



Meeting Minutes



Police Advisory Board	
Date & Time:	Thursday June 16, 2016 7:00 pm
Location:	Sherwood Police Community Room 20495 SW Borchers Dr., Sherwood, OR



P.A.B. Members:	Council Liaison:
Laurie Zwingli - Chair	Linda Henderson
Bob Silverforb - Vice Chair	City Staff:
Diane Foster	Jeff Groth-Police Chief
Sean Garland	Angie Hass-Executive Assistant
Dave McCart	Michelle Miller-Planning Department
Rich Miller	
Amy Miller-Juvé	
Chris West	
Vacant	

1. Call to Order (Chair)

Vice Chair Silverforb called the meeting to order at 7:00 p.m.

2. Roll Call (Vice Chair / Staff)

Board Members Present: Vice Chair Silverforb, Diane Foster, Sean Garland, Rich Miller, Amy Miller-Juvé and Chris West

Board Members Absent: Chair Zwingli, Dave McCart

Staff & City Council Liaison Present: Chief Jeff Groth, Executive Assistant-Angie Hass, Planning Department-Michelle Miller and Councilor Linda Henderson

3. Approval of minutes (Vice Chair)

a. April 21, 2016 Meeting Minutes

A motion was made by Diane Foster to approve the April meeting minutes. The motion was seconded by Amy Miller-Juvé. All Board Members voted in favor.

4. Business (Chair)

a. Follow-Up Discussions:

i. Recreational Marijuana-Proposed Amendments

Michelle Miller was welcomed by Vice Chair Silverforb. Michelle stated that work had been done since she was here last. Will go through the draft language and note changes made. The Planning Commission really appreciates the Police Advisory Board's participation.

(Please see Exhibit A for PowerPoint presentation.) Seven cities have approved recreational marijuana in Washington County, so far. Michelle passed out an updated Proposed Community Development Code Amendments. (See Exhibit B.) Chris West asked for approval types. Michelle described the types 1, 2 (subdivisions) and 3 (Hearing Officer decision) and type 4's are approved by the Planning Commission.

Michelle stated that the Planning Commission really wants to hear from the Police Advisory Board on where dispensaries would be allowed, such as neighborhoods, commercial, retail, etc. Chris asked about producers in light industrial. He stated that he has no problem with the larger, general industrial. Michelle went on to explain the different tiers and Chris gave an example of a location that he would be concerned about. Amy asked, based on code language, if there would a limit to how many facilities.

A question about signs came up and Michelle explained that there are rules restricting signage and that those types of businesses wouldn't really want to advertise that they were growing marijuana. Michelle hopes to get updated maps to Board Members. Sean Garland asked for clarification on "site" and if it is based on address. Vice Chair Silverforb mentioned that in driving through other cities, he hasn't noticed a whole lot of signs and doesn't feel that it is a real problem. Michelle said that constitutional rights have to be considered. Sean asked about regulations regarding sandwich boards, flags, etc. Michelle didn't have the specific rules, but stated that the Code Compliance Officer would be able to answer those questions. Michelle will email Angie the code section to forward on the board members. Chief Groth stated that in regards to signs, they would only really need to worry about the retail side. Growers, wholesalers, etc. are not going to want to have signs. He asked Board Members to think more about potential concerns. Amy thinks citizens are okay with a little bit of signage, but not saturation. The Chief felt that outside of sight, smell, etc. people won't even know the businesses are there. He stated that there is a fairly successful testing facility in Sherwood that most people wouldn't even know is there.

(Councilor Henderson arrived at 7:25 pm.)

Michelle pulled up a Commercial and Land Use zoning map to show the Board Members.

The City Council has voted to put this issue on the November 2016 ballot. They are currently taking any and all comments and are in the process of putting draft language together. There is a hearing on July 26th. Michelle let the Board Members know that she can get them additional information and / or ask questions. Vice Chair Silverforb asked Michelle if there was somewhere they could look up the dates of the different time lines. Michelle stated she will put something together for Board Members. Vice Chair Silverforb asked Michelle if they have any thoughts or ideas about how many facilities there might actually be. Michelle spoke a little bit about phone call inquiries she's received. Believes there might be a little saturation at first, but not sure if they would all survive. Sean asked whether the testing facility here in town is for recreational or medical. The Chief stated that it is just for medical, currently. Michelle stated that no licenses have been issued by the OLCC for testing facilities for retail in Oregon.

Chris asked what checks and balances the City has if a producer gets a license to go into light industrial. What rights would the City have besides going through the permit process. Michelle said that electrical permits are all applied for through the County. OLCC has a plethora of checks and balances. She stated that Chris is not the first person to question the effects of the electricity used. Michelle said that if any updates are made to a building, licenses and permits would need to be obtained from the City and County. Would all be part of the type 2 process.

Diane asked about code amendments for a public plaza. Michelle said that might not be included and that she will look into the definition of "plaza".

Sean asked for clarification on general commercial. Michelle stated that would include big box sites, such as Kohl's. Retail commercial is more mom and pop type. Not a lot of rhyme or reason. Symposium and Target would be considered retail commercial.

Sean asked about the Tonquin annexation. Michelle said that the Tonquin area received voter approval for annexation. A property cannot develop for an industrial use until it is annexed into City. A property owner can request annexation, but it still would need City Council approval. Then the property would go through a site plan-land use approval process for the specific development proposed. 124th Avenue Extension will be completed in 2017, 2018.

Councilor Henderson asked about testing facilities that were listed in the code amendments. Asked if the State requires testing facilities to stand alone. Right now they are permitted and wondered if something like that could go somewhere by Walmart. Michelle stated Walmart is zoned light industrial, so it would depend on the property owner and whether the property owner would lease to a recreational marijuana laboratory. Lab and testing is allowed in office commercial. Councilor Henderson asked if we currently have a lab in Sherwood. Michelle stated that we do.

Councilor Henderson asked if a public plaza and active use parks would include parks that might be privately owned. Michelle was not sure how that would impact based on the different zones where those types of parks would be near.

Vice Chair Silverforb mentioned that he is colorblind and asked if there might be a way to show the different zones on the map other than color coding. Amy mentioned that there is something on-line that can be used for this purpose.

Vice Chair Silverforb asked Michelle what date the board members need to keep in mind for the next meeting. Michelle stated that July 26th is the first public hearing on the proposal and she is happy to get information to Members. The Chief stated that there will be a Board Meeting the week prior. Michelle said that she will be going to a few community events. Councilor Henderson stated that it would be a good idea to have something set up at Music on the Green, maybe have some information available. Sean shared that they had good interaction with folks at the different events that they've attended so far. Amy told Michelle that she did a really good job on putting things together.

Michelle stated that information is also available on the City website. They have signs up in Old Town asking for citizen input. Vice Chair Silverforb agreed that Music on the Green is a good idea. Amy suggested the Movies at the Park might be good also.

Vice Chair Silverforb said that perhaps they could have Michelle back at the next meeting.

Sean asked the Chief if he's heard any concerns from surrounding communities regarding marijuana facilities and he stated no. Amy asked if the PD has concerns and discussed what if this does pass. The Chief said the will work with the OLCC, just like they do with alcohol. They would be looking at how they could set up a sting to make sure they're not selling to underage. Amy asked if they anticipate increase in DUII's. The Chief doesn't foresee a big impact. Perhaps on a State level, but probably not in a community the size of Sherwood.

Sean asked Michelle if there had been any developments in banking with regards to cash. Michelle had recently spoken to a local medical dispensary owner. The owner told her that it is her number one concern. It is a real challenge and has had to get an additional safe.

Vice Chair Silverforb thanked Michelle for being there.

5. Councilor News

Councilor Henderson updated the Board on citizen budget meetings. One of the recent motions she made was to make the Code Compliance position no longer be under Public Safety, as she feels it more appropriately fits in Planning. In the study done by Matrix, it was recommended. It would be completely up to the Chief, if approved. Planning would hire a part-time person to cover Code. The Evidence Technician would then be able to focus on evidence. Councilor Henderson stated that the City Manager believes the Evidence Technician is one of the most important positions. It will be on the agenda for the next Council Meeting, 6/21. If any Board Member is interested in this issue, they can show up at the next meeting to comment. The cost would be about \$32,000. Councilor Henderson feels there would be a lot to be gained with the Evidence Technician not having to go out getting signs. Chris asked if the position is a sworn position. The Chief stated it was not. Chris asked if the Evidence Technician, would still not be sworn. The Chief stated that is correct.

Councilor Henderson shared an incident that affected a friend living just outside the City limits that is of grave concern to her.

6. Staff report(s)

Chief Groth spoke of the recent Cascadia Rising exercise that last 2 days and on a third day, the City participated in part.

The Police Department hosted a "Story Time With Irma" in partnership with the Sherwood Public Library the day before. There were about 70 in attendance, including staff. Goody bags were available for the kids and thanks to an anonymous donor, they were able to give each family a stuffed toy dog.

He announced that this year's National Night Out will once again be held at Cannery Square and will be August 2nd from 5 to 9. He stated that they would talk about it a bit more at next meeting and welcomed everyone to be a part of it.

Diane asked how Irma did at the K-9 Trials. The Chief reported that Irma did very well. (She didn't get awards this time.) There were a lot of young, fast dogs at the trials. Officer Jentzsch was present and said that Irma is a crowd favorite and when she was announced, the crowd went wild. She did amazing at the story time the day before.

Amy asked if there was any update on the Citizens Academy. The Chief said they are waiting for budget approval. Once that happens, they will start putting stuff together and getting people dialed in.

Amy asked about the empty Board seat. The Chief replied that he is ready to schedule interviews and will work with Chair Zwingli and possibly Vice Chair Silverforb, Councilor Henderson and himself.

Councilor Henderson shared that on 6/20, she did a Ride Along with Officer Jentzsch and Irma. As she was on her way to meet Officer Jentzsch at the PD, she received a call from him that they had a call in Beaverton. She went on to describe the call, how Irma behaved, etc. She stated it was a special experience watching Irma work. The Beaverton Officer was very complimentary towards Officer Jentzsch. It was great to see how well respected Irma and Officer Jentzsch are. Training is very important.

Rich asked if dogs are put through any kind of detox, from being in close proximity to drugs. Officer Jentzsch was in the audience and stated the dogs are trained to alert to the odor and do not actually touch the drugs. Rich asked if they ever come into direct contact with the drugs. Officer Jentzsch said that Officers do inspect the areas before letting the dogs go in so that they are not put in danger. Amy asked for a little more clarification on how close the dogs get. Officer Jentzsch stated that there is a possibility that a dog could come in contact, but they do their best to look out for the dogs.

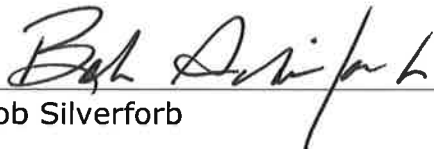
7. Citizen Comment

No citizens in attendance.

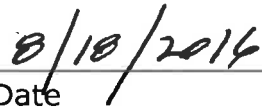
8. Adjourn (Vice Chair)

Vice Chair Silverforb adjourned the meeting at 8:36 p.m.

Approval of Minutes:



Bob Silverforb




Date

Attest:



Angie Hass, Executive Assistant



Date

Exhibit "A"

RECREATIONAL MARIJUANA
LAND USE- RELATED
REGULATIONS

Police Advisory Board
Work Session
June 16, 2016

PRESENTATION TOPICS

- **OLCC Recreational Marijuana License Types and Process**
- **Proposed Code Amendment Discussion**
- **Next Steps in the Amendment Process**

OPTIONS FOR RECREATIONAL MARIJUANA FACILITIES

Only the voters can ban recreational marijuana facilities.

Council placed issue on the Nov. Ballot

Until voters decide, there is a moratorium on recreational marijuana facilities in Sherwood



OLCC RECREATIONAL MARIJUANA LICENSE TYPES

- 1. Producer:** growing and cultivating
- 2. Processor:** converting marijuana to product extract, or edibles
- 3. Wholesaler:** transferring and distributing quantities of product
- 4. Retailer:** can sell and deliver directly to consumers
- 5. Laboratory or Research:** testing facility licensed by the OLCC

RECREATIONAL MARIJUANA LICENSED

FACILITIES ARE:

- 1) **NOT on federal property**
- 2) **NOT at the same physical location or address as a liquor licensee**
- 3) **NOT at the same physical location or address as a medical marijuana dispensary, growing or processing site registered with the OHA**

RECREATIONAL MARIJUANA LICENSED FACILITIES ARE:

- 4. NOT in areas zoned Residential -
*PRODUCER EXCEPTION**
- 5. NOT located within 1,000 ft. of
school- Only applies to
RETAILERS**

RECREATIONAL MARIJUANA FACILITIES PLAN AMENDMENTS

Considering Plan
Amendments to the
Development Code

PROPOSED CODE REGULATIONS

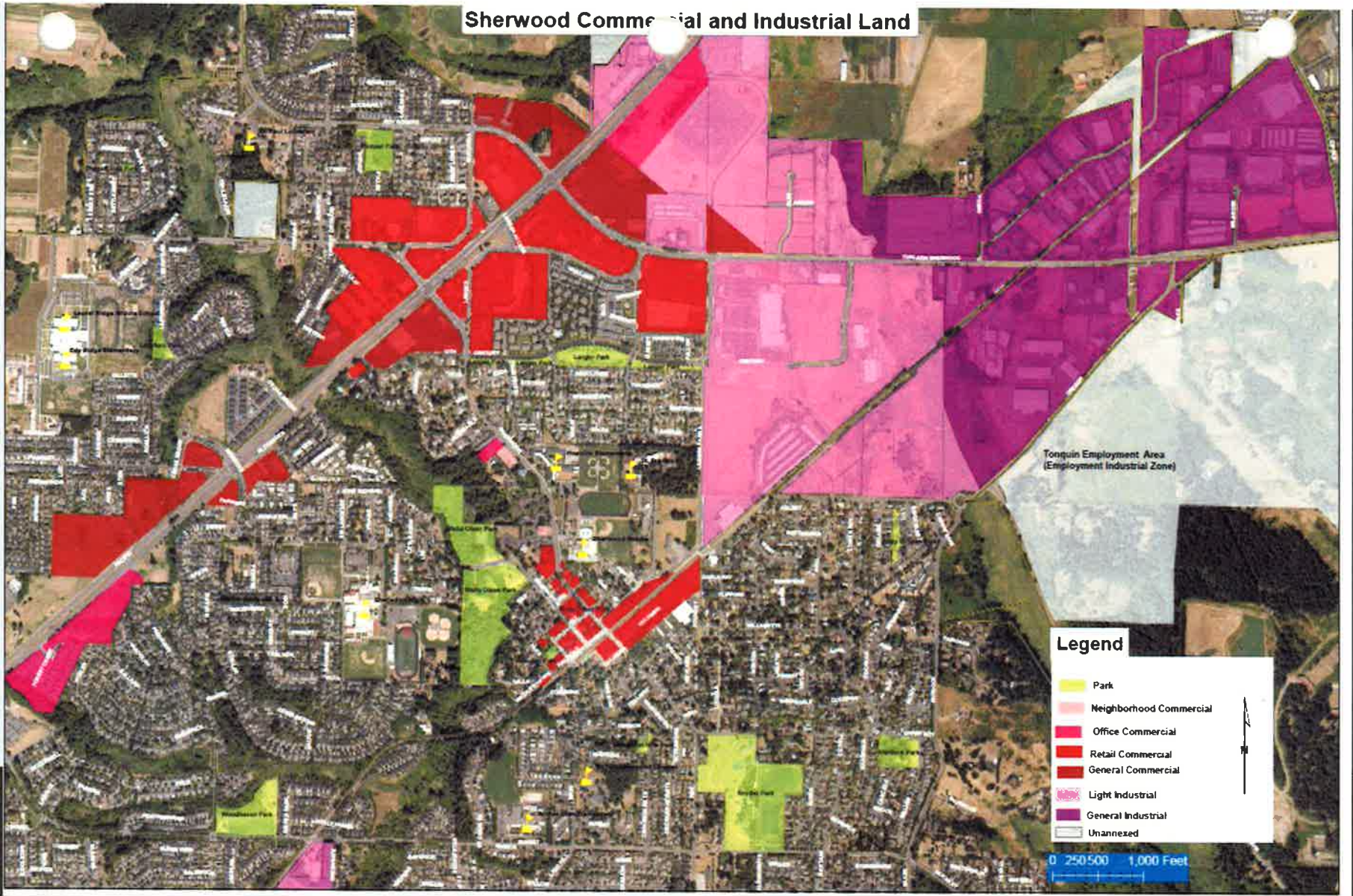
- **Definitions for Specific License Types**
- **Zoning Details in Table**
- **Time, Place and Manner Regulations under Special Use Category of 16.38**
- **Type II staff level land use process**

	<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>Employment Industrial</u>
Producer	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
Processor	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Wholesale Operator	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales Operator	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Laboratory and Testing Facility	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

PROPOSED ZONING DESIGNATION

N=NOT PERMITTED
P=PERMITTED

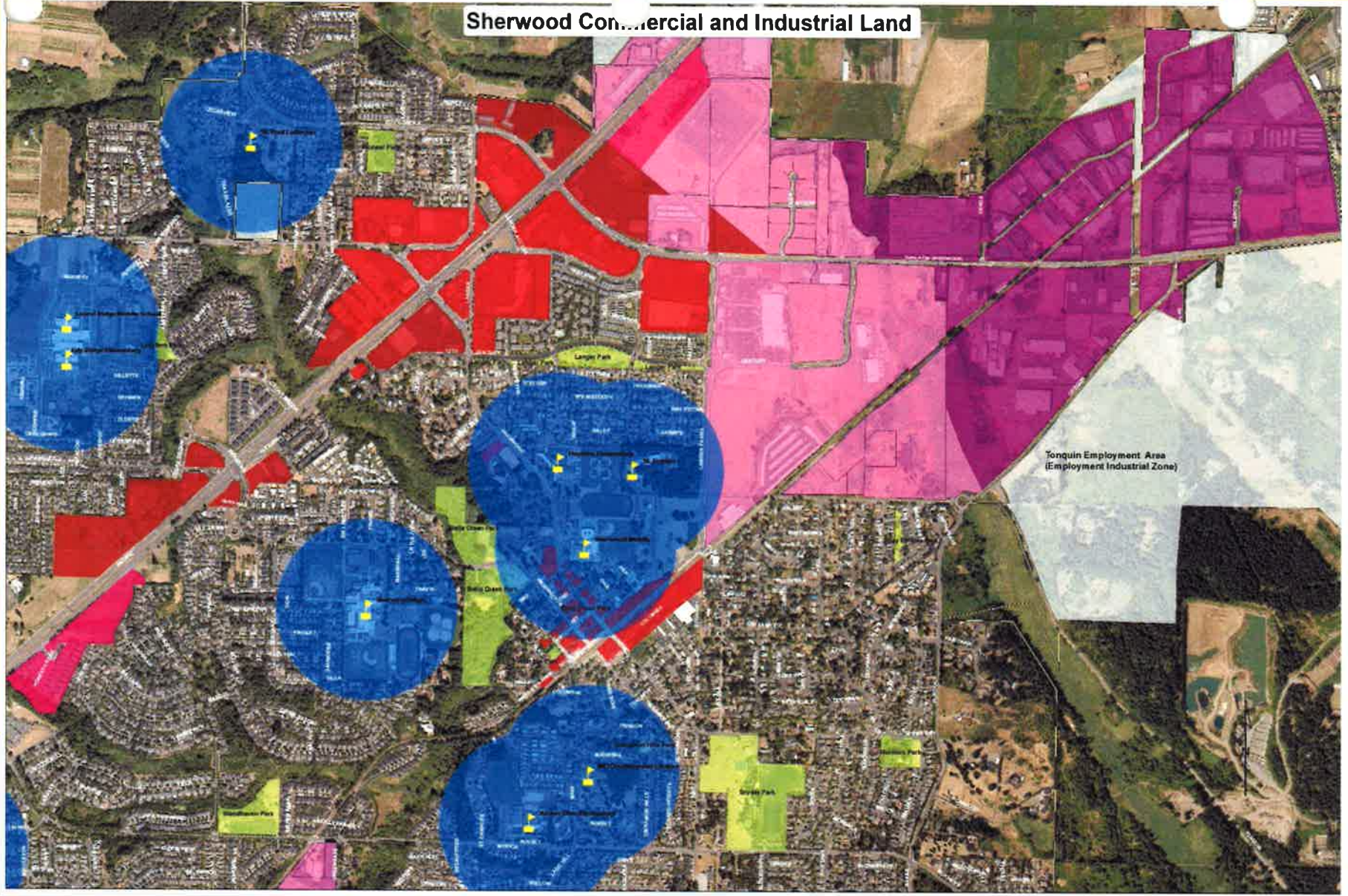
Sherwood Commercial and Industrial Land



COMMERCIAL AND INDUSTRIAL LAND USE ZONING MAP

PARK	GI	GC
OC	LI	RC

Sherwood Commercial and Industrial Land

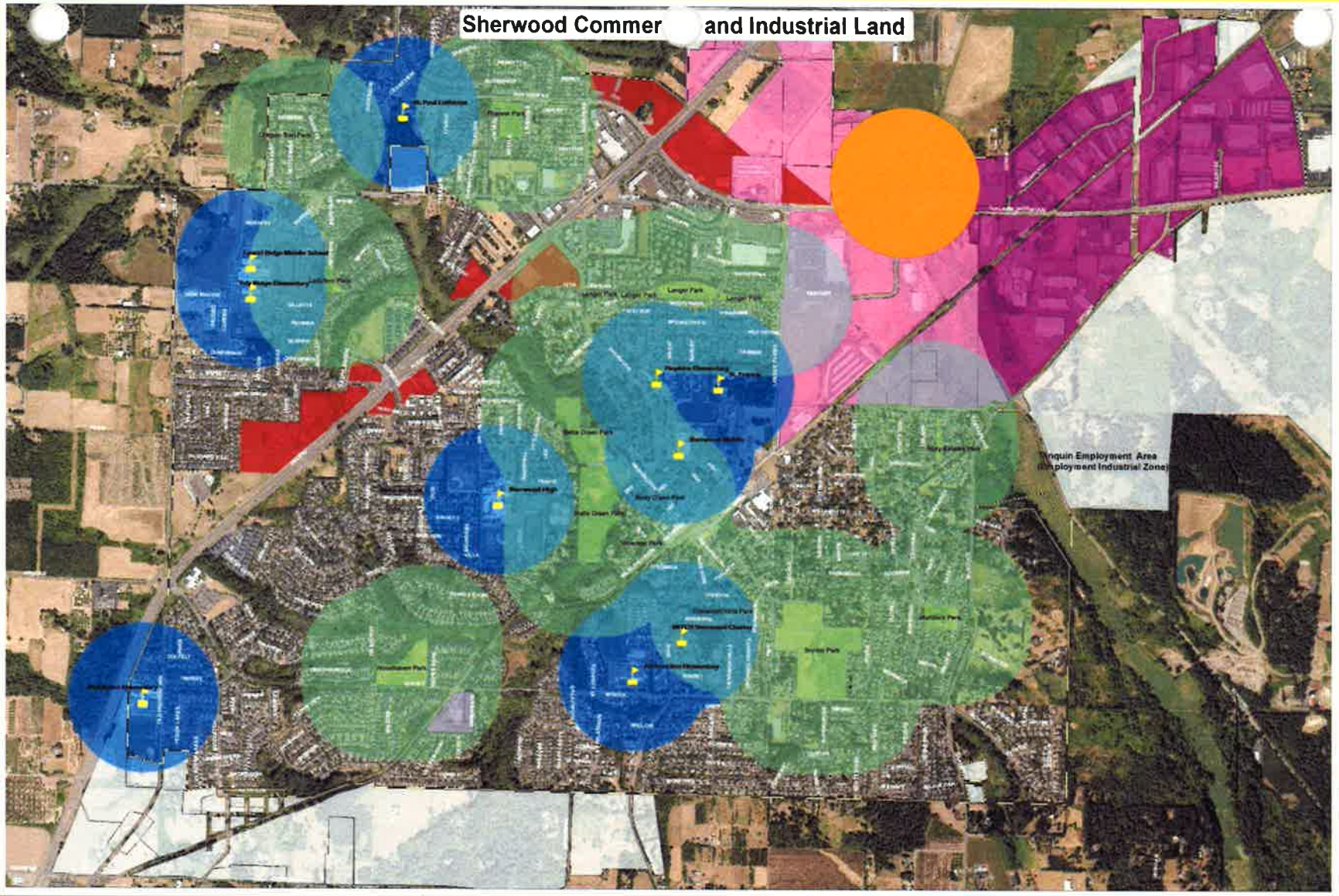


1000 FT. SCHOOL BUFFER



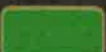


school buffer

Sherwood Commer and Industrial Land



1000 FT. PARKS AND SCHOOL BUFFER

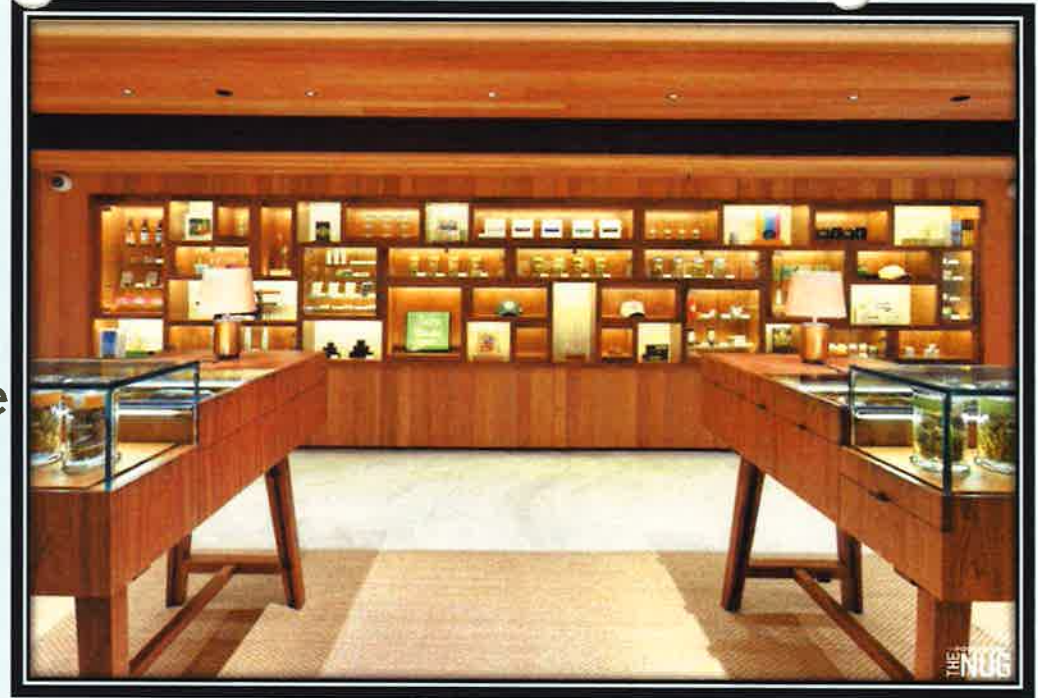
-  MMD buffer
-  school buffer
-  parks buffer

- General or Light Industrial
- Indoor Production only
- Odor Mitigation Required



PRODUCERS

- Zoning: GC, LI and GI
- Hours: 10 am -8pm
- Security Measures Required
- Co-location Prohibited
- Walk up/ Drive through, Mobile Delivery Business Prohibited
- Retail facilities may not be within 1000 feet of a:
 - School
 - Another retail or medical marijuana facility
 - Public park or plaza



RETAIL SALES OPERATOR



Processor: General or Light Industrial zone



Lab or Testing: Office, Retail, General Commercial, General or Light Industrial zone



Wholesaler: Office, Retail and General Commercial, General or Light Industrial zone

PROCESSOR, WHOLESALER, LAB AND TESTING FACILITIES

TIMELINE FOR DEVELOPING REGULATIONS

- **Public Hearings**

- **Planning Commission Hearing**

July 26, 2016

- **Forward a Recommendation to
City Council**

- **City Council Hearing**

 **August 16, 2016 at the earliest**

DRAFT

Exhibit "B"

Date: June 16, 2016

Proposed Community Development Code Amendments

Re: Recreational Marijuana Facilities

All proposed new language to be added to the Definitions Section: § 16.10.020

Marijuana Processing. A building or structure used in whole or in part for processing recreational 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 recreational 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.

16.38 SPECIAL USES

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, the 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. Standards for Recreational Marijuana Production, Processing, Testing Laboratories, and Wholesale Operating Facilities

1. All new construction of marijuana facilities shall comply with 16.90 Site Planning.
 2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.
 3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
 4. 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.
 5. 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.
 - 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 is allowed at any recreational marijuana facilities.
 6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or 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 required activated carbon filtration system.
 7. Proximity Restrictions. A recreational marijuana production, processing, 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.
 8. No recreational marijuana facility may be located within the Old Town Overlay District.
- D. Standards for Recreational Marijuana Retail Sales Facilities.
1. All new construction of retail marijuana facilities shall comply with 16.90 Site Planning.

2. **Public Access Prohibited.** Access to a retail sales facility shall be limited to employees, personnel, and customers 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 public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.
8. **No recreational marijuana retail facility may be over 3,000 square feet in area used for the display of retail marijuana products.**

Proposed Sherwood Land Use Zoning By License Type

	<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>Employment Industrial</u>
<u>Recreational Marijuana Producer</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P¹</u>	<u>P¹</u>	<u>N</u>
<u>Recreational Marijuana Processor</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>
<u>Recreational Marijuana Wholesale Operator</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>
<u>Recreational Marijuana Retail Sales Operator</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>
<u>Recreational Marijuana Laboratory and Testing Facility</u>	<u>N</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>

N= Not Permitted

P= Permitted

¹ Subject to the Special Use Criteria, Recreational Marijuana Facilities § 16.38.030

NOTE: The footnote number will change depending on where it is inserted in the table within the Sherwood Zoning and Development Code.