

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

MINUTES

August 25, 2015

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Anthony Hyde (by phone) and Commissioner Earl Fisher, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator.

Commissioner Heimuller called the meeting to order and led the flag salute.

**MINUTES:**

Commissioner Fisher moved and Commissioner Hyde seconded to approve the minutes of the August 19, 2015 Board meeting and August 19, 2015 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

None.

**HEARING: EXTEND MORATORIUM ON MARIJUANA FACILITIES:**

This is the time set for the public hearing. "In the Matter of Extending a Temporary Moratorium on Medical and Recreational Marijuana Facilities within the Jurisdiction of Columbia County".

Robin McIntyre explained the procedural issues. The Board declared no conflicts of interest. Although not required for a legislative hearing, Robin felt it would be appropriate to read the pre-hearing statement into the record so that the public is informed of the process. The Board agreed and, after the reading, Robin entered County Counsel's hearing file into the record marked Exhibit "1".

Todd Dugdale, LDS Director, gave a brief summary of the staff report. By Ordinance No. 2015-3, the Board of Commissioners enacted a temporary moratorium on medical and recreational facilities within the jurisdiction of Columbia County. This moratorium is effective until August 27, 2015. The purpose of the temporary moratorium was to delay development of County land use regulations for recreational and medical marijuana until the State regulations have been adopted. An omnibus bill, HB 3400A amending both the Oregon Medical Marijuana Act and Measure 91, the recreational marijuana act, was signed into law by Governor Kate Brown on June, 30, 2015.

During the month of June 2015, as a first step in the development of Zoning Ordinance amendments and to study the issues surrounding marijuana uses, the Board directed Staff to solicit interested persons to serve on a Marijuana Advisory Committee to provide information and advice to Staff in drafting marijuana use amendments. Twelve citizens representing various perspectives on the issue met on June 4, June 11 and June 25 to systematically review how the current Zoning Ordinance would regulate marijuana uses and options for amendments to the Zoning Ordinance to accommodate such uses

During the month of July 2015, the County has been reviewing the changes included in the law related to land use as a basis for determining where marijuana uses will be allowed, according to what review process and according to what standards.

During the month of August 2015, County staff began drafting amendments to the Columbia County Zoning Ordinance taking into consideration newly enacted State law and information and advice provided by a twelve member Marijuana Advisory Committee comprised of citizens with a diverse range of interests related to legalized marijuana.

A preliminary draft of proposed Marijuana land use amendments to the Columbia County Zoning Ordinance will be developed and will be scheduled for a public hearing before the Planning Commission on October 5, 2015. The required 35 day advance notice of the hearing on the proposed amendments and a summary and copy of the proposed amendments will be provided to the State Department of Land Conservation and Development Commission on or before August 27, 2015. The proposed amendments will also be provided to interested parties, the Marijuana Advisory Committee and will be made available to the general public on the Land Development Services Department website on or before August 27, 2015.

In order to allow ample time to complete the remaining review and adoption process including at least one hearing before the Planning Commission, the first of which scheduled for October 5, 2015 and subsequent hearing(s) before the Board of Commissioners, an extension of the current moratorium from August 27, 2015 to February 27, 2015 will be necessary.

In anticipation of the need for an extension of current moratorium to complete the required public review and adoption process, Section 6 of Ordinance No. 2015-3 provided for an up to a six month extension. Based on the findings, staff recommends adoption of Board Order No. 44-2015, Extending the Temporary Moratorium on Medical and Recreational Marijuana Facilities within the Jurisdiction of Columbia County until February 27, 2016.

The hearing was opened for public testimony:

**PROPONENTS:**

***William Etter, 32976 SW JP West Road, Scappoose:*** He was part of the county's advisory committee and would recommend the Board extend this moratorium because

more time is needed and necessary to ensure that all issues are addressed. Further, there is still no guidance yet from OLCC.

***Bob Gregg, 62623 Burn Road, Vernonia:*** He is in support of extending the moratorium for as long as possible. Whatever rules are put in place, we need to make sure they are done correctly and the property owners rights are protected. Also, the names and addresses of these growers need to be public record. He has a concern that the growers will attract some unwanted people. There is a grower next to him and he has already told Bob that, at some point, his home will be broken into.

***Lola Gregg, 62623 Burn Road, Vernonia:*** Her concern is with property values. They has people come to look at their property to buy it but when they found out that the neighbor is a grower, they are no longer interested. This is effecting property values.

**OPPONENTS:**

***Michael Johnson, 34485 Green Meadows Way, Scappoose:*** He's lived in Scappoose since 1993. This county has always been backwards. He has grown medical for years and his neighbors have know about it but he's never had any problems. He would like to know what problems legalization had caused because he doesn't know of any. He referred to a news article in the Denver Post (noting that marijuana was legalized in Colorado in 2012), which stated that property values have increased by double digits, inventory has fallen and bidding wars have become common - this is due to one driving factor and that is "pot". It has also contributed to job growth. Knowing this, Columbia County should be embracing cannabis and, because it's new, we could see a boom we haven't seen since the logging days.

***James Owen, 74391 Columbia River Hwy, Rainier:*** He has no problem with people smoking pot, but now an old abandoned store across from his house is going to be a processing plant for marijuana. There is already a problem with drugs in a couple of houses in the area. He doesn't want kids around that stuff. He and his wife go to Arizona every year and he always come back to find stuff missing from his truck shop.

***Marvin Greer, 104 C St., Rainier:*** He has been clean and sober since 1996. He has since developed some health issues and is now using medical marijuana because he declined the heavy drugs. The cannabis helps dull his pain. He had to go to his AA sponsor about this. This is not the meth, which there is a problem with but this is not meth. He just found out two weeks ago that his brother died from drugs, but not marijuana. The book says that one must die for one to live. He's going to live and without the use of opiate drugs. He can't understand why the Board wants to enact a moratorium because it will hurt people.

***Nathan Hoffee, 58688 Noble Road, St. Helens:*** He has heard a lot of his friends and neighbors who are apposed to this moratorium. He likens this to the prohibition of alcohol. To get rid of the black market pot, we need to make some rules and regulations and sell it, like we do alcohol. Everyone seems to be concerned with it getting into the hands of our children. How do we do that, when we can't even do that with alcohol and tobacco and the other drugs.

***Shiloh Parken, PO Box 421, Rainier:*** He has a couple different views on this. He voted against M91 because it would hurt him and the people that he helps. There has been medical marijuana rules for 17 years and there was never any discussion about land use. Now the medical use is being drawn into the recreational part of it and now we have problems. He was in the process of purchasing a house right outside of Rainier, but because of this moratorium, he had to back out of the deal because it was illegal to

start up his new operation there. His son has epilepsy and yesterday he spent all day in the emergency room with him while he had 3 seizures and dislocated his jaw 3 times. It takes almost 2 pounds of dry medicine to make 1 ounce of the medicine he needs to help with his seizures. He can't grow that inside the house. This is hurting our children and patients who desperately need this medication. He can serve those now because of this moratorium. He just doesn't understand why it's been ok for 17 years but now it's not.

**Jodi Tate, 69831 Niciloi Cutoff Road, Rainier:** She asked if any of the Commissioners done any research on marijuana. Commissioner Heimuller explained that this is the time for comments not discussion, however he stated that the Board has done a huge amount of research on this matter. Jodi asked if the Board knows that people can use marijuana without getting stoned. Her comment is that you need to produce a lot of product to make the oils to help health issues. It actually cures a lot of problems such as a merca, warts, etc.

**Dave Erehrnkranz, 55696 Viewcrest Place, Warren:** He asked if the measure can be changed. Robin stated that it could be but it would be an extensive process. Dave feel that, if the moratorium is not extended, what harm would there be - other than some confusion of the rules.

**Ken Kovash, 65793 Janshaw Road, Deer Island:** He has an attorney that is involved with the County on a LUBA case regarding the moratorium. His father just resigned as the mayor of West Linn so Ken knows a lot about legalities. This moratorium is ridiculous. He has potential clients from Holand and another multi million \$ investors just waiting for his operation to be up and running. However, this county is stuck in a quandary and the Board is just sitting on their hands. We need the County to help us do this correctly. The Planning Commission has had ample time to review this and

determine how to regulate it. His business is to supply medical marijuana only, no smokeable product. There is a lot of opportunity for this county to gain from this product. You can use every part of this plant, hemp is one of the strongest fibers in the world. It could be the next forest industry.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Hyde feels his position hasn't changed. He commends county staff for working on these rules and happy to know that they continue to work on them. He heard compelling testimony again today on the medical part of it. He is still opposed to the moratorium. Commissioner Fisher asked Todd about the medical marijuana and how does this effect those already growing. Todd stated that those who started theirs grows prior to the original moratorium, are grandfathered in with the original rules and can continued. Individual home grows of 4 plants or less are not effected by the moratorium. Commissioner Fisher hasn't really changed his opinion either. There needs to be some rules in place and it does take time to get it right. Commissioner Heimuller stated that the Board works on these issues in a very in-depth way. He toured a marajuana facility yesterday and has gained a huge amount of valuable knowledge on this product. As Mr. Kovash stated, the County needs to develop some rules. That is what they are trying to do. Even though it is now legal, we still have no rules come down from the State or OLCC yet. Rules need to be developed that protect all of the people, their property and their rights.

After some thorough discussion, Commissioner Fisher moved and Commissioner Heimuller seconded to approve Order No. 44-2015, " "In the Matter of Extending a Temporary Moratorium on Medical and Recreational Marijuana Facilities within the Jurisdiction of Columbia County". Commissioner Hyde opposed. The motion carried.

**CONSENT AGENDA:**

Commissioner Heimuller read the consent agenda in full. With no changes/additions, Commissioner Fisher moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for week of 8/24/15.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (B) Courthouse Art Project Release Agreement with Teresa Weismann Knight.

The motion carried unanimously.

**COMMISSIONER HEIMULLER COMMENTS:**

Commissioner Heimuller explained the purpose for changing the Board meeting to today is because the Board will be attending the Oregon Coastal Caucus.

**COMMISSIONER HYDE COMMENTS:**

No comments.

**COMMISSIONER FISHER COMMENTS:**

Commissioner Fisher gave a shout out to Georgia Pacific who held a picnic in Clatskanie Park last weekend.

There was no Executive Session held.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 25<sup>th</sup> day of August, 2015.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_

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Henry Heimuller, Chair

By: \_\_\_\_\_

Anthony Hyde, Commissioner

By: \_\_\_\_\_

Jan Greenhalgh

By: \_\_\_\_\_

Board Office Administrator

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Earl Fisher, Commissioner