

**REGULAR MEETING OF THE
WOOD VILLAGE CITY COUNCIL
April 16, 2015
AGENDA**

6:00 P.M. PLEDGE OF ALLEGIANCE

1. Citizen Comments (non-agenda items)
2. Public Safety Report (MCSO)
3. Consent Calendar:
 - a. [Review of bills paid in March, 2015](#)
 - b. Contracts \$2,500 - \$50,000
 - Evoqua Water Tech – Bioxide: \$6,600
 - c. Council Minutes:
 - [March 10, 2015](#)
 - [March 26, 2015](#)
4. [Public Hearing: Ordinance 2-2015 Land Use and Municipal Code Revisions to Permit Marijuana Related Businesses in the City](#)
5. [Presentation: Proposed Annual Performance Plan](#)
6. [Discussion: Annual Easter Egg Hunt Recap](#)
7. [Discussion: Annual Nite out Event](#)

ADJOURN

The meeting location is wheelchair accessible. This information is available in large print upon request. To request large-print documents or for accommodations such as assistive listening device, sign language, and/or oral interpreter, please call 503-667-6211 at least two working days in advance of this meeting. (TDD 1-800-735-2900).



City of Wood Village

Check Report

By Check Number

Date Range: 03/01/2015 - 03/31/2015

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
10033	CHR CREATIVE	03/05/2015	Regular	0.00	270.00	19917
0505	CITY OF FAIRVIEW	03/05/2015	Regular	0.00	61.57	19918
0611	COMMUNITY NEWSPAPERS, INC	03/05/2015	Regular	0.00	326.40	19919
1056	FIERCE THOUGHT	03/05/2015	Regular	0.00	110.00	19920
1120	FRONTIER	03/05/2015	Regular	0.00	166.07	19921
1290	HACH COMPANY	03/05/2015	Regular	0.00	171.24	19922
1410	JAN-PRO CLEANING SYSTEMS	03/05/2015	Regular	0.00	235.00	19923
0960	KIP EDGLEY	03/05/2015	Regular	0.00	1,440.00	19924
1500	LEAGUE OF OREGON CITIES	03/05/2015	Regular	0.00	20.00	19925
1571	LOWES COMPANIES, INC	03/05/2015	Regular	0.00	542.65	19926
1760	MOEN MACHINERY COMPANY	03/05/2015	Regular	0.00	660.24	19927
2020	ONE CALL CONCEPTS, INC	03/05/2015	Regular	0.00	53.55	19928
2209	PARKIN ELECTRIC	03/05/2015	Regular	0.00	500.21	19929
2270	PGE	03/05/2015	Regular	0.00	15.69	19930
2530	REYNOLD'S SCHOOL DISTRICT #7	03/05/2015	Regular	0.00	473.09	19931
10003	RIVER CITY ENVIRONMENTAL	03/05/2015	Regular	0.00	16,270.23	19932
2855	TRAFFIC SAFETY SUPPLY CO.	03/05/2015	Regular	0.00	1,927.28	19933
0087	ALLWOOD RECYCLERS	03/12/2015	Regular	0.00	25.50	19934
0530	CITY OF PORTLAND	03/12/2015	Regular	0.00	3,384.75	19935
1120	FRONTIER	03/12/2015	Regular	0.00	26.93	19936
1810	MURRAY, SMITH & ASSOC., INC.	03/12/2015	Regular	0.00	4,313.00	19937
2046	OPENONLINE, LLC	03/12/2015	Regular	0.00	37.38	19938
2202	PAPE MACHINERY EXCHANGE	03/12/2015	Regular	0.00	395.90	19939
2233	PETERSON MACHINERY CO	03/12/2015	Regular	0.00	5,514.91	19940
2236	PETTY CASH	03/12/2015	Regular	0.00	96.59	19941
2270	PGE	03/12/2015	Regular	0.00	4,822.83	19942
10018	ULTRA PLAY SYSTEMS INC	03/12/2015	Regular	0.00	782.00	19943
3005	WALMART COMMUNITY	03/12/2015	Regular	0.00	32.48	19944
0170	AT & T MOBILITY	03/19/2015	Regular	0.00	442.64	19945
0309	BUILDING CODE CONSULTANCY	03/19/2015	Regular	0.00	4,726.50	19946
0579	COLUMBIA PEST CONTROL	03/19/2015	Regular	0.00	65.00	19947
0638	COPYTRONIX	03/19/2015	Regular	0.00	1,050.00	19948
1028	EXPRESS ENVELOPES	03/19/2015	Regular	0.00	278.00	19949
0841	GREG F DIRKS	03/19/2015	Regular	0.00	76.48	19950
1390	INTEGRA TELECOM	03/19/2015	Regular	0.00	564.57	19951
1403	IRON HORSE EXCAVATION	03/19/2015	Regular	0.00	2,139.53	19952
1572	LONG PAINTING CO., INC	03/19/2015	Regular	0.00	7,761.43	19953
1258	MARK GUNTER	03/19/2015	Regular	0.00	187.10	19954
1610	MASTERTech SECURITY SVC	03/19/2015	Regular	0.00	80.85	19955
1650	METRO	03/19/2015	Regular	0.00	480.00	19956
1770	MULTNOMAH COUNTY ALARM	03/19/2015	Regular	0.00	225.00	19957
1790	MULTNOMAH COUNTY SHERIFF'S OFF	03/19/2015	Regular	0.00	424.00	19958
1960	OFFICE DEPOT CREDIT PLAN	03/19/2015	Regular	0.00	215.88	19959
2233	PETERSON MACHINERY CO	03/19/2015	Regular	0.00	186.06	19960
2270	PGE	03/19/2015	Regular	0.00	3,305.37	19961
10011	PIXIS LABS, LLC	03/19/2015	Regular	0.00	794.40	19962
0287	BRENNTAG	03/26/2015	Regular	0.00	1,022.80	19964
1120	FRONTIER	03/26/2015	Regular	0.00	197.34	19965
1150	FURROW PUMP, INC	03/26/2015	Regular	0.00	121.64	19966
2996	GRESHAM URGENT CARE	03/26/2015	Regular	0.00	123.00	19967
1303	HARBOR FREIGHT TOOLS	03/26/2015	Regular	0.00	23.98	19968
1319	HOME DEPOT/GECF	03/26/2015	Regular	0.00	118.56	19969
1910	NOLAN'S TIRE FACTORY	03/26/2015	Regular	0.00	15.00	19970
1920	NW NATURAL	03/26/2015	Regular	0.00	518.61	19971

Check Report

Date Range: 03/01/2015 - 03/31/2015

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2350	POSTMASTER	03/26/2015	Regular	0.00	375.00	19972
2704	STERICYCLE COMMUNICATION SOLUTIONS	03/26/2015	Regular	0.00	52.00	19973
3122	WEST COLUMBIA GORGE	03/26/2015	Regular	0.00	135.00	19974
0081	AFLAC	03/26/2015	Regular	0.00	462.65	19975
0637	CONST & GEN LABORERS' UNION	03/26/2015	Regular	0.00	74.00	19976
1710	MILLER NASH GRAHAM & DUNN LLP	03/05/2015	Bank Draft	0.00	2,552.00	DFT0000163
1429	JOHN DEERE FINANCIAL	03/17/2015	Bank Draft	0.00	12.79	DFT0000164
1429	JOHN DEERE FINANCIAL	03/17/2015	Bank Draft	0.00	-51.99	DFT0000165
0920	CIS TRUST	03/19/2015	Bank Draft	0.00	4,032.74	DFT0000167
3097	WELLS FARGO - CA	03/19/2015	Bank Draft	0.00	20.00	DFT0000168
3096	WELLS FARGO - FD	03/19/2015	Bank Draft	0.00	2,202.31	DFT0000169
3098	WELLS FARGO - PW	03/19/2015	Bank Draft	0.00	1,044.42	DFT0000170
2153	OREGON DEPT OF JUSTICE	03/31/2015	Bank Draft	0.00	600.00	DFT0000172
1710	MILLER NASH GRAHAM & DUNN LLP	03/26/2015	Bank Draft	0.00	1,672.00	DFT0000173
1358	ICMA	03/26/2015	Bank Draft	0.00	750.00	DFT0000174
1880	NATIONWIDE RETIREMENT SOL.	03/26/2015	Bank Draft	0.00	250.00	DFT0000175
0920	CIS TRUST	03/26/2015	Bank Draft	0.00	13,344.87	DFT0000176
2200	OREGON PERS	03/26/2015	Bank Draft	0.00	9,940.30	DFT0000177

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	113	59	0.00	68,917.88
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	45	13	0.00	36,369.44
EFT's	0	0	0.00	0.00
	158	72	0.00	105,287.32

Fund Summary

Fund	Name	Period	Amount
01	POOLED CASH FUND	3/2015	105,287.32
			<hr/> 105,287.32

**MEETING OF THE
WOOD VILLAGE CITY COUNCIL
March 10, 2015
MINUTES**

PRESENT: Mayor Patricia Smith, Council President Tim Clark, Councilors Scott Harden, Bruce Nissen and Jimmy Frank, City Attorney Jeff Condit, City Administrator Bill Peterson, Finance Director Peggy Minter, Public Works Director Mark Gunter, and interested parties.

ABSENT: None

MAYOR SMITH CALLED THE MEETING TO ORDER AT 6:00 PM.

CITIZEN COMMENTS

There were none.

PUBLIC SAFETY REPORT

Chief Deputy Jason Gates of the Multnomah County Sheriff's Office presented the report, and stated that there were a few incidents of note. Gates explained that there are a number of people living in the parking lots of the Town Center area. Gates stated that the MCSO has made contact with the individuals, and the store managers to help handle the situation. Gates explained that overall it is not a big deal in regards to criminal activity, but it is a livability issue that they are working on.

Gates stated that there was a noise complaint from the Travel Lodge on the 14th, and the responding deputy had probable cause to write a search warrant for some luggage. Gates explained that the deputy wrote and filed the warrant which was approved, and the search resulted in the discovery of large quantities of ecstasy, marijuana and paraphernalia. Gates stated that it was great field work by the deputy.

Gates stated that the night patrol will be enforcing the City's curfew with a zero tolerance policy. Gates explained that there is a particular group of youths who are not necessarily causing any crimes, but the MCSO wants to get ahead of any issues that may occur. Gates stated that the curfew is 10:15pm to 6am and weekdays and 12am-6am and weekends. Gates explained that they will be monitoring the situation closely.

Gates stated that the Youth Academy is coming up, and there was a request by the coordinator for t-shirts for the students. Gates explained that the MCSO does not have the resources for that request, but the City Council did put aside \$2,000 to help support the program. Gates stated that the shirts would be a great addition to the program and asked if the Council would support the project. Smith stated

that she does not have a problem with the City purchasing the shirts. Smith asked if the kids who are staying out late have been approached to take the program. Gates explained that they explain the various programs to youths that they encounter. Smith asked if the program could be made mandatory for youth offenders. Gates stated that is not an option, but the MCSO is looking into developing a youth court for juvenile offenders.

Gates stated that the Troutdale City Council will be voting on the 24th if they want to merge their department with the MCSO. Gates explained that if approved, the item will go to the County Board of Commissioners with implementation of July 1st. Smith asked how discussions with Fairview are going. Gates stated that they are interesting, and more discussions may take place after Troutdale takes action. Gates explained that there are new Councilors in Fairview, so some things have changed.

Smith asked about the marijuana facility across the street, and asked if it has been reviewed. Gates stated that they made contact, and the facility is licensed by the state. Peterson explained that the business is not yet open, and cannot open until the City's moratorium is lifted at the end of April.

Clark asked about the Citizen Spot Award, and how that was working in the City. Gates explained that the program in Wood Village has had a few issues, but the Safety Bucks program in Rosewood has worked out really well.

Frank asked if there has been a discussion about the overnight motorhome parking. Peterson stated that there are code provisions regarding camping in public right of ways, but that is it. Clark stated that he thought there was an Oregon law that prohibits camping or living in parking lots. Gates stated that he has not heard of that, but would look into it. Gates stated that this is occurring on private property, and a person in charge agreement with the owner would give the MCSO the ability to trespass repeat offenders.

The Council thanked Gates for the report and service to the community.

CONSENT CALENDAR:

- a. Review of bills paid in February, 2014
- b. Contracts \$2,500 - \$50,000
 - Multnomah County – Road Maintenance: \$5,735.85
 - Consolidated Electric – Shea Lift Station Upgrade: \$42,408.70
 - Institute for Conflict Management – Annual Retreat: \$2,695.00
- c. Council Minutes:
 - February 12, 2015
 - February 24, 2015

Harden asked what the road maintenance from Multnomah County was for. Peterson stated that it was for street sweeping.

Upon motion by Clark, seconded by Harden and passing 5-0, the Consent Calendar was approved.

PRESENTATION: METRO UPDATE – COUNCILOR SHIRLEY CRADDICK

Metro Councilor Shirley Craddick thanked the Council for the opportunity to provide an update, and wanted to introduce herself to Councilors Nissen and Frank. Craddick explained that she wanted to focus her presentation on transportation funding, and thanked Councilor Clark for his participation in the various Metro committees. Craddick stated that transportation is a nationwide issue, and there are several concerns on how we are going to pay for the maintenance and construction of roadways in our county.

Craddick explained that the federal government has been the main funder for roads since the 1950's when the gas tax was established. The federal gas tax has not been increased since 1993, and the amount has been lost to inflation. Craddick stated that construction costs have gone up, and fuel efficiency has increased leading to a reduction on both ends. Craddick explained that the state has come up with a Transportation Forum to help put together a proposal on how roads in Oregon will be funded.

Craddick stated that the committee has come up with a smarter gas tax which would be tied to fuel efficiency. Craddick explained that the tax would increase funding for maintenance and transit options. Smith asked how the tax would work. Craddick stated that it would be based on miles driven. Smith asked how that would be monitored. Craddick stated that there is a pilot program in place right now with a few different options. Craddick stated that she does not know all the details, but she will email information to the Councilors.

Craddick explained that the gas tax would be split between ODOT, the counties, and cities. The split would be 50% to ODOT, 30% to counties, and 20% to cities. Craddick stated that another piece of the program is to look at the state's orphaned highways. These are sections of highways that are located in urban areas such as Powell Blvd, and 82nd Ave. Craddick explained that ODOT has these highways on a lower priority, and as such they are not maintained at a high level. This tax would help fund the maintenance of those facilities. Craddick stated that this program is supported by JPACT and Metro.

Craddick stated that there are a number of cities in the area that have a localized street maintenance funding mechanism. Craddick explained that there is a new effort by cities to increase street maintenance revenues, but there is no regional solution. Craddick stated that JPACT is looking at some potential regional options, and how funding would be available for the counties and cities.

Craddick explained that this discussion is in the early phases, but it will go to EMCTC as it moves forward.

Craddick stated that transportation is a direct link to the economy, and it makes great cities. Craddick thanked the City for the work on the East Metro Connections Plan. Craddick explained that this plan is a group of over 100 projects that the four cities came to agree on. Craddick stated that the County is looking at rebuilding 238th, the Powel/Division project is underway, and Metro, Gresham and ODOT received a grant for electronic signage and monitoring of the main corridors.

Craddick stated that the Powell/Division Corridor high capacity transit project is moving forward, and one of the main decisions is which downtown bridge will be used. Craddick explained that the new light rail bridge is the top choice at this time, and can save up to 15 minutes compared to the other options. Craddick stated that the other decision is which route to take from going from Division to Powell, and 82nd Ave, is the preferred route at this time. Craddick explained that there is another high capacity transit project in the works for the South West Corridor project. This project would link the Tualatin, Tigard and Hillsdale areas, but this is a more difficult project area because there is not a good grid system in place.

Craddick stated that another project they are working on is the Urban Growth Boundary, and the regional population forecast for the next 20 years. Craddick explained that is used to look at the land availability for housing, employment and industry. Craddick stated that the Urban Growth report was accepted in December, but it is still in the draft stage to allow for public feedback. Craddick explained that the majority of comments have been about housing affordability and preferences. Craddick stated that infrastructure costs to build the facilities needed for the future growth were also a concern. The 2011 Urban and Rural Reserves were appealed, and there was a remand on the decision. Craddick stated that because of all of that, the Urban Growth Boundary will probably not be decided this year.

Craddick stated that in 2009 the state mandated the Climate Smart Initiative to reduce tailpipe emissions by 20%. Craddick explained that they can reach 29% reduction with the plans in place by cities. Craddick stated that Metro provided a presentation to LCDC, and they are waiting on feedback from that presentation before moving forward.

Craddick stated that another big project that Metro is working on is the Willamette Falls project which has been in private hands since the time of the Oregon Trail. Craddick explained that Metro has been working with the developer who purchased the site to have easements to the falls area. Craddick stated that it will be years before this project is built, but it is a great opportunity for the state and region to have access to this site.

Craddick stated that the Natural Area System Plan is underway thanks to the voter approved levy. Craddick explained that Metro is establishing strategies for their lands, and will be reviewing what they want the lands to look like in 20 years.

Craddick stated that Metro is also putting together a solid waste roadmap. The landfills for the area are in Gillham County and in Arlington in the Gorge. Craddick explained that the solid waste contract expires in 2019, and they are looking at the long term plans and how waste will be dealt with in the future.

Craddick stated that the capital projects at the zoon are well underway. Craddick explained that the new elephant lands will be open by the end of the year, and the space has expanded from one acre to six acres. There will also be a large pool to fit the elephants.

Craddick asked if there were any questions.

Smith asked if the 238th right of way issues have been resolved. Peterson stated that it has not because of a hang up at the County level. Smith asked about the gas tax options, and if there has been any discussion on bicycles paying any portion. Craddick stated that option has not been discussed, but a lot of cyclists also own cars. Craddick explained that only about 2% of the total project costs go to bicycle projects.

Harden asked about the probability of the gas tax package making it out of the legislative committee especially after the passage of the clean fuels bill. Craddick stated that she does not know how the legislative process will respond to the package, and it will probably not make it out as written. Craddick explained that there is a wide cross section of support for the package though.

Frank asked about the orphan highways and the lack of funding for them. Craddick explained that ODOT focuses on main highways and freeways. When a section is in an urban area, the cities try to take on the responsibility. There is less focus for ODOT in urban areas than the main highways in rural areas. Craddick stated that there is not enough money to do it all.

The Council thanked Craddick for the update, and work in East County.

PRESENTATION: SPRINGWATER PARKS DIST. - CATHY SHERICK

Cathy Sherick stated that she is here to talk about the concept for the Springwater Parks and Community District. Sherick explained that the area includes 162nd to the Urban Growth Boundary, and from the Columbia River to the edge of Gresham's limits to the south. This would be a system approach for the four cities, and would support new development and investment in the community. Sherick stated that they would like to see the cities working together for a parks system, and to improve the school systems in the area.

Sherick explained that funding is the key aspect for the program, and the idea would be to leverage pooled local money for large scale grants and other private donations. There would be a shared governance model and pooling of money where prioritized projects are completed on a regional level. Sherick stated that this kind of program can provide for youth and community activities which are needed in this area.

Jim Labbe stated that this project has value in creating connected systems. The Audubon Society supports this effort to have increased access to nature. Labbe explained that this is more than natural areas, this is about environmental quality, physical and mental well-being, and economic growth. It is about community culture and events. Labbe stated that the Springwater area would have 7,200 acres of public and private open spaces. There are currently over 60 miles of trails that serve the area's population of 137,000 people.

Sherick stated that funding is needed, but they are not here to talk about a tax. Sherick explained that they want to look at diverse funding options for the region. These funds would be spent on the maintenance of the area pools which are not open year round, and the development of athletic fields which can attract large sporting tournaments. Sherick stated that this effort envisions a community where people can age in place, and still be active.

Labbe stated that the real opportunity is the ability to match local dollars to raise additional funds. Labbe explained that he has been involved with park projects, and the real opportunity is in matching grant programs. Sherick stated that this group has been working for about a year on this effort, and they have preliminary cost estimates. Sherick explained that it will cost about \$25 million a year, but about \$6.5 million would go directly back to the cities.

Sherick stated that this is still a grassroots effort, and they are trying to meet with elected officials to help get buy-in for the concept. Sherick explained that they are trying to raise funds for a community assessment pole in time for the 2016 General Election. The total cost of that project is about \$65,000, and that have raised about \$6,000.

Sherick stated that they are interested in hearing from the Council, and asked if there were any questions.

Smith asked what exactly would be in front of the voters at the 2016 election. Sherick stated that it would be to form the district, and something on a taxing or funding piece. Smith asked what the tax would look like. Sherick stated that she does not have any specifics, but would probably be around \$1 per \$1,000 of assessed value. Smith stated that this is not a rich City, and she cannot see asking our residents for that kind of money. Sherick stated that is why they are not presenting any specific funding options at this time, and there are other options that could be used.

Clark stated that he wanted to applaud their efforts, but stated that we are a small City that enjoys having a direct say in what happens in our park. Clark stated that working with other cities can get difficult, and asked how Metro could get involved. Labbe stated that there is a gap in East County for local park funding, and Metro pulled back from a large scaled funding proposal because of resistance. Sherick stated that she does not think that local control would go away. Clark stated that there is more competition when money is pooled.

Frank asked about the concept of the large scale district and how conflicts would be resolved and decided. Sherick stated that she envisions a process that would give priority to local agency control. There would be some say in influence in the process with potential mediation if needed. Labbe stated that there would be local control, but the finding would be in the collective process. The governance structure would support the best investments in the system as a whole.

Harden stated that he does not mind working with the other cities, but does have an issue with shared money being used on the best projects. Harden explained that there would not be enough money coming back to the cities to complete what they feel are the best projects for their area. Labbe stated that is a good point, but smaller communities tend to do well from those types of programs. Harden asked where the money that cities currently spend on parks go. Sherick stated that cities would have to bring money to the table. The management system would work to get regional cooperation and better economies of scale.

Nissen stated that he is concerned about the City, and small city parks. Nissen stated that he is not comfortable with other cities have a stake in the features of the City's park. Sherick stated that has been a concern from the other cities as well. Labbe stated that local control is important, but the parks do not just serve residents from one community. The decision making process can be shared while still optimizing the overall system.

Clark asked if they have thought about working with Gresham first, and then coming to the other cities once the plan and strategies have been developed. Sherick stated that Gresham wanted the group to work with the smaller cities first, and then come back to them. Harden stated that the funding options are not optimistic, and a lot of local levies have failed. Sherick stated that there is a problem with voter engagement in East County, and that is why they are starting this on a grass roots level.

The Council thanked the group for the presentation and their efforts.

CITY COUNCIL TABLET TRAINING

Smith asked if this item could be postponed until another meeting because of time constraints. The Council agreed.

HR/Records Manager Greg Dirks handed out tip sheets for the Councilors regarding their tablets.

DISCUSSION: SPRUCE UP WOOD VILLAGE PROGRAM

Dirks presented the discussion and stated that this program was proposed by the Council after the Brush Up Wood Village program did not receive any applications. Dirks stated that the Council requested potential public beautification projects that could be completed by volunteers.

Dirks stated that he discussed projection options with staff and came up with a list of potential projects. Dirks stated that the first project option is refurbishing Mayor's Corner. Dirks explained that this is a proposed 2015-16 APP item, but it would make for a good first project this spring. Dirks explained that another project option is to clean up and enhance the storm ditches along Halsey. Dirks stated that some ditches are in good shape, but others could use some work. This project would take coordination with the County who owns the facilities, and the adjacent property owners.

Dirks stated that another potential project is plating the sidewalk strips in front of the park along Halsey. Dirks explained that right now this area just has grass in it, and there are options for enhancements. Dirks stated that this could be included in the upcoming Parks Master Plan work though. Dirks stated that another option in the park is cleaning up the wooded trail section of the park, but that this item would also probably be added to the Parks Master Plan. Dirks explained that the final project idea is across the street from Mayor's Corner in front of the 76 gas station. Dirks stated that there is a little section of right of way that the gas station owner usually maintains. This project could enhance those efforts.

Dirks stated that overall the program idea is to have a set of public improvement projects that can be presented to Council each March if a Brush Up Wood Village application does not come in. If a Brush Up Application comes in, then the Council can select that project instead. Dirks asked if there were any questions, and which project should be selected for this year.

Upon motion by Clark, seconded by Harden and passing 5-0, the Council approved the revisions to the Brush Up Wood Village Program to include the Spruce Up Wood Village option, and selected the Mayor's Corner and 76 station right of way as this year's enhancement project.

RESOLUTION 8-2015 BUSINESS INCENTIVE PROGRAM RENEWAL

Peterson presented the resolution and stated that the purpose of this program is to induce the occupancy of vacant commercial buildings in the City. Peterson explained that the program was originally based on the City of Gresham's Garage to Storefront program which was intended to get small home based businesses into vacant storefronts. Peterson stated that this program works for existing commercial spaces of 6,000 square feet or less, and waives all building permit fees and the first year business license fee for the business owner. Peterson explained that while the fees are waived for the owner, the City actually pays the building permit fees from the General Fund.

Peterson stated that 22 businesses have benefited from the program, and about 50,000 square feet of space has been occupied since the program started. Peterson explained that in addition to the occupied space, about 90 jobs were created as well. Peterson presented photos from recent new businesses. Petersons stated that the Gresham program is still active, but the Troutdale program has been scaled back. Fairview does not have a program. Peterson explained that this program is adopted on a year-to-year basis, and it is up for renewal.

Harden asked how many properties are remaining that could qualify for the program. Peterson stated that there are two spaces near Walmart, one space at the Plaza, one space at the Town Center, two spots on Halsey, and one spot off of Glisan. Peterson stated that it is about 30,000 square feet total. Peterson explained that the Plaza was filled because the owner actively marketed the program.

Clark asked if this program is still needed especially with the way the economy is going. Peterson stated that sooner or later the vacant spaces will be occupied. The program costs the City about \$10,000 a year, and at some point the program will have achieved the goal.

Harden stated that he cannot think of any other investment or program that could turn \$10,000 a year into over \$1.1 million in economic activity like this program has done. Peterson stated that the main question is whether those businesses would have located here regardless of the program. Harden stated that a lot of development is about perception, and this program helps send the message that we are open for business. Clark stated that it could also be seen as desperation. Harden stated that he thinks of it as competition since there are other area programs. Clark stated that he feels that program has done its job.

Frank stated that he feels this program is needed less in a good economy. Nissen asked if the program could be suspended for a year, and then review it to see if there were any differences. Peterson asked that he be given the discretion to offer the program to current business owners who have expressed interested in locating in the City if the program is not renewed.

Harden asked how the program could work if either the City or Urban Renewal Agency did not extend the program. Peterson stated that the program can function independently from either the City or Urban Renewal Agency. The associated costs are paid by the respective agencies.

Harden asked if the program could be modified to help reduce costs while still remaining competitive. Peterson asked that if changes are proposed, that the resolution be brought back at the next Council meeting for consideration with the proposed revisions. Clark stated that he feels it is good to have a program when it is needed, but then it should go away when it has done its job.

Clark asked what the average amount of money is saved by the business owners because of this program. Peterson stated that it is often in the hundreds of dollars, but it can be in the thousands. Clark stated that is not a lot of money in the scheme of opening a business. Harden stated that it does act as an inducement for people to look here though. Harden asked if the vote on this matter could be held over until after the Urban Renewal Agency votes on the resolution.

The Council agreed to table the item until the next Council meeting.

EXECUTIVE SESSION PER ORS 192.660(I) TO REVIEW AND EVALUATE THE EMPLOYMENT-RELATED PERFORMANCE OF THE CHIEF EXECUTIVE OFFICER OF ANY PUBLIC BODY

The Council entered Executive Session at 8:25pm.

REGULAR SESSION

The Council entered back into Regular Session at 8:50pm.

CITY ADMINISTRATOR EVALUATION

Upon motion by Nissen, seconded by Harden and padding 5-0, the City Administrator's Evaluation was accepted, and an 8% pay increase retroactive to January 1, 2015 was approved.

ADJOURN

With no further business coming before the Council, and upon motion by Nissen, seconded by Clark and passing 5-0, the Council adjourned at 8:52pm.

Patricia Smith
Mayor

Date

ATTEST:

Greg Dirks

**MEETING OF THE
WOOD VILLAGE CITY COUNCIL
March 26, 2015
MINUTES**

PRESENT: Mayor Patricia Smith, Councilors Scott Harden, Bruce Nissen and Jimmy Frank, City Attorney Jeff Condit, Finance Director Peggy Minter, Public Works Director Mark Gunter, and interested parties.

ABSENT: Council President Tim Clark and City Administrator Bill Peterson.

MAYOR SMITH CALLED THE MEETING TO ORDER AT 6:00 PM.

CITIZEN COMMENTS

There were none.

PRESENTATION: HOME FORWARD – BETTY DOMINGUEZ

Betty Dominguez the Policy and Equity Director for Home Forward gave the presentation. Dominguez stated that Home Forward which was previously known as the Housing Authority of Portland was created by the Portland City Council in 1941. The primary purpose at that time was to provide housing for the shipyard and factory workers during the war effort. Dominguez explained that at one time they have over 71,000 people living in the Vanport area prior to the floods.

Dominguez stated that Home Forward has been developing ways to house people ever since that time. Dominguez explained that they currently house about 16,000 households, but there are another 16,000 on waitlists. Home Forward serves all of Multnomah County and is a quasi-public agency. Dominguez stated that they have a nine member board of directors representing the area, and they work closely with the community on developing housing needs.

Dominguez stated that Home Forward owns over 6,000 units in the County, and they have another 9,000 vouchers. Dominguez explained that the voucher allows residents to pay 30% of their income towards rent, and the remainder of the rent is paid by Home Forward. Dominguez stated that a new law was passed that make it illegal to discriminate against housing vouchers, and Home Forward was instrumental in crafting that bill.

Dominguez stated that comments have been made about the Rockwood area, and that there would not be any crime if there was no section eight housing. Dominguez explained that Home Forward reviewed all arrest cases for a year in that area, and only 2% of all arrestees had a

connection to Home Forward. Some the issues included non-violent crimes or incidents like juvenile runaways and veterans suffering from PTSD.

Dominguez stated that of the 6,000 units owned by Home Forward, there are only 420 units in Gresham, and 380 in Fairview. There is a growing need for housing in this area, and we need to find a way to accommodate that housing. Dominguez explained that voucher use has only increased 1% in this area over the past ten years. 60% of voucher holders are elderly or disabled.

Dominguez explained that the median household income in 2008 in Portland was \$38,000 for a family of four. Dominguez explained that today, that family would need \$65,000 a year to meet the County's self-sufficiency guideline which is based on living without any kind of public or private assistance. Dominguez stated that the federal poverty level has not changed since 1964 which it was based on USDA food budgets from the 1950's. Dominguez explained that the federal poverty level is \$28,000 a year which is not a lot of money. Dominguez stated that there are a lot of people who make more than that, but they are struggling and cannot get federal aid.

Dominguez stated that Home Forward lost over \$6 million in funding during the last sequestration. The agency had to lay off people, and cut their overall budget. Dominguez explained that they also had to increase rents for all tenants. Dominguez explained that Home Forward does a lot of service work beyond housing. Additional initiatives include early education for children, workforce readiness for teens and adults, and they also work with the Veteran's Administration to assist homeless veterans. Dominguez stated that they also offer short term rental assistance, and eviction prevention. Dominguez explained that Home Forward tries to improve the quality of life for all residents.

Dominguez stated that rent should be no more than 30% of income, but rents are often higher than that for a lot of people. Dominguez explained that suburban areas also do not have great access to public transportation which requires people to own cars. 70% of a family's income could be going to housing and transportation. Dominguez stated that vacancy rates in the area are 1-2% which leaves little opportunities for people to live. Dominguez explained that more affordable housing is needed, and East County has the large areas needed to build new housing.

Dominguez stated that East County is primed for growth, especially with the Port owned properties. Dominguez explained that they are working with the Port on what types of jobs may be developed, and what the wages could be. That data will be used to help develop home types for the workers of those facilities. Dominguez stated that minimum wage workers cannot afford the rent in this area, and we will be behind the curve if we do not start planning now. Economic development includes affordable housing. Dominguez asked if there were any questions.

Smith asked if there were any plans in the works for new affordable housing in the area. Dominguez stated that they have been working with the City of Gresham for a long time. They have been working on putting faces to those who live in their housing units. Dominguez stated that these people include bank tellers, grocery clerks, and gas station attendants. They are not drug addicts or criminals. Dominguez explained that Home Forward cares about the community and funds two police officer positions in Portland, one position in Gresham, and a half position in Fairview. Dominguez stated that Home Forward hosts landlord forums, and meets with Gresham officials every two weeks.

Dominguez stated that there is a difference between affordable housing by accident, and affordable housing by design. Dominguez explained that the issues in Rockwood were caused by affordable housing by accident and blighted properties. New quality development there were add value to the area, and homes for people. Dominguez stated that the strategy is to start banking land in the area for future development.

Harden asked if Home Forward owns the land that they build on. Dominguez stated that they do, and they often locate in urban renewal areas where there are additional incentives. Harden asked how many additional units are needed to clear the backlog. Dominguez stated that they can currently house an additional 600 people a year. The issue is that they had over 20,000 people apply in a two week period.

Harden asked what the average rent is in the County. Dominguez stated that the rental rates are going up, and it is a landlords market. Dominguez explained that a family of four making \$34,700 should not pay more than \$780 for a two bedroom apartment. An apartment at that price would be substandard if one could be found. Dominguez stated that it is not uncommon for families to rent smaller apartments than they need because it is all they can afford.

The Council thanked Dominguez for the information and presentation.

PRESENTATION: WASTE WATER MASTER PLAN

Gunter introduced Matt Hickey from Murray Smith and Associates to present the draft Waste Water Master Plan. Hickey stated that he is the project manager for the plan, and will review the highlight of the updated master plan. Hickey stated that the plan describes the current waste water system, evaluation criteria, deficiencies in the system, population estimates, and improvement projects and estimated costs. Hickey explained that the current waste water agreements are also summarized in the plan.

Hickey stated that they reviewed the area, and the future development potential. There are four basins in the City which is where sewer is collected, and gets pumped at a lift station. Hickey explained that flows for dry and wet weather flows were modeled, and they reviewed the existing

flow data. Hickey stated that future flow projections were determined by housing or industry type, and put into their calculations. Hickey explained that while surcharging of pipes in the future was modeled, there were no overflow events in the peak storm conditions. Hickey stated that surcharging a pipe means the flows moves into the manhole space, but does not overflow it.

Hickey stated that there are two main improvement projects to the system. The first project is a near term project to improve the Halsey sewer line. The second longer term project is the Wood Village truck line that runs behind City Hall. Hickey stated that line could be increased, or diverted to the 238th lift station.

Hickey explained that they also reviewed the shared sewer facilities with Fairview. Those facilities include the 223rd Fairview trunk line, the Sandy Blvd. line, and the Bridge Street sewer line. Hickey stated that there are no current issues with any of those facilities, but there could be some issues along Sandy Blvd. at build out. Hickey explained that some of those issues could be resolved with changes to the operations including removing the stop logs. There could also be sewerage diversion to other facilities.

Harden asked about the Sandy Blvd. lift station, and if there is access capacity at that facility. Gunter stated that facility has only been used twice since it was constructed. Gunter explained that the potential issues would occur in the future, and once the City has been fully built out.

Hickey explained that the capital improvement project list is prioritized with short term and long term projects. Hickey presented a graphic of all the suggested improvements. Hickey stated that all the pump stations are included in the list, because some kind of work will need to be done to those facilities in the next 20 years. Hickey explained that the projects that are needed to expand the system can be funded with SDC's, but the maintenance projects will have to be funded by user rates. Hickey stated that the full cost of the CIP is about \$5.5 million over the next 20 years.

Harden asked if the cost estimates were adjusted for potential future costs. Hickey stated that the estimates are in today's cost, but they could be adjusted using the construction cost index. Hickey explained that using the construction cost index would increase each project's cost by about 3-5% a year.

Gunter stated that the plan will be coming back to the Council at their next meeting for adoption. The Council thanked Hickey for the update.

Resolution 8-2015 Business Incentive Program Renewal

HR/Records Manager Greg Dirks presented the resolution. Dirks stated that this item was brought before the Council at their last meeting, and the Council requested that the resolution be set over until after the Urban Renewal Agency voted on the matter. Dirks stated that the Urban

Renewal Agency discussed the program at their March 17th meeting, and voted to extend the program for one year. Dirks explained that the Urban Renewal Agency still wanted to offer incentives to help induce additional development in targeted areas. Dirks stated that the staff recommendation is to let the program expire for the City recognizing that the Urban Renewal Agency renewed the program.

Harden asked how many locations are remaining outside the URA that can qualify for the program. Dirks stated that there are about three locations. One is near Walmart, one at the Town Center, and one at the strip mall at Glisan and 242nd.

Upon motion by Harden, seconded by Nissen and passing 4-0, the Council moved to allow the Business Incentive Program to lapse recognizing that the Urban Renewal Agency still offers the program, and the City Administrator was authorized to still offer the program to any business owner that has been offered the program prior to March 31, 2015.

Resolution 9-2015 City Auditor Selection

Minter presented the resolution and stated that the City sent out a request for proposals for auditing firms, and three agencies responded to the request. Minter stated that the firms included the current auditing firm Pauly Rogers, the previous auditing firm Merina and Co, the third firm works for the City of Fairview and is Dickey & Tremper. Minter explained that staff and Councilor Frank reviewed the proposals, and the recommendation from the group is to award the contract to Merina and Co. Minter stated that we had a great working relationship with the firm in the past, and there is not much cost difference.

Harden asked if Merina and Co still has the same staff from when they used to audit for the City. Minter stated that we will have the same exact staff conducting the audit, and they were great to work with. Minter stated that it is important to mention that the auditing firm works for the Council, and not the staff.

Upon motion by Nissen, seconded by Frank and passing 4-0, Resolution 9-2015 awarding the auditing services contract to Merina & Co, PC, and authorizing the City Administrator to execute a contract for auditing services was approved.

RESOLUTION 10-2015: MULTNOMAH COUNTY SHERIFF'S OFFICE IGA AMENDMENT

Dirks presented the resolution and stated that this is the annual contract amendment with the sheriff's office. Dirks stated that the full contract was approved in 2008, and it is a ten year agreement. The contract does allow for annual cost adjustments, and this year it is 2.3%. Dirks explained that the contract provides for the equivalent of three full time policing positions, but the City also receives a lot of additional services. These services include the Nite Out event, the

youth and adult police academy programs, and the full range of police services offered by the county. Dirks stated that the contract price is \$399,066 which is a great value for the level of services provided.

Upon motion by Harden, seconded by Nissen and passing 4-0, Resolution 10-2015 authorizing the City Administrator to sign Amendment #7 to the Intergovernmental Agreement between the City of Wood Village and Multnomah County identified as Contract #0709008 was approved.

RESOLUTION 11-2015: OREGON DEPARTMENT OF LAND & WATER CONSERVATION PARK GRANT ENDORSEMENT

Dirks presented the resolution and stated that this grant application is for the park trail expansion project that the City has been attempting to fund for several years. Dirks stated that the City received a \$22,000 grant from Metro to help fund the project, but other grants through the state have not been funded.

Dirks stated that this trail project will connect the upper trail section of the park to the Cherry Park Plaza shopping center, connect into Edgefield's trail system, and the City of Troutdale's trail network which extends to the Sandy River. Dirks explained that this grant application is for \$40,437, and the City will be using the Metro funds, and \$11,021 of City funds to come up with the matching requirement. Dirks stated that this grant program requires a 20% match, but we will have about an 80% match which should make for a stronger application. Dirks stated that the application is due in May, and the first review of projects is in June. The grant awards will take place in September. Dirks explained that the project can begin in the spring of 2016 if the grant is approved.

Upon motion by Nissen, seconded by Harden and passing 4-0, Resolution 11-2015 the City Administrator was authorized to file a grant application with Oregon State Parks and Recreation Department – Local Government Grant Program for park trail improvements at the Donald Robertson Park.

PUBLIC WORKS DIRECTOR'S REPORT

Gunter presented the report and stated that the sewer line behind City Hall has been cleared out, and is flowing very well. There is an illegal dumping issues on Village Ct. Gunter explained that someone has been dumping oils and grease down the storm drain which causes a lot of problems, and it illegal. Gunter stated that they have sent a letter to the suspected household, but there is not proof to cite the individual. Gunter explained that neighbors and staff are keeping an eye out regarding the issue.

Gunter stated that the building department is still working with the Greyhound Park building, and truck repair facility. Gutner explained that the truck repair facility has been issued a tight

timeline to complete fire and safety related improvements. Gunter stated that the Greyhound Park building is still working with fire related issues as well. Harden asked if the parking lot and cell tower sites could still be leased if the building was marked as dangerous. Gunter stated that activities outside the building can continue, because it is only the main structure that has the enforcement issues. Frank asked if there was a homeless problem at the site. Gunter stated that there are two full time security guards at the site, but it is a large facility. While people do enter the site, they do not stay long.

Gutner stated that the Fred Meyer fueling station will be under construction within the next few weeks. Smith asked if the southern sections of the park trail will be refurbished this year. Gunter stated that is the plan. Smith stated that she has heard complaints from people at Treehill regarding the tree that was removed in the park, and the wood was left in a pile. Gunter stated that the contract to remove that tree did not include disposal, but staff cannot remove the limbs because the ground is too wet for the equipment. Smith stated that it does not bother her, but wanted to pass along the message.

FINANCE DIRECTOR'S REPORT

Minter presented the report and stated that revenues are averaging a 6% increase from this time last year. Minter explained that expenditures will be close to the bottom line by the year end, but management is watching the figures closely. Minter stated that the county business income tax revenue had a 27% from last year as well. Overall investments are at \$4.7 million. Minter stated that the new accountant position has been filled. The employee is learning the system quickly, and speaks Russian and Ukrainian which is a good asset as well.

Minter stated that the budget process is coming along, and two pre-budget meetings have been scheduled. These meetings can be held any time during the week of April 13th, and the first budget hearing is on April 23rd.

The Council reviewed the financial statements in the Council Packet, and did not have any follow up questions.

CITY COUNCIL REPORTS

Smith stated that she was unable to attend the last EMEA meeting, but they are having a hard time finding a new director, and there seems to be some concerns about the future direction of the organization.

Smith stated that she had a neighborhood watch meeting the other week, and the Riverwood neighborhoods had a neighborhood watch meeting last week. Smith stated that some of the residents in that area have safety concerns, and want to gate their neighborhood. Frank stated that he will be attending more of their HOA meetings, and has been added to the email list.

Frank explained that he has not had any issues in his section of the neighborhood, and there are concerns about gating the community. Harden stated that a deputy informed him that there were not a lot of issues reported in Riverwood. Harden stated that if crimes are occurring, they are not being reported to the police. Nissen stated that it might be good to have a deputy at their next HOA meeting to help educate the residents on why and how to reports crimes.

Smith stated that she had a dinner meeting with the two area Mayor's and they all have a good working relationship with each other. Smith explained that the goal is to have these meetings once a month. Smith stated that she attended the Troutdale state of the city address, and it was a well-attended event.

EXECUTIVE SESSION PER ORS 192.660(2)(E) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

The Council entered into Executive Session at 7:52pm.

The Council entered back into regular session at 8:15pm.

The Council authorized the City Administrator to have a full appraisal conducted for the City owned site at 2055 NE 238th Dr.

ADJOURN

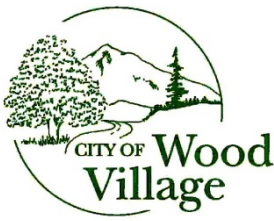
With no further business coming before the Council, and upon motion by Nissen, seconded by Harden and passing 4-0, the Council adjourned at 8:17pm.

Patricia Smith
Mayor

Date

ATTEST:

Greg Dirks



Staff Report; Land Use

Proposed Amendments to Accommodate Marijuana Sales City Council Meeting of April 18, 2015

TO: Mayor Smith and Members of the Wood Village City Council

FROM: Bill Peterson, Marie Kizzar, Carole Connell

DATE: 8 April 2015

**SUBJECT: Proposed Amendment to Permit Conditional Uses for Marijuana Sales,
Medical and Recreational**

Requested Action

Consider Ordinance Number 2-2015 enacting land use text changes to the Wood Village Zoning and Development Code.

Background

The City Council and Planning Commission met in a combined meeting to review the potential methods to deal with the pending termination of the moratorium on medical marijuana dispensary locations in the community. The recommendation from the combined group was to develop land use code amendment proposals for public hearing before the Planning Commission. That hearing was conducted on March 30, 2015. The Planning Commission voted 3-0 to recommend the text amendment proposed in this staff report, with Council Member Harden abstaining from the vote.

I. Application Data

Request: City File #ZDC 15-01 Zoning Code Amendments. See attached Summary of amendments. This is a request by the City to amend the Wood Village Zoning and Development Code as follows:

- **Modify Commercial Zone Permitted Use Tables** to identify two new uses, medical marijuana dispensary and recreational marijuana sales.
- **Allow Use with Restrictions** for medical marijuana dispensary and recreational marijuana sales in the Neighborhood Commercial zone, prohibiting such uses in all other zones.
- **Establish Supplemental Locational Constraints** to the physical proximity to schools, playgrounds, and other defined youth locations that either medical marijuana dispensaries or recreational marijuana sales may be placed.
- **Amend Conditional Use** criteria to accommodate for marijuana locational constraints.

- **Changing Code General Reference** to business types to permit businesses that are in conflict with federal law to be located and permitted if such businesses are specifically authorized by state law.

A. Public Hearings: A community workshop on marijuana facilities and their locations was held on January 27, 2015. The Planning Commission held a hearing on March 30, 2015 and recommended specific text amendments to the City Council. This hearing for consideration of the text amendments is April 16, 2015.

B. Location: The proposed amendments apply to property in the Neighborhood Commercial Zone, generally located along the frontage of Halsey Street, with a small zoned area west and north of the intersection of Glisan and 242nd Streets and two properties located at the intersection of Arata Rd. and Wood Village Blvd.

Comprehensive Plan and Zoning Code Amendment Review Criteria

- Section 670.010 Zoning Code Amendments
- Statewide Planning Goal 1 Citizen Participation; Goal 2 Land Use Planning; Goal 9 Economy, Goal 12 Transportation
- Wood Village Comprehensive Plan: Citizen Involvement; Economy and Transportation goals and policies
- “A Vision of Wood Village in 2030”

Exhibits

- Summary of Amendment
- Ordinance 2-2015

II. Findings of Fact

A. Purpose and Summary of Amendments

The State of Oregon, functioning through the State Legislature’s adoption of Senate Bill 1531 in March of 2014, directed that medical marijuana facilities (MMJ) shall be permitted in communities throughout Oregon, established the terms and conditions for such placement, and delegated rule making and administrative authority for the program to the Oregon Health Division. Immediately following the initial adoption, the legislature provided for local governments a process to adopt a moratorium on placement for up to one year. The City of Wood Village acted to adopt Ordinance 03-2014, declaring a moratorium on medical marijuana facilities until May 1, 2015.

Absent local code revisions, the City of Wood Village will face either attempting to prohibit such uses based on the provisions of the zoning code that require all businesses to be in compliance with state, federal and local laws, a position that is litigating now in other communities, allowing the facilities to be placed where directed by the state law, or enacting local codes to regulate time, place and manner for such sales.

During the period of the moratorium, Oregon voters adopted Ballot Measure 91 in November of 2014. The measure provides for the recreational sale, possession, growing and

use of marijuana, and also identified facilities that may be placed in communities for the sale of the products.

The City of Wood Village advertised and conducted a combined work session with the Wood Village City Council and Planning Commission on January 27, 2015. The City is faced with a basic policy decision on whether or not to proceed in developing “time, place and manner” regulations for the industry, resolving conflicts with existing code provisions for business licensing, and specifically designating the land use code provisions that will be applicable to the four types of defined marijuana businesses and licenses in the measure, retail, wholesale, processing, and production. In each case, the City may elect to establish standards that exceed those contained in the measures, if there are findings that this business will be more disruptive, has the potential to create issues, or may require additional regulation due to the nature and character of the clients or the basic business.

The Oregon Medical Marijuana Act provides for minimum spacing and distance from certain facilities, along with provisions for zones in which medical marijuana facilities may be placed. The statutory provisions are as follows:

HB1531 Enrolled provides in part:

“(3) To qualify for registration under this section, a medical marijuana facility:

- (a) Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land and may not be located at the same address as a marijuana grow site;**
- (b) Must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;**
- (c) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;**
- (d) Must not be located within 1,000 feet of another medical marijuana facility;**
- and**
- (e) Must comport with rules adopted by the authority”**

An interpretive document produced by Oregon Health Authority in the form of Questions and Answers, identifies the State definition of what constitutes a “school” as provided in the act:

What kinds of schools do dispensaries need to be 1,000 feet away from?

A. Private or public schools, primary, secondary, or career schools.

- Primary – institutions containing any combination of grades kindergarten through 8th or age level equivalent
- Secondary – institutions containing any combination of grades 9th through 12th or age level equivalent, including junior high schools which include 9th grade
- Career – private, proprietary, professional, technical, business or other schools of instruction, organizations or persons offering any instruction or training for the purpose or purported purpose of instruction, training or preparing persons for any profession at a physical location attended primarily by minors

Absent from this definition is any consideration for day care or similar minor facilities, or for parks and playgrounds.

Following lengthy discussions, the consensus is to allow marijuana outlets in the Neighborhood Commercial Zone, and have a 1,000 foot buffer from schools and parks. The attached summary permits such uses, as a conditional use, in the Neighborhood Commercial Zone, defines the uses, and establishes the criteria for location.

Public notice of the subject amendments has been posted in five places in the City to encourage public input of these legislative amendments. The Department of Land Conservation and Development has received copies of the draft amendments and all the background reports, as well as notice of the initial hearing. ODOT, Multnomah County and Metro have received notice of the amendments.

B. Analysis of Compliance with Statewide Planning Goals and the Wood Village Vision and Comprehensive Plan Policies

1. Citizen Involvement: The Wood Village Comprehensive Plan (page 13) “insures opportunity for citizens to participate in all phases of the planning process.” The City finds that proper public notice and at least two public hearings (this hearing with the Planning Commission, and a public hearing with the City Council scheduled for April 2015) were open to the public to satisfy this goal.

2. Goal 2 Land Use Planning: Land Conservation and Development Commission Goal 2 requires that Comprehensive Plans shall provide the basis for specific implementation measures and that these measures shall be consistent with and adequate to carry out the plan. Implementing ordinances shall be adopted by the governing body after public hearings and shall be reviewed and, as needed, revised on a periodic basis.

The City Zoning and Development Code provides the implementing measures to carry out the Comprehensive Plan. The primary local comprehensive plan provisions applicable to this action are contained in Goal 9, Economic Development, nothing in this action is incompatible with the goals identified in land use planning, air water and land resources as contained in goals 5, and 10 as contained in the Wood Village Comprehensive Plan.

Subject to proper notice and at least two public hearings, Staff finds that the subject amendments are necessary to provide for dispensing marijuana in accordance with state law, but also to assure the businesses will be located and regulated so as to avoid adverse impacts in the community and properly implement the intent of the applicable zoning district where they can be located.

3. Goal 9, Economic Development, “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s Citizens”.

In the case of the subject amendment, measures are designed to respond to the legislative mandate to permit medical marijuana, and subsequently, the voter approved

initiative to permit the sale of recreational marijuana. In both cases, the creation of additional business entities that provide a combination of employment and local shopping opportunities will expand employment opportunities in the community.

Marijuana facilities were specifically not authorized in manufacturing, industrial or mixed commercial/industrial zones to avert the potential reduction in land supply for manufacturing and other employment intensive land uses. Similarly, the mixed use zoning in the Town Center, focused on housing and commercial, will not permit these uses because of planned residential uses allowed in the zone that may be adversely affected by easy access to products prohibited by minors. Further, businesses in the zone are typically leased. Therefore, the property owner has the ability to control land uses and may desire to restrict marijuana sales in the zone.

The City finds that the subject amendment provides definition for State mandated facilities, allows those facilities in a relatively large area of the community, and allows those facilities to be located on one of the busiest transportation corridors in the community.

4. Goal 12, Transportation, “To provide and encourage a safe, convenient and economic transportation system”.

This specific amendment identifies marijuana sales facilities for inclusion in the Neighborhood Commercial zone. Absent any transportation studies directly relevant to this land use, it is presumed that the traffic generation from the facility will be similar to specialty retail, a category already permitted in the zone. As a result, there is no anticipated additional impact to transportation.

The City finds that the proposed amendment will have the probable outcome of no change to the traffic generation in the zone.

C. Section 670 Zoning Code Amendment Criteria

The Code provides that amendments to modify regulations will be approved if the City finds that the following criteria are met:

1. The proposed amendment better achieves the goals and policies of the Comprehensive Plan and the existing regulatory language.

FINDINGS: The City finds that based on the Plan analysis above, the subject amendments can be found to better achieve relevant goals and policies, enabling marijuana sales outlets for medical and recreational marijuana in a commercial zone, and prohibiting such facilities in Town Center, General Manufacturing, Light Manufacturing, and Commercial/Industrial zones.

2. The proposed amendments are consistent with the Zoning and Development Code purposes and with the purpose statement for the base zone, special district, additional use regulation, or development regulation for which the amendment is proposed.

The stated purpose of the Neighborhood Commercial (NC) zone is as follows:

230.100 Purpose. The commercial zones are intended to promote uses and development which improve the economic vitality of the commercial districts and the city as a whole. Limits on the intensity of uses combined with the development standards provide flexibility while enhancing the desired character of the commercial area.

- A. **Neighborhood Commercial.** This zone is intended for convenience retail and service establishments of limited scale to serve primarily the needs of local residents. Such uses shall be physically and visually compatible with adjacent residential development through appropriate use of landscaping, access, parking, signs and architectural design.

This zone is intended to promote a compatible combination of small-scale retail commercial uses and medium to high-density residential uses along Halsey Street and Wood Village Blvd (between Arata Road and Halsey Street) where there is frequent transit service and a pedestrian-oriented streetscape. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Housing options are expanded to encourage upstairs residences over storefront commercial, townhouses, and rowhouses with quality pedestrian access to transit and services.

Through the selection of this zone category to permit these land uses, the size and scope of the businesses is restricted by the zone constraints, assuring the size of retail outlets will be modest in scope.

Some concern has been raised about the relative security and compatibility of marijuana outlets with the residential components of the zone. No testimony or evidentiary information was presented to verify this concern, and research did not find any specific statistics or information that validates this concern. Research by UCLA in Sacramento Ca. did not find any link between the density or presence of medical marijuana facilities and crime rates. (Journal of Studies on Alcohol and Drugs, Bridget Freisthler author). Little information, other than non-reviewed newspaper articles, was discovered in a literature search for recreational marijuana.

FINDINGS: The amendment will meet the purpose of the zone, the underlying additional use regulations and permit zones specifically envisioned for small commercial enterprises to be utilized in a manner compatible with adjacent or integrated housing.

3. Proposals which significantly affect a transportation facility shall assure that allowed uses are consistent with the function, capacity, and level of service of the facility identified in the City, County, and Regional Transportation Plans.

FINDINGS: The City finds the draft amendment does not impact the function, capacity or level of service of streets in the City and will remain consistent with state, regional and city transportation plans.

III. DECISION ALTERNATIVES

The recommended changes to the code being forwarded from the Planning Commission can be adopted, modified, or a change in direction may be the desire of the City Council.

- A.** The City Council may wish to consider other potential restrictions or changes to the code. It must be acknowledged that any such amendment process will extend the effective date of the code amendment beyond the expiration of the moratorium.
- B.** The Council may exercise the police power to regulate around additional facilities, establish times of operations, or make other potential amendments to the use. Certain regulatory provisions that would restrict the operation of these facilities may be pre-empted by the legislation now adopted, or the legislative initiatives currently underway in the Oregon Legislature. To date, 28 bills have been introduced to modify the recreational marijuana provisions.
- C.** This proposal also identifies the authorization for MMJ to be subject to a Conditional Use hearing. The City Council may elect to make the use an outright use in lieu of a conditional use.
- D.** The City Council may elect not to modify any of the land use provisions and direct the Staff not to issue or allow marijuana facilities.

This proposal does not address the proposed licensing categories of producer, processor or wholesaler. Once all legislative measures have been completed, and the Oregon Liquor Control Commission issues Administrative Rules, we will need to revisit these license categories and determine if we will accommodate the uses, and if so, under what land use regulation.

The following five amendments are proposed:

Summary of Amendments: Wood Village Zoning and Development Code:

1. Amend Table 230-1 As follows:

TABLE 230-1 Uses in Commercial Zones	
	NC
RESIDENTIAL CATEGORY	
Household Living	CU
Mixed-Use Residential and Commercial (1)	Y
Group Living	CU
COMMERCIAL CATEGORIES	
Retail Sales and Service (prohibits drive-up/thru/in commercial uses and any single user that exceeds 10,000 sq. ft.)	Y
Recreational Marijuana Sales other than Medical	CU
Office	Y
Quick Vehicle Servicing, including gas stations	N
Vehicle Repair	N
Self Service Storage	N
Commercial Recreation	N
Major Event Entertainment	N
Museums, galleries, art, dance and photo studios	Y
INDUSTRIAL CATEGORIES	
Manufacturing and Production	N
Warehouse and Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Waste Related	N
INSTITUTIONAL CATEGORIES	
Basic Utilities	Y
Community Service	CU
Parks and Open Space	Y
Schools	CU
Colleges	CU
Medical Centers	CU
Medical Marijuana Dispensary	CU
Religious Institutions	N
Daycare	Y
Essential Service Provider	N
OTHER CATEGORIES	
Detention Facilities	N
Mining	N
Radio and TV Broadcast Facilities	N
Railroad Lines and Utility Corridors	N
Street furniture, art, seating, transit stops and pedestrian amenities	Y

Y = Yes, Permitted Use
N = No, Prohibited Use

CU = Conditional Use Review Required
L = Permitted, but Subject to limitations

Table 230-1 would also be produced for each zone location in the code, indicating that Medical Marijuana Dispensary and Recreational Marijuana Sales are prohibited uses.

Use tables in all zone categories would be reproduced with the two new categories of uses, with all zones identifying that the uses are not permitted, except as provided above.

2. Section 230.215 will be added to the Code as follows:

230.315 Marijuana Facilities Conditional Uses

A. Marijuana Facilities may be allowed, subject to a Conditional Use Permit pursuant to Article 620 of this Code, in the Neighborhood Commercial Zone. No Marijuana facility may be located within the City unless it satisfies all the requirements of this Code and provides evidence of all licensing required by State law.

Marijuana facilities legally established pursuant to this Code shall not be found in conflict with the provision of this Code in the event that a conflicting land use locates in the vicinity of a facility subsequent to the facility obtaining land use approval from the City. Should such conflict arise, the marijuana facility shall be considered a legal nonconforming use and subject to provision set for in Section 640 of this Code.

B. Marijuana Facilities may not be located and a Conditional Use Permit as provided in this zone shall not be issued for any facility that is:

1. At the same address as a registered grow site.
2. Within 1,000 feet of the real property comprising a:
 - a. Public or private preschool, elementary, secondary or career school attended primarily by minors; or,
 - b. Public park; or,
3. Within 1,000 feet of another marijuana facility.

3. Section 620.040 in Conditional Uses shall have a minor amendment to reflect the locational requirements for marijuana facilities as follows:

620.040 Review Criteria. Requests for Conditional Uses will be approved if the review body finds that the applicant has shown that all of the following criteria have been met, either outright, or with conditions that bring the proposal into compliance:

- A. The use is listed as a conditional use in the base zone or is approved by the Planning Commission for consideration as a conditional use.
- B. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.
- C. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses in the zone.
- D. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area and will not significantly affect a transportation facility. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

“Significantly” affect the transportation facility means the proposal would:

1. As measured at the end of the Wood Village TSP planning period or 15 years, whichever is greater, the proposal would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable; or

3. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable.

If it is determined that a proposed land use significantly affects a transportation facility, the applicant shall assure that the allowed uses are consistent with the function, capacity and level of service of the facility by one of the following methods:

- (a). Alter land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
- (b). Provide measures demonstrating that the use can be consistent with the planned function of the transportation facility, or provide other measures as a condition of development through a development agreement or similar method, specifying when such measures will be provided.

E. Public service for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.

F. The proposal will not have significant adverse impact on the livability of nearby residentially zoned lands due to:

- (1) Noise, glare, odor, litter, and hours of operation.
- (2) Privacy and safety issues.

G. Conditional Uses which fall within the Waste Related Use Category (See Section 710.330) must also meet the criteria defined in the Mitigation Agreement for Siting Solid Waste Facilities between Metro and the City.

H. Marijuana facilities shall be subject to the spacing and locational limitations provided in the authorizing zone and provisions of state law.

4. New Use Categories shall be added to Chapter 720 to describe both marijuana sales and medical marijuana as follows:

710.205 Marijuana Sales other than Medical (see 710.445 for Medical Marijuana Dispensaries)

- A. **Characteristics.** Retail sales of marijuana products as provided by state licensing for the recreational use of marijuana products as permitted by state law.
- B. **Accessory Uses.** Accessory uses may include sales of foods and other retail commodities.
- C. **Examples.** Examples include a marijuana sales store.
- D. **Exceptions.**
 - (1) Any such use is subject to regulation for distances from designated youth facilities as provided in the underlying authorization code.

710.445 Medical Marijuana Dispensaries

- A. **Characteristics.** Dispensing of marijuana products to individuals with appropriate state authorized credentials for the intake and use of marijuana for prescribed purpose. All such facilities shall be in accord with the Oregon Health Authority regulations and shall have appropriate licenses and authorizations for dispensing marijuana.
- B. **Accessory Uses.** Accessory uses may include sales of foods and other retail commodities.
- C. **Examples.** Examples include a marijuana dispensary.
- D. **Exemptions.**
 - (1) Any medical marijuana dispensary is subject to regulation for distances from designated youth facilities as provided in the underlying authorization code.

5. Purpose statements and Consistency statements are amended to reflect the change to accommodate known violation of federal law when directed by state law as follows:

100.020 Purpose. The Zoning Code is intended to set forth and coordinate City regulations regarding the use and development of land. It is further intended to:

- A. serve as the principle means to implement the Wood Village Comprehensive Plan.
- B. protect and promote the health, safety and general welfare of the citizens of Wood Village.
- C. provide for appropriate and prompt review of development and use proposals.
- D. satisfy relevant federal law, state law, goals and administrative rules and regional government law, **provided however, except where case law prohibits, when state law specifically authorizes uses that may be in conflict with federal law, the state provisions shall be acknowledged.**

100.040 Consistency with Plan and Law. Actions initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Wood Village, with applicable law, and the regulations of the Federal, State and Regional governments as these plans, laws or regulations may now or hereafter provide or require, **provided however, except where case law prohibits, when state law specifically authorizes uses that may be in conflict with federal law, the state provisions shall be acknowledged.**

Since the Wood Village Comprehensive Plan has been acknowledged by the State of Oregon as being in compliance with the Statewide Goals, any action taken in conformance with this Code shall be deemed also in compliance with Statewide Goals and the Comprehensive Plan. Unless otherwise stated in this Code, specific findings demonstrating compliance with the Comprehensive Plan are not required for land use or development application approval. This provision does not however, relieve the applicant or proponent of a use or development of the burden of responding to allegations that the action requested does not conform ~~to with~~ one or more Comprehensive Plan policies.

ORDINANCE NUMBER 2-2015

AN ORDINANCE AMENDING AND REVISING THE WOOD VILLAGE ZONING AND DEVELOPMENT CODE TO PERMIT MEDICAL MARIJUANA DISPENSARIES AND RECREATIONAL MARIJUANA SALES AS A CONDITIONAL USE IN THE NEIGHBORHOOD COMMERCIAL ZONE

WHEREAS; The Wood Village Zoning and Development code provides for the amendment of the code as a reflection of community values and needs. Because these needs change with time and because new techniques for implementing the plan may be appropriate and the legal context of the zoning law may change, code amendments may be necessary to maintain the integrity of the code and reflect current values and laws, and

WHEREAS; A community workshop was conducted on January 27, 2015, a Planning Commission Hearing on proposed legislation was conducted on March 30, 2015, and notice has been provided to encourage public involvement, and

WHEREAS; The State of Oregon has legislatively authorized specified marijuana uses as exempt from state prosecution and designated the process by which such facilities and uses are permitted in Oregon, and

WHEREAS; The City of Wood Village is not authorizing any such use, simply utilizing the provisions provided by the Oregon Constitution, Wood Village Charter, and court interpretations permitting the City to exercise all legislative powers of home rule as reserved to Oregon Cities, to regulate the location and character of operation for such facilities, and

WHEREAS; Code amendments have been authorized by the City Council in accord with the requirements, and the Planning Commission has reviewed proposed legislation to enable the use of Medical Marijuana Dispensaries and Recreational Marijuana Sales, including adopting the findings of fact associated with such amendments.

NOW, THEREFORE, GIVEN THE RECITATIONS CITED ABOVE AND THE RECORD IN THIS MATTER, THE CITY OF WOOD VILLAGE ORDAINS AS FOLLOWS:

Section 1. The Tables identifying land use authorizations in each major section of the Wood Village Zoning and Development code are amended and modified as provided in the attached exhibit, specifically authorizing a conditional use for medical marijuana dispensaries and recreational marijuana sales only in the Neighborhood Commercial Zone.

Section 2. Creating a new section 230.315 in the Wood Village Zoning and Development code to insert the specific conditional use requirements for marijuana facilities as specifically provided in the attached exhibit.

Section 3. Amending and modifying Section 620.040 of the Wood Village Zoning and Development Code to add locational requirements to the conditional use criteria for marijuana facilities.

Section 4. Amending and modifying Wood Village Zoning and Development Code chapter 720 to identify and define new use categories for Medical Marijuana Dispensaries and for Marijuana Sales other than Medical, all as specifically provided in the attached exhibit.

Section 5. Amending and modifying the provisions of 100.020, Purpose statement of the Wood Village Zoning and Development Code to acknowledge the actions by the State of Oregon to authorize certain marijuana uses and acknowledge the State ability to direct prosecutorial action and permit uses in limited circumstances, even when such actions may violate federal law. This specific amendment is identified in the attached exhibit.

Section 6. The "Redline" provisions of the attached exhibit are for illustrative purposes to identify changes to the existing law. Once adopted by this ordinance, the attached exhibit shall utilize only the adopted language and shall eliminate all cross through, red line designations, and other markings.

Section 7. All tables provided in the attached exhibits, and changes to text shall be inserted into the Wood Village Zoning and Development Code in the areas identified in the exhibit.

Section 8. There being a time limit to assure the effective date of this ordinance occurs prior to the expiration of the moratorium prohibiting marijuana facilities, the City Council declares an emergency to exist and provides for an effective date upon passage and approval.

UPON UNANIMOUS CONSENT OF THE CITY COUNCIL, THERE BEING PRESENT A QUORUM, READ BY TITLE ONLY THIS 16TH DAY OF APRIL, 2015.

READ A SECOND TIME BY TITLE ONLY THIS 16TH DAY OF APRIL, 2015, WITH UNANIMOUS CONSENT OF ALL MEMBERS OF THE CITY COUNCIL, THERE BEING PRESENT A QUORUM.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOOD VILLAGE OREGON THIS 16TH DAY OF APRIL, 2015.

Motion to adopt by _____ seconded by _____, and adopted this 16th day of April, 2015.

YEAS _____ NAYS _____

ATTEST:

 Greg Dirks
 City Recorder

EXHIBIT
 ORDINANCE NUMBER 2-2015

Table 210-1 is amended and reenacted as follows:

TABLE 210-1		
<i>Uses in Light Residential Zones</i>		
	LR 12	LR 7.5
RESIDENTIAL CATEGORY		
Household Living	Y	Y
Group Living	N	N
COMMERCIAL CATEGORIES		
Retail Sales and Service	N	N
Marijuana Sales other than Medical	N	N
Office	N	N
Quick Vehicle Servicing	N	N
Vehicle Repair	N	N
Self-Service Storage	N	N
Commercial Recreation	N	N
Major Event Entertainment	N	N
INDUSTRIAL CATEGORIES		
Manufacturing and Production	N	N
Warehouse and Freight Movement	N	N
Wholesale Sales	N	N
Industrial Service	N	N
Waste Related	N	N
INSTITUTIONAL CATEGORIES		
Basic Utilities	CU	CU
Community Service	CU	CU
Parks and Open Space	CU	CU
Schools	CU	CU
Colleges	N	N
Medical Centers	N	N

Medical Marijuana Dispensary	N	N
Religious Institutions	CU	CU
Daycare	CU	CU
Essential Service Provider	N	N
OTHER CATEGORIES		
Detention Facilities	N	N
Mining	N	N
Radio and TV Broadcast Facilities	N	N
Railroad Lines and Utility Corridors	CU	CU

Y = Yes, Permitted Use
N = No, Prohibited Use

CU = Conditional Use Review Required
L = Permitted, but Subject to Limitations

Table 220-1 is amended and reenacted as follows:

TABLE 220-1		
Uses in Multi-Residential Zones		
	E. <u>MR 4</u>	F. <u>MR 2</u>
RESIDENTIAL CATEGORY		
Household Living	Y	Y
Group Living	CU	Y
Cottage Housing ¹	Y	Y
COMMERCIAL CATEGORIES		
Retail Sales and Service	N	N
Marijuana Sales other than Medical	N	N
Office	N	L ⁽¹⁾
Quick Vehicle Servicing	N	N
Vehicle Repair	N	N
Self-Service Storage	N	N
Commercial Recreation	N	N
Major Event Entertainment	N	N
INDUSTRIAL CATEGORIES		
Manufacturing and Production	N	N
Warehouse and Freight Movement	N	N
Wholesale Sales	N	N
Industrial Service	N	N
Waste Related	N	N
INSTITUTIONAL CATEGORIES		
Basic Utilities	CU	CU
Community Service	CU	CU
Parks and Open Space	CU	CU
Schools	CU	CU
Colleges	CU	CU
Medical Centers	CU	CU
Medical Marijuana Dispensaries	N	N
Religious Institutions	CU	CU
Daycare	CU	CU
Essential Service Provider	N	CU
OTHER CATEGORIES		
Detention Facilities	N	N
Mining	N	N
Radio and TV Broadcast Facilities	CU	CU

Railroad Lines and Utility Corridors	CU	CU
--------------------------------------	----	----

Y = Yes, Permitted Use

CU = Conditional Use Review Required

N = No, Prohibited Use

L = Permitted, But Subject to Limitations

1.

S

see section 220.400 for Cottage Housing Development Standards

TABLE 230-1
Uses in Town Center Zone
Uses in Commercial Zones

RESIDENTIAL CATEGORY	
	G. <u>NC</u>
RESIDENTIAL CATEGORY	
Household Living	CU
Mixed-Use Residential and Commercial (1)	Y
Group Living	CU
COMMERCIAL CATEGORIES	
Retail Sales and Service (prohibits drive-up/thru/in commercial uses and any single user that exceeds 10,000 sq. ft.)	Y
Marijuana Sales other than Medical	CU
Office	Y
Quick Vehicle Servicing, including gas stations	N
Vehicle Repair	N
Self Service Storage	N
Commercial Recreation	N
Major Event Entertainment	N
Museums, galleries, art, dance and photo studios	Y
INDUSTRIAL CATEGORIES	
Manufacturing and Production	N
Warehouse and Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Waste Related	N
INSTITUTIONAL CATEGORIES	
Basic Utilities	Y
Community Service	CU
Parks and Open Space	Y
Schools	CU
Colleges	CU
Medical Centers	CU
Medical Marijuana Dispensary	CU
Religious Institutions	N
Daycare	Y
Essential Service Provider	N
OTHER CATEGORIES	
Detention Facilities	N
Mining	N
Radio and TV Broadcast Facilities	N
Railroad Lines and Utility Corridors	N
<i>Street furniture, art, seating, transit stops and pedestrian amenities</i>	Y

Table 230-1 is amended and reenacted as follows:

Y = Yes, Permitted Use
 N = No, Prohibited Use

CU = Conditional Use Review Required
 L = Permitted, But Subject to Limitations

Household Living	Y
Group Living	CU
Mixed-Use Residential/Commercial	Y
COMMERCIAL CATEGORIES	
Retail Sales and Service	Y
Marijuana Sales other than Medical	N
Office	Y
Quick Vehicle Servicing	N
Vehicle Repair	N
Self Service Storage	N
Commercial Recreation	CU
Major Event Entertainment	CU
INDUSTRIAL CATEGORIES	
Manufacturing and Production	CU
Light Industrial	Y
Warehouse and Freight Movement	N
Wholesale Sales	CU
Industrial Service	N
Waste Related	N
INSTITUTIONAL CATEGORIES	
Basic Utilities	Y
Community Service	CU
Parks and Open Space	Y
Schools	N
Colleges	N
Medical Centers	Y
Medical Marijuana Dispensary	N
Religious Institutions	N
Daycare	Y
Essential Service Provider	N
OTHER CATEGORIES	
Detention Facilities	N
Mining	N
Radio and TV Broadcast Facilities	CU
Rail Lines and Utility Corridors	CU

Y = Yes, Permitted Use N = No, Prohibited Use CU = Conditional Use Review Required

Table 240-1 is amended and reenacted as follows:

TABLE 240-1 Uses in Manufacturing Zones		
	H. <u>LM</u>	I. <u>G</u>
RESIDENTIAL CATEGORY		
Household Living	N	N
Group Living	N	N
COMMERCIAL CATEGORIES		
Retail Sales and Service	L(1)	CU(1)
Marijuana Facilities other than Medical	N	N
Office	L(2)	L(2)
Quick Vehicle Servicing	CU	N
Vehicle Repair	Y	CU(1)
Self Service Storage	N	N
Commercial Recreation	N	N
Major Event Entertainment	N	N
INDUSTRIAL CATEGORIES		
Manufacturing and Production	Y	Y
Light manufacturing, processing, fabrication, packaging, assembly, and experimental, research, testing or development facilities.	Y	Y
Warehouse and Freight Movement	Y	Y
Wholesale Sales	Y	Y
Industrial Service	Y	Y
Waste Related	N	CU
INSTITUTIONAL CATEGORIES		
Basic Utilities	Y	Y
Community Service	CU	CU
Parks and Open Space	Y	CU
Schools	N	N
Colleges	Y	N
Medical Centers	Y	N
Medical Marijuana Dispensaries	N	N
Religious Institutions	N	N
Daycare	CU/L(3)	CU/L(3)
Essential Service Provider	CU	N
OTHER CATEGORIES		
Detention Facilities	CU	CU
Mining	CU	Y
Radio and TV Broadcast Facilities	Y	Y
Railroad Lines and Utility Corridors	Y	Y

Y = Yes, Permitted Use

N = No, Prohibited Use

CU = Conditional Use Review Required

L = Permitted, but Subject to Limitations

See Section 240.200 D. for footnotes (1), (2) and (3)

Table 250-1 is amended and reenacted as follows:

TABLE 250-1 Uses in Commercial/Industrial Mixed Use Zone	
	J. <u>CI</u>
RESIDENTIAL CATEGORY	
Household Living	N
Group Living	N
COMMERCIAL CATEGORIES	
Retail Sales and Service	Y(2)
Marijuana Facilities other than Medical	N
Office	Y(2)
Quick Vehicle Servicing	Y(2)
Vehicle Repair	N
Self Service Storage	N
Commercial Recreation	CU
Major Event Entertainment	CU
Hotel or Motel	Y
INDUSTRIAL CATEGORIES	
Manufacturing and Production	Y
Warehouse and Freight Movement	N
Wholesale Sales	Y
Industrial Service	CU/L ⁽²⁾
Light manufacturing, processing, fabrication, packaging, assembly, and experimental, research, testing or development facilities	Y
Waste Related	N
INSTITUTIONAL CATEGORIES	
Basic Utilities	Y
Community Service	CU
Parks and Open Space	CU
Schools	N
Colleges	N
Medical Centers	CU
Medical Marijuana Dispensaries	N
Religious Institutions	N
Daycare	CU/L ⁽¹⁾
Essential Service Provider	N
OTHER CATEGORIES	
Radio and TV Broadcast Facilities	Y

Railroad Lines and Utility Corridors	Y
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Y = Yes, Permitted Use
N = No, Prohibited Use

CU = Conditional Use Review Required
L = Permitted, but Subject to Limitations

(2) See 250.200 D. Limited Uses per Title 4

2. Section 230.215 will be added to the Code as follows:

230.315 Marijuana Facilities Conditional Uses

A. Marijuana Facilities may be allowed, subject to a Conditional Use Permit pursuant to Article 620 of this Code, in the Neighborhood Commercial Zone. No Marijuana facility may be located within the City unless it satisfies all the requirements of this Code and provides evidence of all licensing required by State law.

Marijuana facilities legally established pursuant to this Code shall not be found in conflict with the provision of this Code in the event that a conflicting land use locates in the vicinity of a facility subsequent to the facility obtaining land use approval from the City. Should such conflict arise, the marijuana facility shall be considered a legal nonconforming use and subject to provision set for in Section 640 of this Code.

B. Marijuana Facilities may not be located and a Conditional Use Permit as provided in this zone shall not be issued for any facility that is:

1. At the same address as a registered grow site.
4. Within 1,000 feet of the real property comprising a:
 - c. Public or private preschool, elementary, secondary or career school attended primarily by minors; or,
 - d. Public park; or,
5. Within 1,000 feet of another marijuana facility.

Section 620.040 in Conditional Uses shall have a minor amendment to reflect the locational requirements for marijuana facilities as follows:

620.040 Review Criteria. Requests for Conditional Uses will be approved if the review body finds that the applicant has shown that all of the following criteria have been met, either outright, or with conditions that bring the proposal into compliance:

- A. The use is listed as a conditional use in the base zone or is approved by the Planning Commission for consideration as a conditional use.
- B. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.
- C. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses in the zone.
- D. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area and will not significantly affect a transportation facility. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

“Significantly” affect the transportation facility means the proposal would:

3. As measured at the end of the Wood Village TSP planning period or 15 years, whichever is greater, the proposal would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable; or
 3. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable.

If it is determined that a proposed land use significantly affects a transportation facility, the applicant shall assure that the allowed uses are consistent with the function, capacity and level of service of the facility by one of the following methods:

- (a). Alter land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
- (b). Provide measures demonstrating that the use can be consistent with the planned function of the transportation facility, or provide other measures as a condition of development through a development agreement or similar method, specifying when such measures will be provided.

E. Public service for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.

F. The proposal will not have significant adverse impact on the livability of nearby residentially zoned lands due to:

(2) Noise, glare, odor, litter, and hours of operation.

(2) Privacy and safety issues.

G. Conditional Uses which fall within the Waste Related Use Category (See Section 710.330) must also meet the criteria defined in the Mitigation Agreement for Siting Solid Waste Facilities between Metro and the City.

H. Marijuana facilities shall be subject to the spacing and locational limitations provided in the authorizing zone and provisions of state law.

. New Use Categories shall be added to Chapter 720 to describe both marijuana sales and medical marijuana as follows:

710.205 Marijuana Sales other than Medical (see 710.445 for Medical Marijuana Dispensaries)

E. **Characteristics.** Retail sales of marijuana products as provided by state licensing for the recreational use of marijuana products as permitted by state law.

F. **Accessory Uses.** Accessory uses may include sales of foods and other retail commodities.

G. **Examples.** Examples include a marijuana sales store.

H. **Exceptions.**

- (2) Any such use is subject to regulation for distances from designated youth facilities as provided in the underlying authorization code.

710.445 Medical Marijuana Dispensaries

A. **Characteristics.** Dispensing of marijuana products to individuals with appropriate state authorized credentials for the intake and use of marijuana for prescribed purpose. All such facilities shall be in accord with the Oregon Health Authority regulations and shall have appropriate licenses and authorizations for dispensing marijuana.

B. **Accessory Uses.** Accessory uses may include sales of foods and other retail commodities.

C. **Examples.** Examples include a marijuana dispensary.

D. **Exemptions.**

- (1) Any medical marijuana dispensary is subject to regulation for distances from designated youth facilities as provided in the underlying authorization code.

Purpose statements and Consistency statements are amended to reflect the change to accommodate known violation of federal law when directed by state law as follows:

100.020 Purpose. The Zoning Code is intended to set forth and coordinate City regulations regarding the use and development of land. It is further intended to:

- A. serve as the principle means to implement the Wood Village Comprehensive Plan.

B. protect and promote the health, safety and general welfare of the citizens of Wood Village.

C. provide for appropriate and prompt review of development and use proposals.

D. satisfy relevant federal law, state law, goals and administrative rules and regional government law, **provided however, except where case law prohibits, when state law specifically authorizes uses that may be in conflict with federal law, the state provisions shall be acknowledged.**

100.040 Consistency with Plan and Law. Actions initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Wood Village, with applicable law, and the regulations of the Federal, State and Regional governments as these plans, laws or regulations may now or hereafter provide or require, **provided however, except where case law prohibits, when state law specifically authorizes uses that may be in conflict with federal law, the state provisions shall be acknowledged.**

Since the Wood Village Comprehensive Plan has been acknowledged by the State of Oregon as being in compliance with the Statewide Goals, any action taken in conformance with this Code shall be deemed also in compliance with Statewide Goals and the Comprehensive Plan. Unless otherwise stated in this Code, specific findings demonstrating compliance with the Comprehensive Plan are not required for land use or development application approval. This provision does not however, relieve the applicant or proponent of a use or development of the burden of responding to allegations that the action requested does not conform ~~to with~~ one or more Comprehensive Plan policies.

**MEETING OF THE
WOOD VILLAGE PLANNING COMMISSION
March 30, 2015
MINUTES**

PRESENT: President Craig Howard, Commissioners, Scott Harden, Stanley Dirks and Charles Rhoads, City Administrator Peterson, Contract Planner Carole Connell, and interested parties.

ABSENT: Commissioners Jim Mott and Al Evans.

PRESIDENT HOWARD CALLED THE MEETING TO ORDER AT 6 PM.

PUBLIC HEARING: VARIANCE REQUEST FOR A SIDE SETBACK
829 NE 236th Place, Douglas & Sandra Lauderback

Howard read the hearings disclosure statement, and asked if there were any conflicts of interest or ex-parte contacts. There were none.

Peterson presented the report, and stated that this is a quasi-judicial hearing for a variance request. Peterson stated that the property is located at 829 NE 236th PL, and the structure in question is a garage. Peterson presented photos and a plat map of the site. Peterson explained that the property was built in 1971, and the current setback ranges from one to five feet. Peterson stated that owner would like to replace the current garage structure with a more standardized garage building.

Peterson stated that setbacks are intended to allow light and air circulation, and access between buildings. Peterson explained that the owner obtained an easement on the adjacent property which guarantees that no additional structure will be built on the neighboring property along that easement. Peterson stated that while that action does not move the property line, it does impact the facts of the issue. Peterson presented photos of the easement and current structure.

Peterson presented the applicable standards for the LR 12 zone, and stated that the side setback standard is 12 feet. Peterson stated that there are no concerns with the overall site coverage. Peterson presented the decision criteria which included that granting the variance will equally or better meet the purpose of the code, impacts are mitigated, and that the variance is consistent with the comprehensive plan.

Peterson stated that there are a set of findings that identify that the intent and character of the zone will be maintained, and the construction of a new structure would be an improvement that

would not impact the adjacent property. Peterson stated that the recommendation is to grant the side yard variance.

Howard asked if the applicant wanted to testify.

Douglas Lauderback of 829 NE 236th PI stated that they got the easement when they purchased the property in the hopes that they could improve the garage structure. Lauderback stated that Peterson presented the case well, and is available to answer any questions that the Commission may have.

Howard asked if there was any additional public testimony on this variance.

There was none

Howard closed the Public Hearing.

Dirks stated that this project looks like it will improve that area. Howard agreed.

Upon motion by Rhoads, seconded by Dirks and passing 3-0-1 with Howard, Rhoads and Dirks Yea, and Harden abstaining, the side setback variance request for 829 NE 236th PI was approved on condition that all building permit requirements are met, there is a revocation provision for failure to comply, and a sunset provision of two years.

PUBLIC HEARING: RECOMMENDATION TO CITY COUNCIL - AMEND THE ZONING & DEVELOPMENT CODE & MUNICIPAL CODE TO ALLOW MEDICAL MARIJUANA FACILITIES AND MARIJUANA RETAIL PREMISES AS A CONDITIONAL USE FOR SPECIFIC LOCATIONS.

Howard read the hearings disclosure statement, and asked if there were conflicts of interest.

There were none.

Peterson presented the staff report and stated that this is about where marijuana sales facilities could locate in the City. Peterson explained that the proposed revisions apply to both medical and recreational sales. Peterson explained that additional land uses such as production, processing or wholesales of marijuana may come up in the future, but will not be discussed tonight. Peterson stated that those uses are still being reviewed by the state, and will be considered at a later time.

Peterson stated that state law allows for cities to set time, place and manner of sales restrictions on marijuana facilities. Peterson explained that the state law also identifies where marijuana facilities could locate if local cities do not take any action. Peterson stated that the City currently

has a moratorium in place, but that expires on May 1, 2015. Peterson explained that voters also approved measure 91 which adopts a recreational provision for marijuana. This measure generally provides for the decriminalization of marijuana in Oregon. Peterson stated that there are currently 31 pieces of legislation regarding marijuana, so there are still a lot of unknowns at this time.

Peterson stated that medical marijuana has been in place for a longer time, and administrative rules have been established. Peterson explained that regulating grow sites can have difficulties especially in terms of tracking the card holders and number of plants. Peterson stated that another main provision of the medical marijuana law is that growers cannot be paid more than the cost to produce the product, but there are difficulties in regulating that provision as well. Peterson stated that while there may be some enforcement issues; that does not mean that anything illegal is occurring.

Peterson stated that local taxes are prohibited, and there will not be any marijuana tax in Wood Village. Peterson explained that the surrounding jurisdictions do have marijuana taxes in place, and that could induce additional facilities to locate in the City. Peterson stated that the ending of the moratorium does not mean that marijuana has to be allowed in the City. Measure 91 allows for the voters in the City at the next general election to vote against allowing the sales of recreational marijuana.

Peterson explained that there is also a case out of Cave Junction because that city has not permitted medical or recreational sales in their city because marijuana is still illegal under federal law. Peterson stated that the City has a similar business license provision that states all businesses must comply with all local, state and federal laws. Peterson explained that the case went to district court and Cave Junction won. Peterson stated that decision has been appealed, and the legal opinions are split about 50/50 on whether the decision will be upheld.

Peterson stated that if the City's decision is to move forward, then language in the City's business license code will also have to be revised. Peterson stated that there is a set of proposed land use regulations that would identify the particular kind of use, and where that use could locate in the City. Peterson explained that if the City does nothing, the state law would allow marijuana sales in the Commercial/Industrial Zone, General Manufacturing Zone, Light Manufacturing Zone, the Neighborhood Commercial Zone, and the Town Center once the moratorium expires.

Peterson presented the zoning map, and identified the potential locations of marijuana facilities if the City does not take any action. Peterson explained that marijuana outlets still have to be located 1,000 feet from a school or other marijuana facility. Peterson stated that there was a combined session in January, and potential zones were discussed. Peterson explained that the

group identified and recommended that this use be permitted in the Neighborhood Commercial zone. The zone includes the frontage along Halsey, and a small section at 242nd and Glisan. Peterson stated that the group also asked to include a 1,000 foot buffer from public parks. Peterson explained that the group did not deal with additional regulations such as hours of operation, packaging or other related items.

Peterson stated that the draft code was written with those recommendations. Peterson explained that the Development Code can be amended to better meet the Comprehensive Plan, or when laws change in a way that requires a response. Peterson stated that there are two definitions for marijuana facilities. One definition is for medical sales, and the other is for all other sales. Peterson explained that those definitions would go into the code as the characteristics of that type of use. Peterson stated that the use as drafted would be a conditional use subject to a public hearing. Peterson explained that the Planning Commission would conduct a public hearing on each proposed facility. The business would be reviewed for all aspects, and the Commission could then allow, deny or modify the use. Peterson stated that property owners within 100 feet of a proposed location would receive direct notice of the public hearing.

Peterson presented the proposed code language, and where the facilities could be located. Peterson explained the distance between facilities, parks and schools, and stated that outlets cannot also be grow sites per statute. Peterson explained that the Municipal Code would be revised to remove the federal prohibition on marijuana. Peterson stated that the new language was drafted by the City Attorney, and acknowledges what the state has done without putting the City in a place that violates federal law. Peterson stated that the language allows a business who meets the state's criteria to obtain a City business license.

Peterson stated that there is a finding that the purpose of the Neighborhood Commercial Zone will be met with this amendment. Peterson explained that the purpose of the zone is for smaller entrepreneurial businesses, and this use does seem appropriate for that zone.

Peterson stated that the alternatives include adding additional restrictions or conditions. There could be time constraints, and packaging and marketing could be reviewed as well. Peterson explained that additional restrictions could include distances from licensed day cares, and minimum distances from multi-family housing. Peterson stated that different boards have taken different approaches to this subject. Peterson explained that this use could also be prohibited in the community.

Peterson stated that he has drafted findings which would support the conditional use for medical and other sales of marijuana in the Neighborhood Commercial Zone.

Harden asked how many locations are available in the Neighborhood Commercial Zone for this use. Peterson stated that there could be a maximum of three if they were all optimally placed. Dirks asked why the Town Center was not considered. Peterson stated that there was a lot of discussion around that topic, but it was felt that the Neighborhood Commercial Zone better suited the needs of the community. Dirks asked if the owners of the Town Center had been contacted. Peterson stated that he contacted the real estate representatives, and they did not have any opinion one way or the other on the matter.

Howard stated that this is a good fit for the Neighborhood Commercial Zone with easy and good access. Dirks asked if the code could be revised in the future. Peterson stated that it could.

Howard asked if Connell had any comments before the public hearing was opened. Connell stated that the main difference between the proposed code and the state is the City added an exclusion zone of 1,000 from any public park. Connell stated that some cities have also added 1,000 feet from residential zones, but that would be a stretch for this City. Connell explained that the conditional use is not necessarily a common approach either as other cities are treating the use as any other retail use. Connell stated that conditional uses can open up additional items such as odor, safety, and other livability issues. Connell explained that something could be developed to work through that process, and the City of Portland uses a good neighbor agreement to help address those issues.

Harden asked about the potential daycare provision and asked what would occur if a daycare opened within 1,000 of an existing facility. Peterson stated that would make the marijuana facility an existing non-conforming use. Harden stated that he is not advocating to add daycares. Peterson stated that some codes do clarify or outline what occurs if a conflict arises to an existing use. Harden stated that he feels some cities are just looking for ways to limit locations.

Howard opened the Public Hearing.

Julie Lofstedt of 24221 NE Halsey asked about the exclusion zone for schools, and where they apply in the City. Peterson stated that there is an active school at 244th off of Halsey, and the 1,000 exclusion zone is from the edge of the full property. Lofstedt stated that the zoning in some sections of the Neighborhood Commercial seem inappropriate, especially by the park. Peterson explained that the long term vision is to covert and redevelop properties into medium density residential and commercial uses. Peterson stated that there is no mandate for that to occur, and the main purpose is because Halsey is along a transit route. Lofstedt stated that she does not want a facility next to her home. Peterson stated that would not occur because the properties in that area are within the 1,000 foot exclusion zone.

Lofstedt asked if the local results were available for measure 91. Harden stated that the measure passed in the City with about 60% in favor, and the full details are available from the county elections office. Lofstedt stated that marijuana is not family friendly, and there will be consequences if those stores are allowed in the City. Howard stated that homeowners will be able to grow their own, and there is nothing the City can do to prevent that from occurring. Lofstedt stated that the City does not have to allow stores though. Harden explained that right now the City has options and choices on where the facilities can locate, but it would be very difficult to prohibit them outright. Harden explained that under measure 91, a resident could collect signatures to put the item on the November 2016 election, but that would only cover recreational sales.

Howard stated that the use would be condition as the code is currently drafted, and each potential site would have to go through a public hearing process. Howard explained that there would probably be a lawsuit if the City attempted to prohibit the use outright. Connell explained that if the City does not take any action, then the majority of the City would be open for potential locations. Lofstedt stated that she does not like how the potential locations are so close to homes and children. Howard stated that the City is not that big, and there will be impacts for a lot of land use actions. Harden stated that the proposed language could allow up to three locations, compared to eight locations if the City does not take any action.

Larry Michelson from 18890 SE Tillstron Road in Damascus stated that his son has a proposed facility in the City. Michelson stated that any substance can be abused, but marijuana has benefits if properly used. Michelson stated that proper rules and regulations need to be put into place, and the state is working on narrowing down those issues. Michelson stated that it is up to the board on how this will be addressed in the City.

Robert Corkstead of 1556 NE Vista Way in Gresham stated that he does not understand the mass hysteria around this item. Corkstead stated that these facilities provide a safe place for people to get their medication, and they are no different than pharmacies. Howard stated that is why they are considering areas that have easy access and is in the public view. Corkstead stated that is a great intent.

Megan Graham of 6217 SE 91st in Portland stated that she wanted to provide support for properly licensed facilities. Graham stated that she has grown for patients for a number of years, and these people are able to reduce the use of opiates because of this medication. Graham stated that there should be safe facilities for people to obtain their medication. Harden asked if any of her patients were from Wood Village. Graham stated that she does not have any patients from the City, but there are card holders in the City.

Sara from SE Hillyard in Gresham stated that she is a former caregiver, and it is difficult to find locations to purchase their medication. Sara stated that safe locations are important for caregivers, and there are rules and regulations for the facilities to ensure safe access.

Jennifer from 15610 SE Yamhill in Portland stated that she works in the community, and there are a lot of requirements to follow in getting a medical marijuana sales license. Jennifer stated that she is in favor of the code revisions, and it will not do any harm to the community. These facilities provide medication to people.

Eugene O'Neill from Troutdale stated that he is happy that the moratorium is ending so people can open their facilities. O'Neill stated that there should not be any additional regulations placed on these facilities, and they were approved by the voters. O'Neill stated that the use should not be a conditional use, and they should not be treated any differently from any other retail facility. O'Neill stated that there is discrimination against the people who use these facilities, and that needs to end.

Lofstedt stated that she still has concerns, and there have been issues in the states that have legalized marijuana. Lofstedt asked if the hypothetical locations of these facilities could be explained again. Peterson explained that there is a licensed but not yet opened facility at 238th and Halsey. Another facility could locate 1,000 feet to the west, and the final facility could be at the corner of 242nd and Glisan.

Howard closed the Public Hearing.

Howard stated that he feels comfortable with the current revisions. Howard stated that adding additional regulations would be difficult, and does not have a problem as they are written. Dirks stated that he wanted to address the concerns regarding public safety and community access. Dirks explained that as proposed these facilities will be out in the open, and the legalization will curb a lot of the issues that have arisen in the past. There will be less black market sales, and it will move into a regulated environment. Dirks stated that there are people in the community who use marijuana now, and things will probably not be too much different after these facilities open. Dirks stated that he appreciates all the comments and feedback, and feels that this will be a positive for the community.

Harden stated that he agrees with Dirks, and he did vote against the moratorium. Harden stated that he does not mind restricting the use to one zone at this time, but would never be in favor of an outright prohibition.

Rhoads stated he has listened to the testimony and questions. All the comments have been valid, but sometimes both sides cannot win. Rhoads stated that as a public body they have to look at

how to implement this as best they can for the community. Rhoads stated that there would be chaos if they did not take any action, and he feels staff has done an admirable job putting this package together. Rhoads stated that there are still a lot of unknowns at this time, but the dispensaries will be regulated and scrutinized. Rhoads stated that the Planning Commission has to do what is best for the community with the given circumstances.

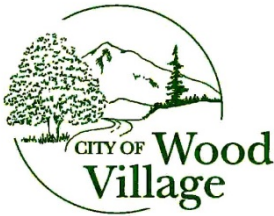
Upon motion by Rhoads, seconded by Dirks and passing 3-0-1 with Howard, Dirks and Rhoads Yea, and Harden abstaining the Planning Commission recommend to the City Council the amendments proposed in the staff report, creating land use categories for medical marijuana dispensaries and marijuana sales other than Medical, providing for a conditional use hearing to permit the use in the Neighborhood Commercial Zone.

ADJOURN

With no further business coming before the Commission, and upon motion by Dirks and passing 3-0-1 with Howard, Rhoads and Dirks Yea, and Harden abstaining, the Planning Commission adjourned at 7:43pm.

Craig Howard:
Planning Commission Chair

Date



Adoption of Annual Performance Plan 20145-2016

Wood Village City Council Agenda Item Staff Report

Meeting Date: April 16, 2015

TO: Mayor and City Council
FROM: Bill Peterson, City Administrator
DATE: April 8, 2015
SUBJECT: Annual Performance Plan

Requested Action

Discuss the content of the Annual Performance Plan and agree what actions should be taken concerning the adoption of the plan.

Background

The City of Wood Village has adopted a municipal management plan known as System Integration™. This plan is the copyrighted name assigned Caryn Tilton to the management and evaluation system adopted by the City of Wood Village. This system provides for the creation of an Annual Performance Plan (APP). As this process is designed, the City Council is responsible for the adoption of the city's overall strategic direction. The City Administrator is responsible to provide to the City Council an Annual Performance Plan that demonstrates through Objectives and Actions Plans that specific strides will be taken to insure the achievement of the City Council goals.

The plan is not a restatement of the standard operations of the City, the requirements for oversight of our entire contract operations and direct operations, and the achievements of our operating departmental targets is handled through the management system, and not reiterated in the APP. It is extremely important for Council to recognize that we have structured our small organization to avert excess capacity. While we desire specified and identifiable work plan items to achieve, we all have routine daily duties that consume a great deal of our time to assure our routine operations are smooth and that we meet our performance targets in operations.

The recommendation in the System Integration System is to have approximately 20% of capacity identified for APP related projects. To that end we have identified potential projects that would enhance our ability to achieve our goals.

To reiterate the policy, the APP format is as follows:

1. Each year in March, the City Administrator will present the city's Annual Performance Plan to the council.
2. Each year in April the council will adopt the city's Annual Performance Plan as is or with recommended changes or additions. If there are additions, both council and staff

- must agree that the overall plan is doable in a one year's period of time or modify the plan until such agreement is reached.
3. The Annual Performance Plan will be presented in a table showing:
 - a. **Objectives** that will be accomplished in the coming year to support city goals.
 - b. The city **Goal** that the Objective supports.
 - c. The **Responsible Person** for Objective achievement.
 - d. The **Target Date for Objective Completion**
 4. The Objectives in the Annual Performance Plan should state specifically what will be accomplished in one year.
 5. Moving Objective achievement to a new year shall occur only if the council agrees by majority vote, after reviewing supporting argument for the move, that unforeseen circumstances warrant delaying Objective achievement.
 6. If the council determines it is in the best interest of the city to add an Objective to the Annual Performance Plan any time other than at the April council meeting, the council, working with the City Administrator, shall determine which of the existing Objectives shall be moved to next year's Annual Performance Plan to allow adequate time and other resources for the new Objective.
 7. Success or failure in the achievement of the Objectives in the Annual Performance Plan shall be considered the success or failure of the City Administrator's performance and will be considered as one part of the City Administrator's annual review.
 8. The City Administrator will be responsible for all Objective achievement either by his/her own effort or through the efforts of the management team.

The City Council spent time during the annual retreat to review the potential projects for inclusion in the APP for 2015-2016. All items identified at that time are included in the draft plan presented this evening. There are several items that are identified that may, or may not, be included in the adopted budget. If they are not included in the budget, they will need to be removed from the plan.

All items on the attached listing of APP objectives are identified sufficiently to identify the topic, and the intended time of completion. Not noted during our retreat is the undertaking to revise sewer SDC's. Following the completion of our master plan work for both utilities, we have completed the update for the water SDC and now need to complete the wastewater SDC. This is a major effort.

Other noted items that will involve a great deal of staff effort include:

1. Parks Master Plan
2. Halsey Street Sewer Line Construction
3. Town Center Redefinition
4. Water System modifications for Upper Pressure Zone conversion for TreeHill

Estimating 20% of available time from the four managers (Mark, Bill, Greg and Peggy) indicates that we will be able to dedicate about 1,600 person hours to the APP task accomplishment. (Not including time from other assigned personnel). We have very loosely estimated the demand from this plan to be about 1,400 hours, so it appears we have sufficient capacity to complete the plan as proposed.

Goals Affected

GOAL 1 A safe, clean, livable community with a sense of pride, quality housing, and strong identity.

- GOAL 2: Excellent police, fire and building services.
GOAL 3: High Quality, cost-effective public utilities, parks and events.
GOAL 4: Long-term financial stability, economic vitality and growth.
GOAL 5: A work environment that develops and encourages employees and rewards their creativity and innovation.
GOAL 6: Effective local, state and regional partnerships.
GOAL 7: Environmental Responsibility.

Alternatives

The alternatives are to:

1. Discuss and determine highest priorities to include in the plan, eliminating some activities or changing direction prior to adoption.
2. Require all tasks identified to be included in the plan and hold the staff accountable for performance of all items.
3. Add additional tasks to the plan.

Fiscal Impact

All identified actions in the APP demand resource, personnel or financial resource. The adoption of the plan provides guidance for the development of the budget recommendations for the fiscal year.

Suggested Motion

I move to direct the City Administrator to return to the Council with an APP as modified by the Council in this meeting.



City Council Agenda Item Staff Report

Meeting Date: April 16, 2015

TO: Mayor and Councilors

FROM: Bill Peterson: City Administrator
Authored by: Greg Dirks: HR/Records Manager

DATE: April 6, 2015

SUBJECT: 27th Annual Easter Egg Hunt Recap

Requested Council Action

No specific action is requested. The Council is asked to provide feedback on the hunt and related activities.

Background

The City's 27th Annual Easter Egg Hunt was held on Saturday, April 4th. The event features included separate hunt areas for special needs children, and children aged 3-4, 5-6, and 7-9. There were over 15,000 Easter Eggs stuffed with candy and over 600 prize tickets. Free reusable Walmart bags filled with egg dying kits and fresh carrots were also available while supplies lasted. The Easter Bunny arrived at 9:00am via Multnomah Animal Control as the helicopter which comes from Newberg was fogged in. The hunts started at 10am and the last hunt went off at 10:45am. The Easter Bunny stayed until 11:00am. It is estimated that about 2,000 people attended the event.

Over 70 volunteers helped on the day of the hunt with over 50 volunteers coming from Emilio Inc. This newly formed non-profit organization conducts monthly service projects in honor of Emilio Hoffman who lost his life last year at the Reynolds tragedy. Emilio Inc. not only helped set up the hunt areas, but they also provided free face painting and balloon animals to kids. Additional volunteers came from the Eagles, Rotary, and community members. Members of Cub Scout Troop 717 sold coffee and doughnuts, and Girl Scout Troop 45117 sold cookies as a fundraiser. Both organizations helped stuff over 5,000 eggs prior to the event. The Chapel in Troutdale stuffed the other 10,000 eggs.

The event's website had over 1,200 unique visitors, and the event's Facebook page had an increased following this year as well. Main sponsors included Wal-Mart, Brasher's Auto body, Advanced Metal and Wire, Wood Village 76 Station, Beanarino's, the Chapel, and the Eagles. Other sponsors included Skate world, Wood Village Green, and Super kids Resale.

Next Steps

Feedback and suggestions will be used to help plan next year's 26th annual hunt. We solicited feedback at the event via a survey, and overall the results were very positive. Ideas for improvements next year include having "Prize Booth" and "Lost Children" signs made.

Next Steps

We have written personalized thank you notes to all volunteers and sponsors. Feedback and suggestions will be used to help plan next year's 28th annual hunt.

Fiscal Impact

The total cost of the event was about \$3,450. Total cash contributions totaled \$3,350, for about \$100 in out of pocket expenses. The budgeted amount for the event was \$3,500, and details of the expenses include:

- Prizes \$590
- Event Banners \$215
- Thank You and Other Banners \$150
- Bunny Costume \$80
- Candy \$1,455
- Eggs: \$700
- Rental Truck and other Supplies \$255

City Goal

The successful execution of this event helped complete City Goal 3: High quality, cost effective public utilities, parks and events.

Suggested Motions

No Motion is suggested.



City Council Agenda Item Staff Report

Meeting Date: April 16, 2015

TO: Mayor and City Council

FROM: Bill Peterson: City Administrator
Authored by: Greg Dirks: HR/Records Manager

DATE: April 8, 2015

SUBJECT: 16th Annual City Nite Out

Requested Action

Review and discuss event details and features, and approve an event plan.

Background

The 16th Annual City Nite Out is scheduled for Friday July 17th from 5-9pm. The event will start with an emergency vehicle parade through the City at 5pm, and the event itself will start at 5:30pm. The proposed parade route is the same as last few years. The parade will start at City Hall, and travel west along Halsey. From there the parade will turn south on 223rd towards the Town Center. The parade will travel through the Town Center towards Wood Village Blvd. The parade will then head north on Wood Village Blvd to Arata Road. Once on Arata the parade will travel east to the event site at the Baptist Church.

Current event features include free food including hot dogs, chips, beverages, side dishes, popcorn, cotton candy and ice cream. Staff will work with area stores and vendors to get donated or reduced cost items. Other free event features include police demonstrations, gymnastic and martial arts demonstrations, pony rides, children activities, and live music. There will also be a Red Cross blood drive.

For the past several years the City has handed out free bicycle helmets for children. The Council may elect to offer helmets again this year, or select another safety or recreational related giveaway. Ideas discussed with the MCSO and Baptist Church included giving away sport balls including footballs, basketballs and soccer balls to children to help them be physically active, and to give them positive things to do. There could also be a combination of helmets and other items.

Businesses and organizations that are not for profit, specialize in community services, disaster preparedness or recovery, or are event sponsors will be invited to have a booth at the event. Organizations that have already committed to attend the event include; the MCSO, Secure Kid, Emilio Inc, Gresham Fire, Red Cross, AMR, Oregon National Guard, Army, Navy, Marines, and Life Flight.

The Council is requested to discuss and select the features for this event. The above suggestions can be modified, or do not have to be included at all. The Council may also select additional event features to enhance the quality of the event.

Next Steps

Staff will implement and coordinate the event plans, as well as meet with area businesses for sponsorship, displays, and volunteer needs.

Fiscal Impact

\$6,000 is proposed for this event in the 2015-16 budget. Last year the City spent about \$6,500, and received \$2,000 in donations. The Wood Village Baptist Church has committed to supplying the ice cream, volunteers, cotton candy, popcorn, and children's activities. Staff will work with area businesses for financial or in-kind support.

City Goal

The successful completion of this event will meet City Goal 3: High quality, cost effective public utilities, parks and events.

Suggested Motions

"I move to approve the 16th Annual City Nite Out event plan as presented or modified."