

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of Extending a Temporary Moratorium)
on Medical and Recreational Marijuana Facilities) ORDER NO. 44-2015
within the Jurisdiction of Columbia County)

WHEREAS, on April 29, 2015, the Columbia County Board of Commissioners adopted Ordinance 2015-3 enacting a 120-day temporary moratorium on medical and recreational marijuana facilities with the likelihood of one six-month extension; and

WHEREAS, ORS 197.520(4) and Section 6 of Ordinance 2015-3 provide that the moratorium may be extended for up to six months after a public hearing, and

WHEREAS, following proper notice prescribed by ORS 197.520(4) and Section 6 of Ordinance 2015-3, the Board of Commissioners held a public hearing on the moratorium extension on August 25, 2015; and

WHEREAS, after receiving testimony and evidence, the Board deliberated and voted to extend the moratorium.

NOW, THEREFORE, THE BOARD HEREBY ORDERS as follows:

1. In support of the extension of the temporary moratorium, the Board adopts the findings in the Staff Report dated August 10, 2015 addressing the requirements contained in ORS 197.520(4) for the extension of the moratorium, which is attached hereto as Exhibit A and incorporated herein by this reference; and
2. The temporary moratorium enacted by Ordinance 2015-3 is extended for six months from August 27, 2015 to February 27, 2015.

Dated this 25th day of August, 2015.

Approved as to Form


County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Henry Heimuller, Chair

By: not available
Anthony Hyde, Commissioner

By: 
Earl Fisher, Commissioner

EXHIBIT A

COLUMBIA COUNTY BOARD OF COMMISSIONERS

Staff Report

August 10, 2015

**Adoption of an Extension of
the Temporary Moratorium**

for

Medical and Recreational Marijuana Facilities

HEARING DATE: August 25, 2015

AUTHORIZATION: Public Hearing and Findings Required, ORS 197.520 (4)

BACKGROUND:

On April 29, 2015, the Board of Commissioners, adopted Ordinance No. 2015-3 establishing a temporary moratorium pursuant to ORS 192.520 on the establishment of new and expansion of existing medical marijuana facilities and recreational marijuana facilities. For the purposes of Ordinance No. 2015-3, "marijuana facilities" meant outdoor areas for growing marijuana and facilities for the dispensing, selling, processing, producing, or wholesaling marijuana whether for medical or recreational purposes. In accordance with ORS 197.520, the moratorium would be is effective for 120 days ending on August 27, 2015. The ordinance provided that the moratorium could later be extended for an additional six months following a public hearing.

The County proposes to extend the current moratorium for an additional six months ending on February 27, 2015 pursuant to ORS 197.520(4) and Section 6 of Ordinance 2015-3.

APPLICABLE REVIEW CRITERIA:

Page

Oregon Revised Statute (ORS)

ORS 197.520(4) Extension of a Moratorium

1

Columbia County Ordinance

Section 6 Ordinance No. 2015-3 Duration of a Moratorium

3

REVIEW CRITERIA:

Beginning with ORS 197.520(4) Extension of a Moratorium

(4) No moratorium adopted under subsection (3)(a) of this section shall be effective for a period longer than 120 days, but such a moratorium may be extended provided the city, county or

special district adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that:

(a) Verify the problem giving rise to the need for a moratorium still exists;

Finding 1: The County established a 120 day moratorium by Ordinance 2015-3 adopted after public hearing on April 29, 2015 in compliance with ORS 197.520. The problems giving rise to the need for the 120 day moratorium as stated in findings referenced in Ordinance 2015-3 still exist. A public hearing before the Board of Commissioners to consider an extension of the moratorium has been scheduled for August 25, 2015.

(b) Demonstrate that reasonable progress is being made to alleviate the problem giving rise to the moratorium; and,

Finding 2: The current 120 day moratorium on medical and recreational facilities within the jurisdiction of Columbia County established by Ordinance No. 2015-3 is effective until August 27, 2015. The purpose of this temporary moratorium was to delay development of County land use regulations for recreational and medical marijuana until the State regulations have been adopted and to provide time for the County to prepare and adopt amendments to the its Zoning Ordinance to incorporate State law and adopt reasonable local regulations authorized by the law. The County has made the following progress in accomplishing these objectives:

1. In June 2015, a twelve member Marijuana Advisory Committee comprised of citizens with a diverse range of interests related to legalized marijuana was formed. The Advisory Committee met three times during the month of June 2015 to consider options for the marijuana land use regulations and to provide Staff with information and advise in the drafting of Zoning Ordinance amendments addressing where marijuana uses will be allowed, using what review process and according to what standards. .

2. During the month of August 2015 Columbia County has been:

a. Reviewing the changes made to the Medical and Recreational marijuana laws by HB 3400A signed into law by Governor Kate Brown June 30, 2015.

b. Drafting amendments to the Columbia County Zoning Ordinance taking into consideration information and advise provided by the Marijuana Advisory Committee and incorporating provisions of HB 3400A.

(c.) Set a specific duration for the renewal of the moratorium. No extension may be for a period longer than six months.

Finding 3: A six month extension of the current moratorium from August 7, 2015 to February 27, 2015 is needed to complete the following tasks necessary to review and adopt County marijuana land use Zoning Ordinance amendments:

1. In October 2015, schedule, notice and conduct Planning Commission hearing(s) on the proposed amendments. The first Planning Commission hearing is tentatively scheduled for October 5, 2015. Provide a 35 day prior notice of the hearing to DLCD on or before August 27, 2015 as required by law.
2. In November 2015, provide required public notice and schedule hearing(s) before the Board of Commissioners.
3. In December 2015 and January 2016 conduct Board deliberations and adopt final amendments.
4. On or before February 2016, amendments take effect.

(5) Any city, county or special district considering an extension of a moratorium shall give the department at least 14 days' notice of the time and date of the public hearing on the extension.

Finding 4: A notice, at least 14 days prior to the August 25, 2015 public hearing on the proposed moratorium extension was sent to the Department of Land Conservation and Development Commission.

Following with Section 6 Ordinance No. 2015-3 Duration of a Moratorium

The moratorium imposed by this Ordinance shall be effective until August 27, 2015. The moratorium may be extended by Board Order in accordance with ORS 197.520(4) following a public hearing. The County anticipates that prior to the expiration of the moratorium, an additional six-month extension will be needed. The County shall provide at least 14 days' notice of any hearing on an extension of this moratorium. Notice shall be sent to the Department of Land Conservation and Development; to those who have testified either orally or in writing at public hearing on this Ordinance and submitted a mailing address; and to those who have submitted a written request to receive notice. Notice shall be published in newspapers of general circulation in the county as well as on the County's website."

Finding 5: A notice, at least 14 days prior to the August 25, 2015 public hearing on the proposed moratorium extension, was published in the Spotlight newspaper on August 7, 2015 and a notice was sent to those who testified either orally or in writing

at the public hearing on Ordinance 2015-3 and to those who requested notice. In addition, a notice of the hearing on the proposed moratorium extension was mailed to members of the Marijuana Advisory Committee and was posted on the County's website.

COMMENTS:

As of August 19, 2015:

Oregon Department of Land Conservation and Development (DLCDD): No Comment Received.

Phone Contacts: Land Development Services has responded to 10 telephone inquires and concerns from persons who received notice of the hearing on the moratorium extension.

Written testimony received is contained in Attachment 1.

ATTACHMENT:

1. Written Testimony of Moratorium Extension

RECOMMENDATION:

Based on the findings of this report in support of an extension to the current moratorium pursuant to ORS 197.520 on the establishment of new and expansion of existing marijuana facilities, the Planning Director **RECOMMENDS ADOPTION** of the Board Order 2015-_____ extending the temporary moratorium until February 27, 2015..



Dugdale, Todd <todd.dugdale@co.columbia.or.us>

Aug 25th hearing suggestion

1 message

David F Ehrenkranz <daveehr@mac.com>

Sat, Aug 8, 2015 at 3:16 PM

To: henry.heimuller@co.columbia.or.us, tony.hyde@co.columbia.or.us, earl.fisher@co.columbia.or.us

Cc: Todd Dugdale <todd.dugdale@co.columbia.or.us>, Glen Higgins <glen.higgins@co.columbia.or.us>

Commissioners Heimuller, Hyde, and Fisher,

Before the August 25th meeting to consider the extension of the temporary moratorium, I thought it may help to share a concern.

I was a member of the Advisory Committee for Marijuana which reviewed and offered our opinions on possible land use zoning regulations. The discussions mostly dealt with commercial aspects. But the moratorium you passed in April also affected personal (non-commercial) aspects. In your rush to pass the emergency moratorium, I believe you unwisely grouped personal grows with commercial grows. It is my hope the current moratorium may be slightly amended.

Due to the moratorium which you enacted, ordinary citizens of Columbia County who do not live in cities have less rights than most citizens of the State of Oregon. While I didn't agree with your declaration of an "emergency," I do understand your desire to get the zoning regulations in place, especially for commercial medical and recreational growing and processing establishments.

I am someone who is *not* interested in commercial growing or the retail of marijuana products; but I, like many other citizens of the county, am interested in growing a few plants without breaking the law. I want to make sure the regulations are clear about where I am allowed to grow. I hope the regulations will make it clear that citizens are allowed to grow their plants outdoors if they wish. Of course, they will also have to make sure they follow the requirements which forbid it from being in public view.

From the text of Measure 91:

"SECTION 56. Homegrown marijuana in public view prohibited. (1) No person may

produce, process, keep, or store homegrown marijuana or homemade marijuana products

if the homegrown marijuana or homemade marijuana products can be readily seen by

