



RESOLUTION 2020-050

APPROVING EXPLANATORY STATEMENT FOR INITIATIVE ISHE2020-1

WHEREAS, initiative petition ISHE2020-1 was initiated with the City in March 2020; and

WHEREAS, on July 9, 2020, the Washington County Elections office notified the City that it validated 1,343 signatures of the required 1,340, thus qualifying this initiative for the next available election; and

WHEREAS, when an initiative petition has been determined to contain the required number of verified signatures, ORS 250.325(1) and Sherwood Municipal Code (SMC) 2.04.043(F) require the City Recorder to file the measure with Council at its next meeting; and

WHEREAS, the City Recorder filed ISHE2017-1 with Council on July 21, 2020; and

WHEREAS, Council took no action on the initiative at that time, thus necessitating under ORS 250.325 that the measure be placed on the ballot; and

WHEREAS, SMC 2.04.045(D) and ORS 250.325(2) provide that, after an initiative qualifies for the ballot, Council must call an election on the next election date available under state law that is not sooner than the ninetieth day after the date of the recorder's certificate of sufficient signatures, which in this case is the November 3, 2020 election; and

WHEREAS, SMC 2.04.045(C) provides that Council shall submit an explanatory statement consisting of an impartial, simple, and understandable statement of no more than five hundred words explaining the measure and its effect(s) for any initiative, and that the City Attorney shall prepare a draft for consideration by Council of any explanatory statement required by that subsection; and

WHEREAS, the City Attorney prepared the explanatory statement attached hereto as Exhibit 1 for consideration by Council; and

WHEREAS, after consideration of said explanatory statement, it appears to Council that it meets the requirements of the municipal code.

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

Section 1. An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters initiative ISHE2020-1.

Section 2. Tuesday, November 3, 2020 is designated as the date for holding the election for voting on the measure.

Section 3. The election will be conducted by the Washington County Elections Department.

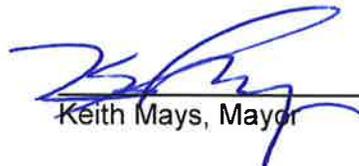
Section 4. The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

Section 5. The Explanatory Statement attached as Exhibits 1 is hereby approved and certified.

Section 6. The City Recorder or her designee is hereby authorized to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

Section 7. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 4th day of August, 2020.



Keith Mays, Mayor

Attest:



Sylvia Murphy, MMC, City Recorder

EXPLANATORY STATEMENT FOR INITIATIVE ISHE2020-1

State law allows for the operation of licensed recreational marijuana producers, processors, wholesalers, and retailers. State law also allows cities to prohibit these types of facilities from operating within city limits, subject to voter approval. In January 2016, the Sherwood City Council referred a measure to the November 2016 election to put in place a ban on all such facilities. By doing so, the City Council also enacted a moratorium on the establishment of these facilities until that election. In November 2016, Sherwood voters approved the ballot measure prohibiting all of these categories of recreational marijuana facilities from operating within city limits. That prohibition is currently in effect in Sherwood.

A citizen ballot initiative was initiated to repeal that prohibition, resulting in this measure now appearing on the ballot. Approval of this measure would repeal the existing prohibition of recreational marijuana producers, processors, wholesalers, and retailers within the city that was adopted by Sherwood voters in November 2016.

The effect of approval of this measure would therefore be to allow recreational marijuana producers, processors, wholesalers, and retailers to operate within the city.

Approval of this measure would also result in the adoption of certain land use regulations, including but not limited to the following:

1. Recreational marijuana facilities would only be permitted in General Industrial zones. An exception would allow recreational marijuana facilities on one property zoned Light Industrial where a medical marijuana facility is located as of 4/1/2020.
2. Retail sales would be permitted only from 10:00 a.m. to 8:00 p.m. Sunday through Thursday and 10:00 a.m. to 10:00 p.m. Friday and Saturday.
3. Production, processing, testing, and wholesale facilities would be prohibited within 1,000 feet of any single- or multi-family residential zone.
4. Retail facilities would be prohibited within 1,000 feet of:
 - a. public or private elementary or secondary schools attended primarily by children;
 - b. other retail recreational marijuana facilities and medical marijuana dispensaries; and
 - c. public plazas and active use parks.
5. Recreational marijuana facilities would be prohibited within the Old Town Overlay District.
6. Certain security and odor mitigation measures would be required.

In addition, this measure has revenue implications and includes provisions relating to recreational marijuana taxes. Due to the prohibition on recreational marijuana facilities currently in effect in the city, Sherwood is not eligible to receive an allocation of state taxes on retail sales of recreational marijuana items. Approval of this measure would result in the city becoming eligible to receive those funds under current state law. Approval of this measure would also allow the city to begin collecting a 3% local tax on retail sales of recreational marijuana items, and this measure would require that the revenue from this local recreational marijuana tax be used by the city exclusively for public safety purposes.