square feet in size				P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services				C	C	C
• Public or commercial parking (non- accessory)				N	N	N
• Veterinarian offices and animal hospitals				C	C	C
• Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas				C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						

INDUSTRIAL LAND USES		LI	GI	EI <sup>1</sup>
Eating and Drinking Establishments				
• Restaurants, taverns, and lounges without drive-thru		C	C	C
• Restaurants with drive-thru services		N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use		P	P	P
<b>INDUSTRIAL</b>				
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code		P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations.		C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals		N	C	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site		P	P	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building <sup>9</sup>		P	P	P
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building		N	P	C
• Recreational Marijuana Laboratory or Testing Facility subject to Chapter 16.38.030		P	P	P
• Recreational Marijuana Wholesale Operations- subject to Chapter 16.38.030		P	P	P
• Recreational Marijuana Processing- subject to Chapter 16.38.030		P	P	P
• Recreational Marijuana Production- subject to Chapter 16.38.030		P	P	N
Whereas P=Permitted, C=Conditional, N=Not Allowed				
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL				

INDUSTRIAL LAND USES		LI	GI	EI <sup>1</sup>
• Mini-warehousing or self-storage		N	P	N
• Medical or dental laboratories, including biomedical compounding		P	P	P
• Laboratories (not medical or dental)		P	P	P
• Research and development and associated manufacturing		P	P	P
• Contractors' storage and equipment yards,		C	P	C <sup>4</sup>
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses <sup>10</sup>		P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants		C	P	N
• Sawmills		C	C	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants		N	C	N
• Solid waste transfer stations		N	C	N
Whereas P=Permitted, C=Conditional, N=Not Allowed				
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL				

## Chapter 16.38 –Special Uses

### 16.38.010 - General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

## 16.38.020 - Medical Marijuana Dispensary

### A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475.314. Failure to comply with Oregon Health Authority regulations is a violation of this Code.

### B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process.

### C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.
2. Security Measures Required
  - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.
  - b. Exterior lighting must be provided and continuously maintained.
  - c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.
3. Co-location Prohibited
  - a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.
  - b. A medical marijuana dispensary may not be located at the same address with any facility or business at which medical marijuana is inhaled or consumed by cardholders.
4. Mobile and Delivery Businesses Prohibited
  - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
  - b. A dispensary may not operate to deliver medical marijuana.
5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

  - a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.
  - b. Another medical marijuana dispensary.
  - c. A public park or plaza.

(Ord. No. 2015-005, § 2, 5-5-2015)



### **16.38.030 Recreational Marijuana Facilities.**

#### **A. Characteristics:**

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

#### **B. Approval Process.** Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, a Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

#### **C. General Standards for Recreational Marijuana Facilities**

1. All new construction of marijuana facilities shall comply with Chapter 16.90, Site Planning.
2. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
3. Security Measures Required
  - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
  - b. Exterior lighting shall be provided and continuously maintained per Chapter 16.154, Heat and Glare.
  - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
  - d. No outdoor storage of marijuana, processed marijuana or marijuana waste is allowed at any recreational marijuana facility.
4. Proximity Restrictions. A recreational marijuana production, processing, retail, testing, laboratory or wholesale sales facility shall not be located within 100 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
5. No recreational marijuana facility may be located within the Old Town Overlay District.

#### **D. Standards for Marijuana Production and Processing Facilities**

1. In production facilities, views from the exterior of the building into the area where marijuana is being grown are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.

2. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
3. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems sufficiently designed to prevent detection of marijuana odor from adjacent properties and the public right-of-way. Such systems shall include the following features:
  - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;
  - b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
  - c. Maintenance of negative air pressure within the facility; or
  - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the system described in subsections a-c above.

#### E. Standards for Recreational Marijuana Retail Sales Facilities

1. All new construction of retail marijuana facilities shall comply with Chapter 16.90 Site Planning.
2. Access to a retail marijuana sales facility shall be limited to people over the age of 21.
3. Hours of Operation. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. all days of the week. An individual facility may set hours within those specified, but may not be open outside those parameters.
4. Security Measures Required.
  - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
  - b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.
  - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.
6. Drive-in or Drive-Through Facilities Prohibited. A retail sales facility shall not have a drive-in or drive-through facility, as defined in Section 16.10.020.

7. Proximity Restrictions. A retail facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
  - a. Schools. Within 1,000 feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.
  - b. Other Retail Facilities. Within 1,000 feet of another retail recreational marijuana facility or any medical marijuana dispensary.
  - c. Public Plazas and Active Use Parks. Within 1,000 feet of a public plaza or active use park. As used in this paragraph, an active use park includes a park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features that is generally open to the public for park use.
8. No marijuana retail facility may be over 3,000 square feet in area used for the display of retail marijuana and marijuana related products.

#### **16.72.010 - Generally**

##### **A. Classifications**

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

##### **2. Type II**

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.

- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical Marijuana Dispensary Permit
- k. Recreational Marijuana Facilities

To: Sherwood Planning Commission and Police Advisory Board

From: Michelle Miller, AICP Senior Planner

RE: Recreational Marijuana Facilities Code Update

Date: April 12, 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

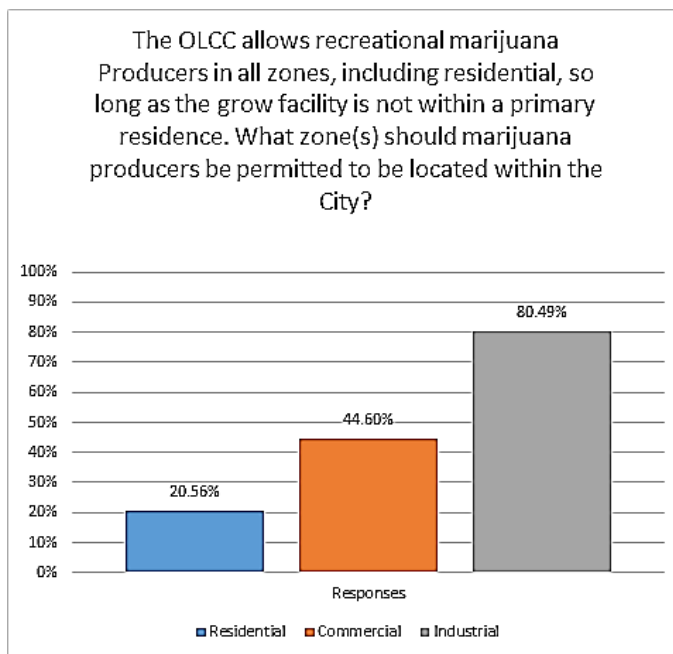
**Option Two:** limit recreational marijuana licensed facilities to the industrial zone with the possibility of allowing retail facilities in at least one of the commercial zones (Implement State and local law)

**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**

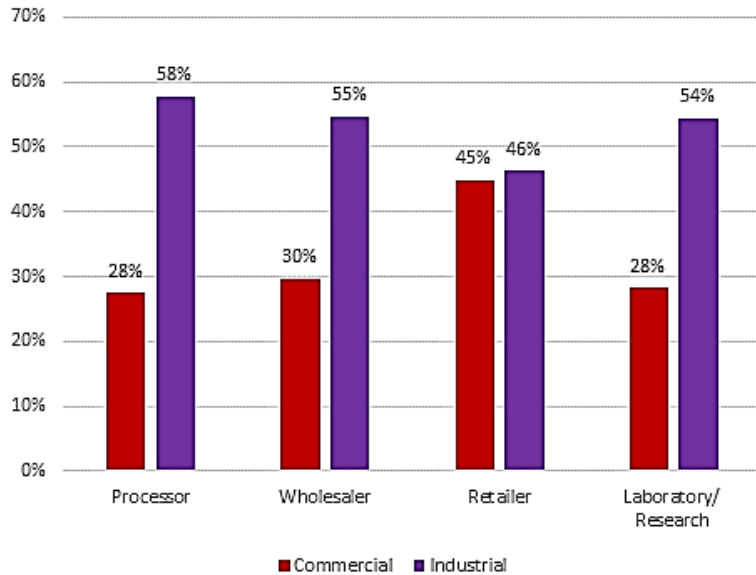
The online survey ran from March 1-31 and the City received 289 responses. Individual internet provider (IP) addresses were recorded and we received five duplicate addresses with two responses and one IP address providing three responses. Otherwise, all of the responses were unique. We asked the following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



Question 1 asked which zone a producer should 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.

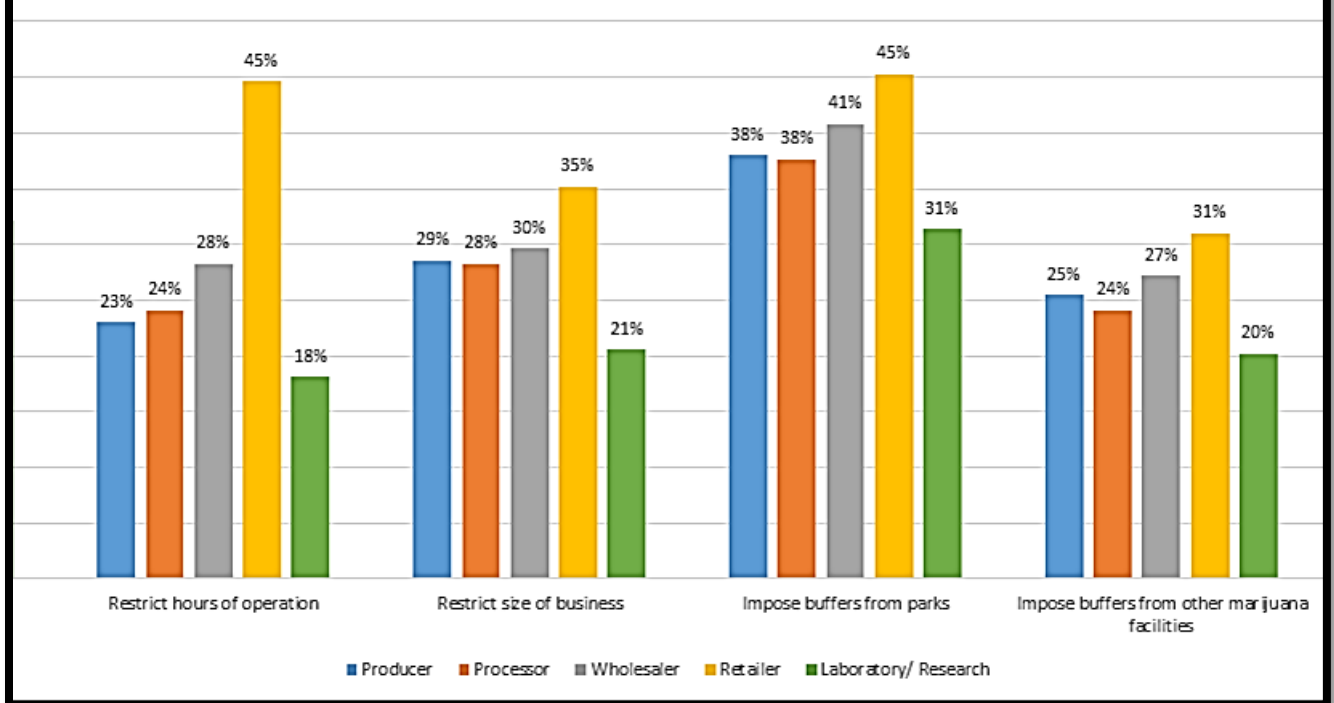
The OLCC allows all other recreational marijuana facilities to be located in the commercial or industrial zone. Marijuana Retailers are not allowed to be within 1000 ft. of a public or private elementary or secondary school. In looking at the following four other marijuana facility types listed below, what zone(s) should each 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.

## Should the City of Sherwood consider additional restrictions on Marijuana Facilities?

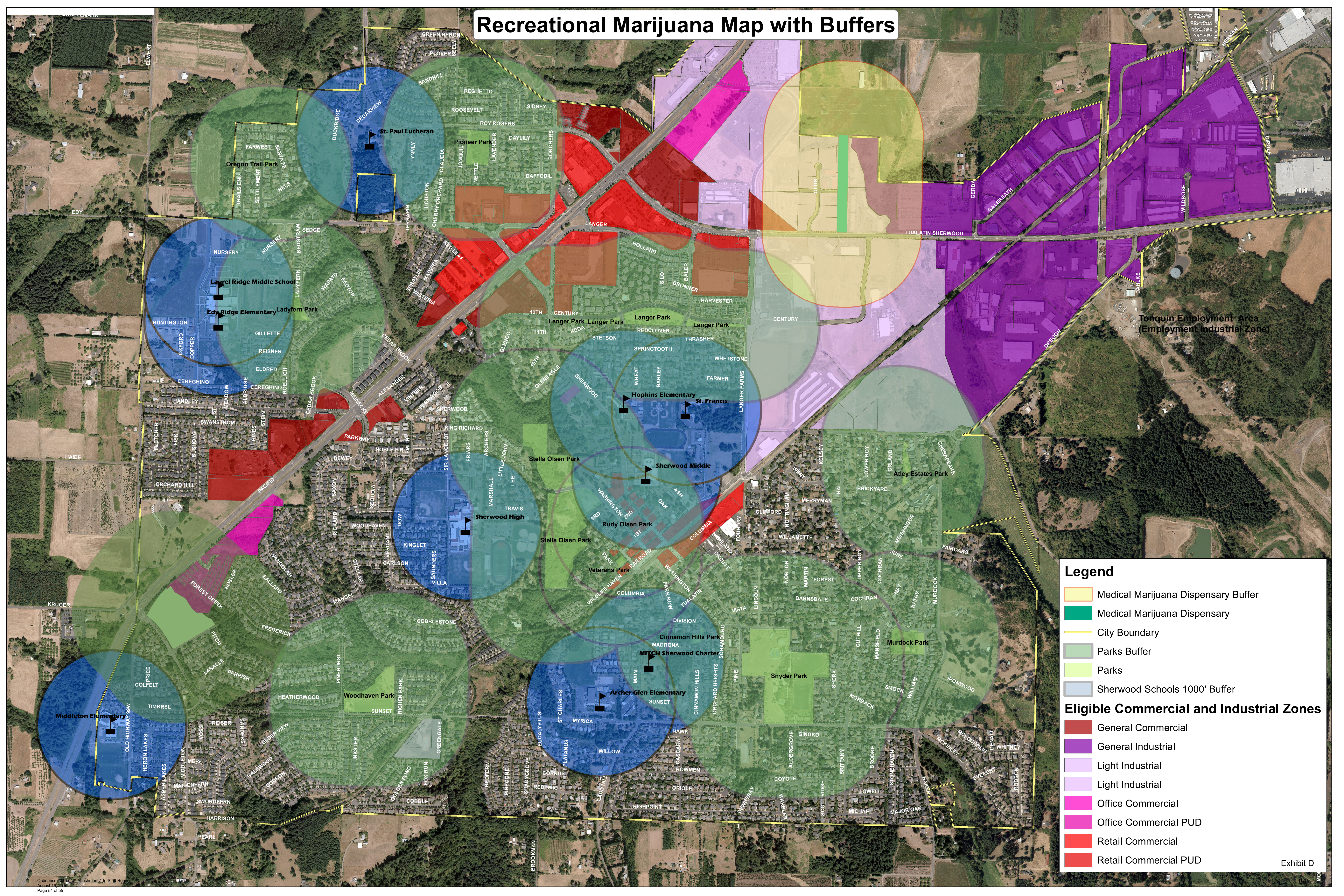


The next question asked whether additional restrictions should be placed on the various recreational marijuana license types. These are similar to the time, place and manner restrictions developed for medical marijuana dispensaries. No restriction received overwhelming support but restrictions on retail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



# Recreational Marijuana Map with Buffers





**Michelle Miller**

---

**From:** John and Judy Carter <jc9821@msn.com>  
**Sent:** Saturday, July 30, 2016 5:47 AM  
**To:** Michelle Miller  
**Subject:** Marijuana Facilities in Sherwood

Sherwood does not need a recreational marijuana site anywhere within its city.

Judy and John Carter

Sent from my Verizon 4G LTE smartphone



## ORDINANCE 2016-012

### AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS I, II, AND III AS IT RELATES TO THE REGULATION OF RECREATIONAL MARIJUANA FACILITIES

**WHEREAS**, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, testing, wholesale, and retail sale of recreational marijuana; and

**WHEREAS**, the Oregon Legislature approved HB 3400 and HB 2041, which allowed recreational marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use, and marijuana producers to also be allowed within the residential zones; and

**WHEREAS**, ORS 475B.500 authorizes local jurisdictions to regulate recreational marijuana facilities by imposing reasonable time, place and manner restrictions on their operations; and

**WHEREAS**, the City Council adopted an ordinance referring the question of whether to prohibit recreational marijuana facilities within the City of Sherwood to voters at the November 8, 2016 election, and that ordinance also imposes a moratorium on the siting of recreational marijuana facilities within the City of Sherwood pending the outcome of the November 8, 2016 election; and

**WHEREAS**, the City Council believes it is in the best interest of the health, safety and welfare of the citizens of Sherwood to establish reasonable time, place and manner regulations concerning recreational marijuana facilities in the event that voters do not ban recreational marijuana facilities in Sherwood in November; and

**WHEREAS**, the Planning Commission conducted a public hearing on July 26, 2016, and after testimony from the public and staff, voted unanimously to forward a recommendation of approval to the City Council for the proposed Zoning and Community Development Code amendments regulating recreational marijuana facilities; and

**WHEREAS**, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

**WHEREAS**, the proposed amendments were subject to full and proper notice and review and a public hearing before the Planning Commission on July 26, 2016; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in the City Council Staff Report; and

**WHEREAS**, the City Council held public hearings on August 16, 2016 and September 6, 2016 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continue to be consistent with regional and state standards.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1. Findings** After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, finding that the text of the SZCDC shall be amended as documented in attached Exhibit 1.

**Section 2. Approval** The proposed amendment for Recreational Marijuana Facilities Plan Text Amendment (PA) 16-05 identified in Exhibit 1 is hereby **APPROVED**.

**Section 3. Manager Authorized** The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the Municipal Code in accordance with City ordinances and regulations.

**Section 4. Applicability** The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted beginning on the effective date of this Ordinance.

**Section 5. Effective Date** This ordinance shall become effective upon certification of the November 8, 2016 elections results, if and only if the results are such that the measure prohibiting the establishment of recreational marijuana facilities in Sherwood does not receive the affirmative majority of the total number of votes cast thereon.

**Duly passed by the City Council this 6<sup>th</sup> day of September 2016.**

\_\_\_\_\_  
Krisanna Clark, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Robinson	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Harris	_____	_____
Clark	_____	_____

**Note: footnotes are excluded in the following use tables. No changes are proposed to the footnotes as they currently exist in the City's code.**

## **CHAPTER 16.10 DEFINITION**

Exhibit 1

### **16.10.020 Definitions**

ADD the following:

**Marijuana Processing:** A building or structure used in whole or in part for processing marijuana as defined in Chapter 614, Oregon Laws 2015 as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is licensed by the Oregon Liquor Control Commission. Processing does not include packaging or labeling.

**Marijuana Production:** A building or structure used in whole or in part for producing marijuana as defined in Chapter 614, Oregon Laws 2015, as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include drying or cultivation of immature plants received from a producer, or the cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

**Marijuana Retail Sales:** A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

**Marijuana Testing Laboratories:** A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

**Marijuana Wholesale Operations:** A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

## CHAPTER 16.12 RESIDENTIAL LAND USE DISTRICT

### 16.12.020 - Allowed Residential Land Uses

#### A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
<b>RESIDENTIAL</b>					
• Single-Family Attached or Detached Dwellings	P	P	P	P	P
• Two Family Dwelling Units	N	N	P	P	P
• Multi-family Dwellings	N	N	N	P	P
• Townhomes-subject to Chapter 16.44	N	N	N	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes	P	P	P	P	P
• Government-Assisted housing	P	P	P	P	P
<b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b> <b>VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL, MDRH=MEDIUM DENSITY RESIDENTIAL, HDR=HIGH DENSITY RESIDENTIAL</b>					

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
<b>ACCESSORY USES</b>					
• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
<b>COMMERCIAL USES</b>					
• Agricultural Uses	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
• Plant Nurseries	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C
• Recreational Marijuana Processing -not for personal use or consumption	N	N	N	N	N
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL LOW, MDRH=MEDIUM DENSITY RESIDENTIAL HIGH, HDR=HIGH DENSITY RESIDENTIAL					

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
<b>CIVIC</b>					
• Religious Institutions, Private Fraternal Organizations and Lodges, Country clubs or other similar clubs	C	C	C	C	C
• Public Recreational Facilities	P	P	P	P	P
• Cemeteries and crematory mausoleums	C	C	C	N	N
• Civic Buildings-(such as police and fire stations, post office)	C	C	C	C	C
• Public Use Buildings-(such as libraries, and community centers)	C	C	C	C	C
• Golf Courses	C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL LOW, MDRH=MEDIUM DENSITY RESIDENTIAL HIGH, HDR=HIGH DENSITY RESIDENTIAL					

## CHAPTER 16.22 COMMERCIAL LAND USE DISTRICTS

### 16.22.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.



COMMERCIAL LAND USES	OC	NC	RC	GC
<b>RESIDENTIAL</b>				
• Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.	P	P	P	P
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
<b>CIVIC</b>				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
<b>COMMERCIAL</b>				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
<b>Entertainment/recreation</b>				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Drive-in motion picture theaters	N	N	N	N
• Motion picture and live theaters within enclosed building	N	N	P	P
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities	N	N	P	P
• Hotels and motels	C	N	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
Motor Vehicle-related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• Junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support Services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
<ul style="list-style-type: none"> <li>Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building</li> </ul>	C	C	C	C
Childcare				
<ul style="list-style-type: none"> <li>Day cares, preschools, and kindergartens, when clearly secondary to a permitted use</li> </ul>	P	P	P	P
<ul style="list-style-type: none"> <li>Day cares, preschools, and kindergartens as a stand-alone use.</li> </ul>	N	P	P	P
General Retail - sales oriented				
<ul style="list-style-type: none"> <li>General retail trade, not exceeding 10,000 square feet of gross square footage.</li> </ul>	P	P	P	P
<ul style="list-style-type: none"> <li>General retail trade greater than 10,000 square feet of gross square footage</li> </ul>	N	P	P	P
<ul style="list-style-type: none"> <li>Tool and Equipment Rental and Sales, Including Truck Rental</li> </ul>	N	N	C	P
<ul style="list-style-type: none"> <li>Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)</li> </ul>	N	N	P	P
<ul style="list-style-type: none"> <li>Wholesale building material sales and service</li> </ul>	N	N	N	P
<ul style="list-style-type: none"> <li>Retail building material sales and lumberyards.</li> </ul>	N	N	C	P
<ul style="list-style-type: none"> <li>Recreational Marijuana Wholesale Operations- subject to Chapter 16.38.030</li> </ul>	N	N	N	P
<ul style="list-style-type: none"> <li>Recreational Marijuana Retail Sales- subject to Chapter 16.38.030</li> </ul>	N	N	N	P
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL</b></p>				

COMMERCIAL LAND USES	OC	NC <sup>1</sup>	RC	GC
<b>Personal Services</b>				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas <sup>6</sup>	N	N	C	C
<b>Eating and Drinking establishments</b>				
• Restaurants, taverns, and lounges without drive-thru	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
<b>INDUSTRIAL</b>				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Recreational Marijuana Processing or Production- subject to Chapter 16.38.030	N	N	N	N
• Recreational Marijuana Laboratory or Testing Facility- subject to Chapter 16.38.030	N	P	P	P
• Medical or dental laboratories	N	N	C	P
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL</b></p>				

COMMERCIAL LAND USES		OC	NC <sup>1</sup>	RC	GC
<b>WIRELESS COMMUNICATION FACILITIES</b>					
• Radio, television, and similar communication stations, including associated transmitters.		N	N	N	C
• Wireless communication towers and transmitters <sup>8</sup>		C	C	C	C
• Wireless communication facilities on City-owned property		P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure		P	P	P	P
<b>OTHER</b>					
Agricultural uses including but not limited to:					
• Farm equipment sales and rentals		N	N	P	P
• Farming and horticulture					
• Truck and bus yards		N	N	N	P
<p><b>Whereas P=Permitted, C=Conditional, N=Not Allowed</b></p> <p><b>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL,</b></p> <p><b>GC=GENERAL COMMERCIAL</b></p>					

## Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS

### 16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

INDUSTRIAL LAND USES				LI	GI	EI <sup>1</sup>
<b>RESIDENTIAL</b>						
<ul style="list-style-type: none"> <li>Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family</li> </ul>				P	P	P
<b>CIVIC</b>						
<ul style="list-style-type: none"> <li>Hospitals</li> </ul>				C	N	N
<ul style="list-style-type: none"> <li>Police and fire stations and other emergency services</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Vehicle testing stations</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Postal services - Public</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Postal substations when located entirely within and incidental to a use permitted outright</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards</li> </ul>				P	P	C
<ul style="list-style-type: none"> <li>Small-scale power generation facilities</li> </ul>				P	P	P
<ul style="list-style-type: none"> <li>Large-scale power generation facilities</li> </ul>				C	P	C
<ul style="list-style-type: none"> <li>Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements</li> </ul>				C	C	C
<b>COMMERCIAL</b>						
<ul style="list-style-type: none"> <li>Commercial Trade Schools, commercial educational services and training facilities</li> </ul>				P	P	C
Entertainment/Recreation						
<ul style="list-style-type: none"> <li>Country Clubs, sports and racquet clubs and other similar clubs</li> </ul>				C	C	C
<ul style="list-style-type: none"> <li>Indoor Recreation facilities such as arcades, mini-golf, or bounce house facilities</li> </ul>				C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						

INDUSTRIAL LAND USES				LI	GI	EI <sup>1</sup>
Motor Vehicle Related						
• Motorized vehicle and sport craft repairs and service				C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally				P	P	P
• Automotive, boat, trailer and recreational vehicle storage				C	C	C
• Vehicle fueling stations or car wash facilities				C	C	C
• Junkyards and salvage yards				N	N	N
• Manufactured home sales and display area				N	N	N
Office and Professional Support Services						
• Business and professional offices				P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities <sup>3</sup>				P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building				P	P	P
Childcare						
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use				P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use				C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						



INDUSTRIAL LAND USES				LI	GI	EI <sup>1</sup>
General Retail - sales oriented						
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business				P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage				P <sup>6</sup>	P <sup>6</sup>	N
• Tool and equipment repair, rental and sales, including truck rental <sup>7</sup>				P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)				P	P	N
• Wholesale building material sales and service				C	P	N
• Retail building material sales and lumber yards				C	P	N
• Recreational Marijuana Retail Sales- subject to Chapter 16.38.030				P	P	P
Personal Services						
• Health clubs and studios less than 5,000 square feet in size				P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services				C	C	C
• Public or commercial parking (non- accessory)				N	N	N
• Veterinarian offices and animal hospitals				C	C	C
• Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas				C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						

INDUSTRIAL LAND USES				LI	GI	EI <sup>1</sup>
Eating and Drinking Establishments						
• Restaurants, taverns, and lounges without drive-thru				C	C	C
• Restaurants with drive-thru services				N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use				P	P	P
INDUSTRIAL						
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code				P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations.				C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals				N	C	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site				P	P	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building <sup>9</sup>				P	P	P
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building				N	P	C
• Recreational Marijuana Laboratory or Testing Facility subject to Chapter 16.38.030				P	P	P
• Recreational Marijuana Wholesale Operations- subject to Chapter 16.38.030				P	P	P
• Recreational Marijuana Processing- subject to Chapter 16.38.030				P	P	P
• Recreational Marijuana Production- subject to Chapter 16.38.030				P	P	N
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						

INDUSTRIAL LAND USES		LI	GI	EI <sup>1</sup>
• Mini-warehousing or self-storage		N	P	N
• Medical or dental laboratories, including biomedical compounding		P	P	P
• Laboratories (not medical or dental)		P	P	P
• Research and development and associated manufacturing		P	P	P
• Contractors' storage and equipment yards,		C	P	C <sup>4</sup>
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses <sup>10</sup>		P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants		C	P	N
• Sawmills		C	C	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants		N	C	N
• Solid waste transfer stations		N	C	N
Whereas P=Permitted, C=Conditional, N=Not Allowed				
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL				

## Chapter 16.38 –Special Uses

### 16.38.010 - General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

## 16.38.020 - Medical Marijuana Dispensary

### A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475.314. Failure to comply with Oregon Health Authority regulations is a violation of this Code.

### B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process.

### C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.
2. Security Measures Required
  - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.
  - b. Exterior lighting must be provided and continuously maintained.
  - c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.
3. Co-location Prohibited
  - a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.
  - b. A medical marijuana dispensary may not be located at the same address with any facility or business at which medical marijuana is inhaled or consumed by cardholders.
4. Mobile and Delivery Businesses Prohibited
  - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
  - b. A dispensary may not operate to deliver medical marijuana.
5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

  - a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.
  - b. Another medical marijuana dispensary.
  - c. A public park or plaza.

(Ord. No. 2015-005, § 2, 5-5-2015)

### **16.38.030 Recreational Marijuana Facilities.**

#### **A. Characteristics:**

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

#### **B. Approval Process.** Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, a Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

#### **C. General Standards for Recreational Marijuana Facilities**

1. All new construction of marijuana facilities shall comply with Chapter 16.90, Site Planning.
2. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
3. Security Measures Required
  - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
  - b. Exterior lighting shall be provided and continuously maintained per Chapter 16.154, Heat and Glare.
  - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
  - d. No outdoor storage of marijuana, processed marijuana or marijuana waste is allowed at any recreational marijuana facility.
4. Proximity Restrictions. A recreational marijuana production, processing, retail, testing, laboratory or wholesale sales facility shall not be located within 100 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
5. No recreational marijuana facility may be located within the Old Town Overlay District.

#### **D. Standards for Marijuana Production and Processing Facilities**

1. In production facilities, views from the exterior of the building into the area where marijuana is being grown are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.

2. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
3. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems sufficiently designed to prevent detection of marijuana odor from adjacent properties and the public right-of-way. Such systems shall include the following features:
  - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;
  - b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
  - c. Maintenance of negative air pressure within the facility; or
  - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the system described in subsections a-c above.

#### E. Standards for Recreational Marijuana Retail Sales Facilities

1. All new construction of retail marijuana facilities shall comply with Chapter 16.90 Site Planning.
2. Access to a retail marijuana sales facility shall be limited to people over the age of 21.
3. Hours of Operation. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. all days of the week. An individual facility may set hours within those specified, but may not be open outside those parameters.
4. Security Measures Required.
  - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
  - b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.
  - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.
6. Drive-in or Drive-Through Facilities Prohibited. A retail sales facility shall not have a drive-in or drive-through facility, as defined in Section 16.10.020.

7. Proximity Restrictions. A retail facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
  - a. Schools. Within 1,000 feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.
  - b. Other Retail Facilities. Within 1,000 feet of another retail recreational marijuana facility or any medical marijuana dispensary.
  - c. Public Plazas and Active Use Parks. Within 1,000 feet of a public plaza or active use park. As used in this paragraph, an active use park includes a park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features that is generally open to the public for park use.
8. No marijuana retail facility may be over 3,000 square feet in area used for the display of retail marijuana and marijuana related products.

#### **16.72.010 - Generally**

##### **A. Classifications**

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

##### **2. Type II**

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.

- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical Marijuana Dispensary Permit
- k. Recreational Marijuana Facilities



# Community Development Department – Monthly update

---

June/July 2016

The City of Sherwood Community Development Division consists of three departments which, provides quality current and long range planning, building and engineering services to support the infrastructure, livability, well-being and economic development of the community. The following is a summary of the key projects or tasks each department routinely does for the community and an update on current projects or status.

## Planning:

### Current Planning- Projects in Review

- Claus Property Rezone (22211 SW Pacific Highway) – Proposal to rezone 2.66 acres of a 5.86 acre site from General Commercial to Medium Density Residential Low. Planning Commission Hearing scheduled was scheduled for 6/14/2016 but the applicant requested to put the application on hold to allow them to revise the application from Medium Density Residential Low to Medium Density Residential High. There has not been a resubmittal on the application.
- Parkway Court Zone Change (corner of SW Parkway Ct and Meinecke Parkway) – Proposal to rezone approximately 1 acre from General Commercial to Medium Density Residential Low. On hold at Applicant's request.
- Revised Old Town Parking Lot code amendment (Old Town Overlay) Proposal to allow stand-alone parking in residential zones with the Old Town Overlay District as a conditional use, when the property is vacant as of May 1, 2016; and it fronts parking fronts an Arterial or Collector Street. Approved
- Sherwood Plaza Apartments – (16380 SW Langer Drive) Proposal by Mercury Development to construct 82-apartment units. Approved
- FEMA Floodplain Amendments – (Applies Citywide) These will be proposed amendments to the development regulations to ensure that the City regulations are current as they pertain to recent updated floodplain map amendments. Currently staff is auditing the development code to understand the scope and magnitude of proposed amendments. Staff is currently working on proposed language for the legislation. It is anticipated that there will be a Planning Commission hearing in September and Council hearings in November.
- Industrial Uses (PA 16-04) – This is a project to review and amend the allowed uses within the Industrial Districts to ensure that they are flexible and up to date. Approved
- Brookman Annexation – Proposal to annex six tax lots and the adjacent Brookman Road right-of-way totaling approximately 72.06 acres into the City of Sherwood. Incomplete
- Olds Place Truck Repair – (2S129A02100) Proposal to construct an approximately 6,175 square foot semi-truck repair shop on 1.09 acres near the intersection of SW Olds Place and SW Arrow Street. Approved
- The Springs Living – (15607, 15677, 15667, 15704, 15699, and 15685 SW Oregon Street) Proposal to demolish 3 homes in Old Town, consolidate the three lots into a single lot, and construct two additions that would add 20 assisted living units, and 73 independent living units for a total of 150 units for senior living on 5.11 acres. Incomplete– The three homes on Oregon Street associated with this property have been demolished.
- Del Boca Vista – (2S131B000201) A proposed 13 lot single family subdivision on Highway 99W northwest of SW Meinecke. Application is incomplete.
- Sentinel Storage Annex – 2 – (2S129DC00100) A proposed partition and expansion of the existing Sentinel Storage Facility located along SW Langer Farms Parkway. Application is currently in completeness review.

*For approved projects or more detail, check out “projects” under “more resources” on the website at <http://www.sherwoodoregon.gov/projects>, or contact Brad Kilby at (503)625-4206.*

## Long Range Planning

- **SW Corridor Plan** – The primary focus lately has been on evaluating High Capacity Transit choices from Portland to Tualatin. The Steering Committee voted at their May meeting that light rail would be their mode choice and removed a direct tunnel connection to PCC Sylvania campus from the alignment option. Prior to the construction of any alignment, a Draft Environmental Impact Statement (DEIS) must be completed. The purpose of the DEIS is to determine which alignment, if any, is most preferred based on the benefits and impacts. A preferred package of projects to move into the DEIS was approved at their June 13, 2016 meeting. However, there are still many alignment alternatives being considered and, over time, will be removed as decisions are made. The Committee is currently working on this DEIS
- **Cedar Creek Trail (Regional Flexible Fund grant)** – The engineering design work continues on the Oregon St-99W segment with a pending submittal to Oregon Department of Transportation within the first week of August. The Parks Board approved the alignment of the segment north of 99W to Roy Rogers at the June meeting after receiving a recommendation from the LTAC and TAC meetings and feedback from the Open House. The consultant is developing the preliminary design and cost estimate for this segment over the next few months. Staff and the consultants are leading the Parks Board on a field visit to the Tualatin Greenway Trail at the August meeting to take a look at a completed regional trail and see the trail amenities included in their project.
- **Washington County Transportation Study** – No new information for this report. Staff is continuing to actively monitor and participate in the study to evaluate the long-term transportation strategies and investments needed to sustain the county's economic health and quality of life in the coming decades. The study results will provide a better understanding of long-term transportation needs, tradeoffs between alternative transportation investments, and inform future choices and decisions.
- **Tannery Site Assessment (EPA grant funded)** – The City is doing an environmental site assessment on a portion of the former Frontier Leather Tannery site to help the City identify issues, risks and costs associated with acquiring the property from Washington County and potentially developing it. Field work to collect soil samples was completed in November and samples were sent to the lab for analysis. The consultant has reviewed the results and submitted a draft report for staff review. Additional field work was conducted a few weeks ago to examine the wetland areas. A public meeting was held July 13<sup>th</sup> to discuss the preliminary assessment findings. Next step is to develop clean up options for the site. Ultimately the Council will be asked for direction on whether the City should move forward with acquiring the property from Washington County.
- **City of Sherwood Comprehensive Plan Update** – Staff is beginning to gear up for a multi-year effort to update the City's Comprehensive Plan. The last major update of the plan was in 1991 when the City's population was under 4,000 people. Council approved a resolution September 15, 2015 supporting the project and authorizing staff to seek state funding for the effort. Staff is continuing to work on finding potential sources of funding for elements of the comprehensive plan update to offset general fund costs. Staff will be identifying how to break the project up into phases that will allow the project to move forward in a timely manner. The comprehensive plan update project is expected to take 2-3 years to fully complete due to the extensive community outreach and engagement required.
- **Tualatin-Sherwood Road widening project** – Staff met with County staff and representatives for the owners of the Haggen property (MGP) on October 16th. County staff reiterated that there is no option on the table that includes the light staying. County staff did express a willingness to continue exploring maintaining a left in, however they were skeptical that it would be able to work. The representative indicated they would speak to their client. The County had a meeting with representatives from MGP on 12/8. The meeting went generally well but the County made it clear that the signal remaining was not an option. The property owners continue to express concerns. The County indicated that they are

willing to continue discussions to address concerns with the understanding that the light was going to be removed. The County is moving forward on the right of way process and is expected to be addressing the land use process issues in the next few months.

- **Recreational Marijuana Facilities** - The Planning Commission conducted a public hearing on July 26, 2016 and has forwarded recommended language for the City Council's consideration on August 16, 2016.
- **Code updates to reflect FEMA map changes** – FEMA map updates have been received by the City and must be adopted no later than November 4, 2016. Staff is currently in process of launching a website and drafting the language for the public to review. A work session with Planning Commission and affected property owners was held on July 12, 2016.

## Other

- Street Tree Permits - 14 permits issued in 2016.
- Pre-application Conferences- Below is a list of pre-application meetings held. If an application is submitted they will be taken off the list. In addition, if additional activity occurs (that staff knows of) this will be reported in this section as well.
  - Proposal to construct a 66,000 square foot flexible industrial building on Galbreath Drive, just west of the intersection with Cipole Road.
  - Proposal for approximately 18-20 single family homes on Pacific Highway just west of SW Meinecke Road.
  - Sherwood Elks Lodge (22770 SW Elwert Road) to discuss various development options.
  - Sherwood Patel Hotel (21930/21970 SW Alexander Lane near the corner of SW Meinecke Pkwy and 99W) Proposal for a hotel with approximately 80 rooms and associated parking. Meeting was held on September 14, 2015. Engineering is providing Traffic Impact Study (TIS) requirements and information on required infrastructure.
  - Mixed use development including senior housing and retail on the Pfeiffer/Providence properties located at the Northwest intersection of SW Edy Road and SW Highway 99W
  - Proposal to construct a multi-family development at the property located at 21949 Sherwood Blvd.
  - Proposal to construct a townhome development at 15690 SW Oregon Street (former Jim Fisher Roofing site, next to City Hall)

## Engineering:

### Capital (City or URA) projects

- **Columbia Street Water Quality Facility Phase 2** - Project main construction has been completed. The project is now constructing the mitigation portion with an improvement of a pedestrian crossing of a downstream corridor. This mitigation portion of the project replaces an undersized culvert with a larger culvert. Construction bid opening occurred 02/04/16. This project is slated to start construction August 1st. Craig Christensen is the project manager for the City.
- **Tonquin Employment Area Sanitary Sewer upgrade**-Project is generally complete, however there were some issues in one segment when the pipe bursting was done causing a "belly" in the pipe. The City is working to remedy pipe bursting issue. Additionally, the contractor defaulted on their contract and the City is trying to negotiate a resolution with the bonding company. The City Attorney is leading the negotiations efforts. Craig Christensen is the project manager.
- **Stormwater Master Plan Update and rate study** –Master plan update is in process. MSA contracted with to perform MP update. Project schedule spans two fiscal years (FY14/15 and FY15/16). The modeling process is complete, and a full CIP project listing has been developed and estimated design/construction costs generated for use in SDC rate analysis. City review of technical information completed. Consultant now working on draft of report and analysis of SDC rate methodology. Presentation to the Planning Commission and public open house scheduled for July 26<sup>th</sup> at 6:00 pm. Planning Commission hearing on Stormwater Master Plan scheduled for September 13<sup>th</sup>. Presentation of Stormwater Master Plan to City Council is scheduled for a work session on September 20<sup>th</sup>. A City

Council 1<sup>st</sup> hearing for adoption of the Stormwater Master Plan is scheduled for October 4<sup>th</sup> with the second hearing scheduled for October 18<sup>th</sup>. Adoption of the revised Stormwater SDC rate is scheduled for a December 6<sup>th</sup>, City Council meeting. The stormwater SDC rate is scheduled to be effective January 1<sup>st</sup>, 2017. Bob Galati is the project manager

- **Sanitary Sewer Master Plan Update and rate study** – Master plan update is in process. MSA contracted with to perform MP update. Project schedule spans two fiscal years (FY14/15 and FY15/16). The modeling process is complete, and a full CIP project listing has been developed and estimated design/construction costs generated for use in SDC rate analysis. City review of technical information completed. Consultant now working on draft of report and analysis of SDC rate methodology. Presentation to the Planning Commission and public open house scheduled for July 26<sup>th</sup> at 6:00 pm. Planning Commission hearing for approval of Sanitary Sewer Master Plan scheduled for September 13<sup>th</sup>. Presentation of Sanitary Sewer Master Plan to City Council scheduled for a work session on September 20<sup>th</sup>. A City Council 1<sup>st</sup> hearing for adoption of the Sanitary Sewer Master Plan is scheduled for October 4<sup>th</sup>, with a 2<sup>nd</sup> hearing scheduled for October 18<sup>th</sup>. Adoption of the revised Sanitary Sewer SDC rate is scheduled for a December 6<sup>th</sup>, City Council meeting. The sanitary sewer SDC rate is scheduled to be effective January 1<sup>st</sup>, 2017. Bob Galati is the project manager
- **Woodhaven Park Phase 2 (Design)** – Planning has approved the project. Bid opening occurred on Thursday June 2<sup>nd</sup>. The apparent low bidder is Paul Brothers with a bid of \$848,310.00; The Engineer's Estimate for the project was \$766,987.00 therefore the project scope of work has been modified to comply with budgeted amount. Contracts have been issued for signature. Pre-construction meeting date will be coordinated once contracts have been routed internally for signatures. Kristen Switzer is project manager, with Bob Galati providing support and coordination through the construction contract phase. Darren Caniparoli in Public Works will oversee the project during construction.
- **Downtown Parking Lot Development** – Project consists of constructing public parking lot of City owned lots located on north side of 1<sup>st</sup> Street between Pine and Oak Streets. The project required a text amendment which has been approved. The consultant is now working on preparing the land use application. It is anticipated that an application will be submitted by mid-August and will then process through the planning process to the Planning Commission for hearing and approval. Bob Galati is the project manager.
- **Downtown Streetscapes Monument Removal** – Project consists of removing concrete pylons located at the intersections of 1<sup>st</sup> Street with Pine, Washington and Main Streets. The first phase of the project is a feasibility study to determine the requirements and impacts associated with removal. The second phase will include design and construction of the pylon removal and replacement structures (if any). The first phase has been budgeted in the current Fiscal Year 15/16, phase 2 will be discussed further upon the completion of Phase1. Completed PS&E's are expected by July 29<sup>th</sup>, with release for bidding in the DJC on August 1<sup>st</sup> and 3<sup>rd</sup>. Anticipating a September 6<sup>th</sup> City Council date for contract authorization. Jason Waters is the project manager.
- **Transportation SDC and Rate Study** – Project consists of performing an SDC and Rate study associated with the projects identified in the TSP and refined in the TSP Construction Cost Refinement Project. It is anticipated that this project will be completed by the end of 2016. Consultant, FCS Group is in process and is scheduled to present the draft methodology at the August 16<sup>th</sup> Council worksession. Public open house presentation scheduled for August 25<sup>th</sup>. Transportation SDC adoption at City Council meeting scheduled for November 15<sup>th</sup>. Transportation SDC to take effect January 1<sup>st</sup>, 2017. Bob Galati is the project manager.
- **Langer Farms Parkway Pedestrian Crossing** – DKS was contracted to perform an analysis and provide a recommendation on whether a pedestrian crossing on Langer Farms Parkway between the Parkway Village site and the Target site was warranted and whether a safe crossing could be provided if warranted. The report was prepared confirming it is warranted and recommendations made. Funding options were identified and design work was started. Construction is anticipated to occur early in the fiscal year. Initial design review completed. Anticipate release of PS&E's for intermediate bidding process on August 1<sup>st</sup>. Anticipate City Council contract authorization on September 16<sup>th</sup>. Jason Waters is the project manager.

- **Oregon Street -Tonquin Road Intersection Feasibility Study** – DKS has been contracted with to conduct feasibility analysis on possible interim solutions for the intersection of Oregon Street and Tonquin Road. The intent is to develop 2 to 3 options analysis for providing a technical solution to the traffic congestion and turning safety issues that would have a functional lifespan of 5 to 10 years. The intent is to provide an interim solution to the intersection in lieu of a full build out design which could not be funded at this time. The intermediate solution would cost significantly less and allow time to raise the capital funds in order to construct the full build out condition solution. Initial alternatives analysis presented to City staff. Refinements are being analyzed to focus on viable alternative. **Review of report completed, awaiting delivery of final report.** Jason Waters is the project manager.
- **Sunset and Pine Sanitary Sewer Extension Project** – In house design of sanitary sewer mainline extension along Sunset Boulevard and Pine Street to provide sanitary sewer service to lots which are currently serviced by septic tanks and older combined sanitary service laterals is complete. **Project was issued for construction bid submittals on Wednesday, June 10<sup>th</sup> and Friday June 12<sup>th</sup> with a June 30<sup>th</sup> bid opening.** The addition of Pine Street section significantly increased project length and associated costs, therefore the project scope was reduced to the Sunset Boulevard portion only. Council authorized a contract to be signed with C&M Construction and they are currently out for signatures. Anticipate start of construction early August. Construction is anticipated to be completed no later than October 1<sup>st</sup>. **Craig Christensen** is the project manager.
- 

### Private Development:

- In process of releasing Request for Proposal (RFP) for City On-Call Traffic Engineering Services. On-Call Traffic Engineering Services used primarily for scoping and review of private development transportation related issues. Release of RFP in DJC set for the week of **August 1<sup>st</sup>.** Review and selection of consultant engineering firm anticipated to be completed by **the end of August.** Contract for On-Call Traffic engineering Services **anticipated** to be presented to City Council by **September 6<sup>th</sup>.** Jason Waters is the project manager.
- Cedar Creek PUD – D.R. Horton development of multi-family residential units on lot adjacent to Cedar Creek Condos and bounded by Cedar Brook Way street extension. Design review and approval completed. Construction of public improvements completed. Construction of buildings in process. Waterline construction in Meinecke Road **has been completed.** **Preparing to transition constructed public improvements into 2-year warranty period.** Craig Christensen is project manager.
- Roshun Village Development – Project public improvements have been completed. On-site building construction is nearing completion. The public improvements constructed with the project are in the 2-year warranty period. Craig Christensen is project manager.
- Mandel property development submittal review, comment and discussion with developers engineering firm is resolving several technical issues related to the proposed development. Final approval of changes pending submittal of Design Variation Requests. Planning approval for the subdivision received. Phase 1 and Phase 2 site development plans have been submitted, **reviewed, approved and projects are now under construction.** Craig Christensen is the project manager.
- Sherwood Plaza 82-Unit Apartment Site Development – **Planning land use approval process completed.** Submittal of proposed construction plans for the engineering review and approval process pending. Anticipating completion of review/approval process by end of October, with **construction commencing in November.** Craig Christensen is the project manager.
- Pfeifer Property Site Development – (not submitted for land use review yet) **ODOT approved traffic impact analysis confirming the installation of a 4-way stop light at Borchers and Edy Road intersection would be acceptable.** **We anticipate submission of land use application in the near future.** **Bob Galati is the project manager.**
- Several private development meetings on potential development sites within the City have taken place. Discussions of transportation requirements and SDC impacts/fees estimates have been performed. Ongoing communications regarding these developments are looking positive.



## Other:

- Right of Way permits: 36 ROW permits issued from 01/01/16 to date. \$4702 revenue generated from permits. 0 permits under review, 14 permits are currently active. 14 permits have been completed and closed YTD.
- Addressing: 88 five digit addresses issued year to date. 28 three digit suffixes issued year to date. Total addressing fees collected to date: \$4,795.
- Erosion and Sediment Control Inspections (Site Development): Staff has 3 active/open erosion control permits which require inspections weekly and monthly reports to Clean Water Services. 3 inactive sites requiring bi-weekly inspections. In the month of June staff performed 21 site development ESC inspections.
- Traffic Control Management Planning: In response to numerous requests from residents CDD staff is in the process of developing guidance policy draft for future traffic calming requests. This will be an on-going discussion and no formal action will be taken until conversations with Council are held.

### Engineering received citizen complaints on the following street sections:

- 1) Handley Street – speeding, requesting speed cushions
- 2) Langer Drive – speeding, noise, and inadequate pedestrian crossing safety measures

- Kruger/Elwert Intersection Improvements – The County will begin design of the intersection improvement (which includes a roundabout on the City owned property). An IGA with Washington County has been signed by City Manager. The 30% design level work by County has begun. It is anticipated that a 30% design will be complete within 1 year and then will be put on standby until 2018. If development is planned prior to 2018 which necessitates its construction sooner, the County will be able to move up the timeline. Initial conference call meeting regarding design parameters held on 02/04/16. Discussion on traffic density and freight vehicle types used for design. Further discussion pending analysis of existing traffic data. Date for public presentation of initial design plan has been set for May 12<sup>th</sup> at Middleton Elementary School. Presentation made to City Council at April 21<sup>st</sup> Work Session. Will refine once schematic plans developed. Bob Galati is coordinating with WACO on this project.
- CWS MS4 NPDES – Clean Water Services (CWS) has completed their audit and are in process of updating their Municipal Separate Storm Sewer Systems (MS4) Nation Pollution Discharge Elimination System (NPDES) permit which will include new EPA requirements that City's will need to incorporate into engineering and development standards. The impacts to the City of Sherwood's engineering and development standards appear to be relatively small as the City's stormwater facilities and natural drainage ways are in good condition. One item that will impact the City and development within the City is the hydro-modification requirement (detention on-site to mitigate stream corridor impacts such as erosion). This item is currently being discussed in depth by CWS with EPA as other municipalities within the CWS service area may be impacted to a larger extent which would result in jurisdictions like Sherwood to mitigate more than actually necessary.

CWS has submitted a draft of the permit to EPA for initial review and discussion. It is anticipated that CWS will be obtaining their permit within the next 6-months. Implementation of the conditions of the Phase I Permit will occur over an estimated 5-year timeline, with full implementation occurring in year 5.

## Building:

### Permits issued and under construction

- New DR Horton sub-division (Cedar Brook). 15 houses completed, 35 in construction.
- Sherwood industrial Park-New shell Building #3-14944 SW Century Dr- Completed
- Sherwood industrial Park-New shell Building #4-15028 SW Century Dr- Completed
- Roshun Village Apartments BLD C- -17167 SW Terrapin Dr. Finish work
- 53 Single Family Homes Issued and/or in construction

- 24 Structural Residential Additions/Remodels/Misc.
- Multiple plumbing/mechanical/misc. permits issued
- Roshun Village Apartments BLD B 17175 SW Terrapin Dr. -Finish work
- Roshun Village BLD A- 17193 SW Terrapin Dr - Finish work
- 100 Fold commercial T/I-Caretakers Quarters-14145 SW Galbreath Dr.- Finish work
- St. Paul Church school remodel-17500 SW Cedarview way-Completed
- Endurance Products Warehouse (new building)- 13990 SW GalbreathDr.-Issued
- Dr. Bittner office T/I-17680 SW Handley St.-Issued
- Screen Magic-(screen printing)-21655 SW Pacific Hwy (The abandoned tractor rental bld)-Finish work
- Dynamic Power Innovation (Rooftop Solar Panels)-20345 SW Pacific Hwy.-Issued
- Urgent Care T/I-21430 SW Langer Farms Pkwy. #158-Finish work

#### Permits in review

- 1 Single Family Homes in review, 1 other ready to issue.
- Horizon Church, enclose front entry-22240 SW Washington St.
- Modular Classroom at the High School-16956 SW Meinecke Rd.
- Dependable Springs Manufacturing (New building)-20675 SW Olds Pl.
- Western Oregon Dispensary T/I (Med. Marijuana)-15025 SW Tual/Sher Rd.
- Sherwood Healthcare T/I-16390 SW Langer Dr.
- Panera Bread (Shell building only)-21174 SW Langer Farms Pkwy.
- Okonite T/I (Offices in warehouse)-14944 SW Century Dr.



### **Fields and Gyms**

- Youth soccer has expanded practices to Edy, Middleton and Snyder Park.
- Youth baseball finished up league play in July with a few games. They also hosted the Junior American state tournament the weekend of July 14<sup>th</sup> -17<sup>th</sup> and the Junior Federal state tournament on the weekend of July 21<sup>st</sup> -23<sup>rd</sup>. They will start fall baseball on August 14<sup>th</sup>.
- The Nike Cup soccer tournament was in town the weekend of July 22<sup>nd</sup> and played 30 games at Snyder Park and the high school.
- There were a couple of adult co-ed soccer games in town; one each at the high school and Snyder Park.
- The summer basketball teams finished up in early July.

### **Field House**

- The Field House is still running three adult leagues.
- Summer Lacrosse was lost and staff is working to see if they will be in in the fall. They are a huge revenue producer.

Respectfully Submitted.

July 29, 2016

Lance Gilgan



Sherwood Field House Monthly Report July 2016					
<u>July-16</u>	<u>Jul-16</u>		<u>YTD</u>		<u>Jul-15</u>
<b>Usage</b>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	3	336	3	336	221
Rentals	15	210	15	210	1106
Other (Classes)					
[1] Day Use	4	51	4	51	59
<b>Total Usage</b>		<b>597</b>		<b>597</b>	<b>1386</b>
<b>Income FY 16 17</b>	<u>Jul-16</u>	<u>YTD</u>			
Rentals	\$1,070	\$1,070			
League fees (indoor)	\$2,192	\$2,192			
Card fees (indoor)					
Day Use	\$143	\$143			
Advertising					
Snacks	\$344	\$344			
Classes					
<b>Total</b>	<b>\$3,749</b>	<b>\$3,749</b>			
<b>FY 15 16</b>					
<b>Income</b>	<u>Jul-15</u>	<u>YTD</u>			
Rentals	\$4,765	\$4,765			
League fees (indoor)	\$1,175	\$1,175			
Card fees (indoor)	\$20	\$20			
Day Use	\$158	\$158			
Advertising					
Snacks	\$64	\$64			
Classes					
<b>Total</b>	<b>\$6,182</b>	<b>\$6,182</b>			

\*Estimated number of people served.