

**POLK COUNTY BOARD OF COMMISSIONERS**  
**MINUTES May 20, 2015**

**1. CALL TO ORDER & ATTENDANCE**

At 9:02 a.m., Commissioner Ainsworth declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Wheeler and Commissioner Pope were present.

Staff present:           Greg Hansen, Administrative Officer  
                              Matt Hawkins, Administrative Services Director  
                              Austin McGuigan, Community Development Director  
                              Morgan Smith, County Counsel

**2. ANNOUNCEMENTS**

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The Tuesday meeting is held in the Board of Commissioners' Office Conference Room, 850 Main Street, Dallas, Oregon. The Wednesday meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda.

Department Head/staff meetings with the Board of Commissioners are held on Monday, Thursday, and Friday. The meetings are held in the Board of Commissioners' Office Conference Room and are conducted between 9:00 a.m. and 5:00 p.m. The principal subjects anticipated to be considered are on-going, upcoming, and new matters bearing on County operations. Pursuant to ORS 192.640, the Board of Commissioners may consider and take action on subjects not listed within this announcement.

The Polk County Budget and Compensation Committee will meet on Wednesday, May 20, 2015 beginning at 11 am in the Courthouse Conference Room.

The Board of Commissioners will attend a Mid Valley Behavioral Care Network Budget Committee Meeting on Thursday, May 21, 2015 beginning at 9:30 am at 1660 Oak St SE # 230, Salem, OR 97301

The Grand Ronde Sanitary District Budget Committee will meet Wednesday, May 27, 2015 at 9:15 a.m. in the Courthouse conference room.

The Polk Extension Service District Budget Committee will meet Wednesday, May 27, 2015 at 1:30 p.m. in the Courthouse conference room.

There will be no Board of Commissioners meetings on Tuesday, June 2 and Wednesday, June 3 due to lack of a quorum.

**3. COMMENTS (FOR ITEMS NOT ON THIS AGENDA)**

**4. APPROVAL OF AGENDA**

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE AGENDA.**

**MOTION PASSED UNANIMOUSLY.**

**5. APPROVAL OF CONSENT CALENDAR**

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER WHEELER SECONDED TO APPROVE THE CONSENT CALENDAR.**

**MOTION PASSED UNANIMOUSLY**

**6. APPROVAL OF MINUTES**

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE MINUTES OF MAY 13, 2015.**

**MOTION PASSED UNANIMOUSLY**

**7. PUBLIC HEARING – ORDINANCE NO. 15-01**

Austin McGuigan, Community Development Director and Morgan Smith, County Counsel, presented the staff report for Legislative Amendment 15-01. Polk County provided notice of this hearing to the Oregon Department of Land Conservation and Development on April 1, 2015 and notice was published in the Itemizer Observer newspaper on April 22, 2015. Staff also stated that the applicable substantive criteria is listed in the staff report (copies available at the meeting) and all testimony and evidence must be directed toward the criteria described in the staff report. Failure to raise an issue of sufficient specificity giving the hearings body an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals.

Staff explained that pursuant to the Oregon Medical Marijuana Act, a new law was passed last year that permitted local jurisdictions to pass a moratorium not permitting medical marijuana facilities within their jurisdiction. This moratorium expired May 1, 2015. During the year of this moratorium, there were no advancements from a state level on what local jurisdiction are permitted to do to regulate the time place and manner of medical marijuana facilities. During this last year, Measure 91 passed which permitted the legalization of recreational marijuana, which is slowly being implemented by the legislature and Oregon Liquor Control Commission. There is a complete absence of regulatory authority from the State on how medical marijuana and recreational marijuana will be permitted for the County to regulate from a zoning standpoint. Staff is concerned that if the County tries to enact any zoning regulations or building codes now, those efforts will have to be repeated in six months when the state determines the guidelines for the local jurisdictions to follow. At this point, the County is permitted under the land use statutes to enact a moratorium of 120 months to wait for the state to develop the regulatory scheme for medical marijuana facilities. After the 120 days (approximately September 17, 2015), the County is permitted under the land use laws to extend the moratorium for another 6 months. Because of the current lack of clarity on how the County can regulate time, place, and manner of marijuana facilities, staff is recommending the Board adopt Ordinance 15-01 in the matter of enacting a temporary moratorium on medical and recreational marijuana facilities within the jurisdiction of Polk County and declaring an emergency.

Chairman Ainsworth opened the hearing for public testimony.

Ralph Robinson, 22635 Business 18, Willamina, OR testified that the property next door to his home recently sold, and there are rumors that a marijuana facility will be going in there. Mr. Robinson expressed concern that this type of business will endanger the safety of himself and his property.

John Speckman of 1135 6<sup>th</sup> Street NW, Salem, testified that he does not support enacting another moratorium. Mr. Speckman feels that despite there not being regulations in place yet, enacting a moratorium and not allowing legal medical marijuana facilities will perpetuate the illegal sale of marijuana on the black market.

David Ordonez of 304 SW Maricopa, Bend, Oregon, explained that there are currently 2,441 residents who have an OMMP card, and 538 grow sites in Polk County. Marijuana is now legal in 23 states, including Washington DC, and Mr. Ordonez feels that the County needs to stop fighting the inevitable. Mr. Ordonez previously owned Top Shelf Medicine in rural Polk County, which closed last year when the first moratorium was enacted, and would like to reopen that dispensary, since there are other dispensaries open in cities within the County. The Board clarified that the cities and the County are different jurisdictions for land use. Businesses established in the unincorporated area of Polk County have to follow the County's zoning laws and ordinances for the business to be compliant with land use laws. Mr. Ordonez established his medical marijuana dispensary without taking the necessary steps to follow the land use laws, which is the reason why his establishment had to be closed.

Hearing no further public testimony, Chairman Ainsworth closed the Public Hearing and Public Record.

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER WHEELER SECONDED, TO ADOPT ORDINANCE 15-01 IN THE MATTER OF ENACTING A TEMPORARY MORATORIUM ON MEDICAL AND RECREATIONAL MARIJUANA FACILITIES WITHIN THE JURISDICTION OF POLK COUNTY AND DECLARING AN EMERGENCY.**

**MOTION PASSED BY UNANIMOUSLY.**

At 9:22 a.m., Commissioner Ainsworth asked if there was need for an Executive Session. Staff answered that there was not and the meeting was adjourned.

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

- (a) **PERSONNEL**  
Approve new Job Specifications and Salary Range for a GIS/Programmer Analyst II.
- (b) **PERSONNEL**  
Approve new Job Specifications and Salary Range for a Health Services Business Services Manager.
- (c) **PUBLIC HEALTH – CONTRACT NO. 15-58**  
Approve Contract No. 15-58 (Amendment 13 to Contract No. 13-99) with the Oregon Health Authority for the financing of Public Health Programs.
- (d) **2015-2017 COMMUNITY DISPUTE RESOLUTION PROGRAM GRANT**  
Selected Community Mediation Services of Polk County as the grantee for funding under the Oregon Office of Community Dispute Resolution's 2015-2017 program grant.
- (e) **PUBLIC WORKS – CONTRACT NO. 15-59**  
Approve Contract No. 15-59 with Universal Field Services, Inc. for right-of-way services for the Doaks Ferry Rd. Realignment project.

**POLK COUNTY BOARD OF COMMISSIONERS**

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Mike Ainsworth, Chair

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Jennifer Wheeler, Commissioner

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Craig Pope, Commissioner

Minutes: Heather Merrill  
Approved: May 27, 2015