

**POLK COUNTY BOARD OF COMMISSIONERS**  
**MINUTES September 16, 2015**

**1. CALL TO ORDER & ATTENDANCE**

At 9:00 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  
                              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 Board of Trustees of the Grand Ronde Sanitary District will be meeting on Wednesday, September 16, 2015 at 9:15 am in the Polk County Courthouse Conference Room.

The Board of Commissioners will attend a Mid-Valley Workforce Board meeting on Friday, September 25, 2015 at 7:30 am at the Keizer Civic Center (Iris A Room), 930 Chemawa Rd. NE, Keizer, Oregon 97303.

**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 MINUTES**

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER WHEELER SECONDED, TO APPROVE THE MINUTES OF SEPTEMBER 9, 2015.**

**MOTION PASSED UNANIMOUSLY.**

**6. PUBLIC HEARING: ORDER NO. 15-15**

Commissioner Ainsworth opened the public hearing to receive public testimony on Order No. 15-15 in the matter of Extending a Temporary Moratorium on Medical and Recreational Marijuana

Facilities within the Jurisdiction of Polk County. Morgan Smith provided a background of the issue and the staff report. Morgan explained that the proposed extension to the existing temporary moratorium is based on a compelling need. Polk County Ordinance 15-01 was enacted by the Polk County Commissioners on May 20, 2015. This Ordinance adopted the factual findings of the staff report presented to the Board on May 20, 2015. These findings can be summarized by stating that the County was awaiting direction from the state via legislative and administrative action regarding the state of recreational and medical marijuana. The County wished to avoid the duplication of efforts by enacting comprehensive land use regulations prior to pending legislative and administrative changes to the surrounding law, only to need to revamp those comprehensive regulations to reflect potential changes in state law and administrative rules that were forthcoming by the end of the calendar year.

The lack of concrete and comprehensive regulation of recreational and medical marijuana which underpinned the initial enactment of Ordinance 15-01 still exist currently. The passage of HB 3400 (2015) by the Oregon Legislature greatly revamped the legal structure of recreational and medical marijuana within Oregon that was in place at the enactment of the initial moratorium in May 2015. In turn these changes need to be addressed by state agencies in adopting administrative rules to implement HB 3400. The law currently provides that the licensing and regulation of the recreational medical program will begin in earnest in January 2016. Accordingly, it is believed that the County staff will have sufficient direction in the form of draft marijuana regulations around that same time. Accordingly, the problem underlying the initial enactment of the moratorium still exists and supports extending the moratorium until there is further clarity in the legal landscape.

The County is working diligently to resolve the underlying uncertainty that gives rise to the need for the moratorium, to the extent that such matters are within County control. On August 26, 2015, the Board of Commissioners directed planning staff to initiate a legislative amendment for Marijuana Land Use Regulations. While staff is developing local marijuana related land use regulations with the added clarity that HB 3400 brought to recreational and medical marijuana at a statutory level, there is still a void in the State's regulatory scheme until additional administrative rules are promulgated. Unfortunately, the timelines for these rules is out of the County's hands.

Lastly, given that the timelines for when new administrative rules will be promulgated is outside of the control of the County, any extension of the moratorium should be for the maximum available time, which is six (6) months. This would make the expiration of the extended moratorium to March 17, 2016. Based on the findings of this report in support of an extension of the County's moratorium pursuant to Ordinance 15-01 and ORS 197.520 on the establishment of new marijuana facilities, the Planning Director recommends adoption of Order 15-15.

Margo Lucas, a resident of Polk County testified that she is a marijuana grower in the county and works closely in the state marijuana industry. She informed the Board that a draft set of rules was released by OLCC yesterday. Ms. Lucas volunteered to serve on any committee that the County may form to address the marijuana business issues to provide an industry viewpoint.

Commissioner Ainsworth expressed his strong opposition to allowing marijuana anywhere in the unincorporated areas of Polk County.

Commissioner Ainsworth closed the public hearing.

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER POPE SECONDED, TO ADOPT ORDER NO. 15-15 IN THE MATTER OF EXTENDING A TEMPORARY MORATORIUM ON MEDICAL AND RECREATIONAL MARIJUANA FACILITIES WITHIN THE JURISDICTION OF POLK COUNTY.**

**MOTION PASSED – (2-1) WITH COMMISSIONER POPE AND COMMISSIONER WHEELER VOTING IN FAVOR, AND COMMISSIONER AINSWORTH VOTING IN OPPOSITION.**

At 9:12 a.m., Commissioner Ainsworth asked if there was need for an Executive Session. Staff answered that there was not and the meeting was adjourned.

**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: September 23, 2015