



Oregon

Theodore R. Klumboski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/05/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 19, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Anne Kelly, Washington County
Jon Jinings, DLCD Community Services Specialist
Anne Debbaut, DLCD Regional Representative

<paa> N



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	002-14
File No.:	(20282)
	[17864]
Received:	4/28/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: **Washington County**

Local file no.: **Ordinance No. 781**

Date of adoption: **April 22, 2014**

Date sent: **April 28, 2014**

Was Notice of a Proposed Change (Form 1) submitted to DLCD? **Yes**

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/26/2014

Is the adopted change different from what was described in the Notice of Proposed Change? **No**

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): **Anne Kelly, Associate Planner**

Phone: **(503) 846-3583**

E-mail: **anne_kelly@co.washington.or.us**

Street address: **155 N. First Avenue, Suite 350-14**

City: **Hillsboro**

Zip: **97124-3072**

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to Acres:
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

None of the above apply. Adopted Ordinance No. 781 applies a moratorium, as allowed by Senate Bill 1531, prohibiting distribution of medical marijuana or its derivatives in all unincorporated parts of Washington County through May 1, 2015. It makes no Washington County code or plan changes, but serves as a stand-alone regulation until its expiration.

List affected state or federal agencies, local governments and special districts: **Oregon Health Authority Medical Marijuana Dispensary Program (OHA/OMMP), Washington County Sheriff’s Office, Washington County Department of Health and Human Services**

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing - First Reading and First Public Hearing
Land Use & Transportation; County Counsel (CPO All)

Agenda Title: **PROPOSED ORDINANCE NO. 781 – AN ORDINANCE
PROHIBITING ANY BUSINESS OR SALE OF MEDICAL
MARIJUANA**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

Ordinance No. 781 proposes a moratorium prohibiting distribution of medical marijuana and its derivatives in unincorporated Washington County, including use of any building, structure, location, premises, or land for the business or sale of such products. The window for adoption of the ordinance ends May 1, 2014. No Washington County code or plan changes are proposed. The ordinance will function as a stand-alone regulation, effective through May 1, 2015, automatically expiring thereafter. Because of the short timeframe allowed by Senate Bill (SB) 1531 for enactment of a moratorium, the filed ordinance provides for immediate adoption on April 22, 2014 if the Board so chooses. The proposed ordinance is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm>

On April 16, 2014, the Planning Commission (PC) will have conducted a public hearing for this ordinance. The PC's recommendation will be provided to the Board at the April 22, 2014 hearing. The staff report will be provided to the Board prior to the April 22, 2014 hearing and posted on the above land use ordinance web page. Copies of the report will be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to 3 minutes for individuals and 12 minutes for a representative of a group.

Clerk's Desk Item: Staff Report (*click to access electronic copy*)

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 781 by title only and conduct the public hearing. At the conclusion of the hearing, adopt or reject the ordinance. If adopted, direct staff to provide a copy of the adopted ordinance to the Oregon Health Authority consistent with Senate Bill 1531.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.a.</u>
Date:	04/22/14

MAR 24 2014

Washington County
County Clerk1 IN THE BOARD OF COUNTY COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON3
4 ORDINANCE No. 781An Ordinance Prohibiting Any Business or Sale of
Medical Marijuana5
6 The Board of County Commissioners of Washington County, Oregon, ordains as
7 follows:8 SECTION 19 A. The Board of County Commissioners ("Board") recognizes that 2013 Oregon
10 House Bill 3460, the Oregon Medical Marijuana Act, authorized the Oregon Health Authority
11 to implement the registration and operation of medical marijuana dispensaries. In 2014, the
12 Legislature subsequently passed Oregon Senate Bill 1531, a measure that allows local jurisdictions to
13 enact an ordinance which temporarily prohibits the operation of registered medical marijuana
14 dispensaries so long as the ordinance is enacted by May 1, 2014. The moratorium is effective through
15 May 1, 2015.16 B. The purpose of this Ordinance is to adopt the provisions for a moratorium on the
17 operation of registered medical marijuana dispensaries pursuant to SB 1531.18 C. The Board finds that adoption of an ordinance prohibiting any business or sale of
19 medical marijuana pursuant to 2014 Oregon Senate Bill 1531 will allow public discourse and
20 due consideration by the Board concerning regulation of medical marijuana dispensaries within
21 the County's jurisdiction. This Ordinance will enhance the public health, safety, and welfare of
22 Washington County and its citizens.

1 D. Under the provisions of Washington County Charter Chapter X, the Department
2 of Land Use and Transportation has carried out its responsibilities, including preparation of
3 notices, and the County Planning Commission has conducted one or more public hearings on
4 the proposed amendments and has submitted its recommendations to the Board. The Board
5 finds that this Ordinance is based on those recommendations and any modifications made by the
6 Board are a result of the public hearings process;

7 E. The Board finds and takes public notice that it is in receipt of all matters and
8 information necessary to consider this Ordinance in an adequate manner, and finds that this
9 Ordinance complies with the terms set forth in SB 1531, the standards for legislative plan
10 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
11 County Charter, the Washington County Community Development Code, and the Washington
12 County Comprehensive Plan.

13 F. Nothing herein is intended, nor shall it be construed, as amending, replacing or
14 otherwise being in conflict with any other ordinance of Washington County, the Community
15 Development Code, or any other code or statutory provision unless expressly so stated.

16 SECTION 2

17 The distribution of medical marijuana in dispensaries is restricted as follows:

- 18 (1) The use of any building, structure, location, premises, or land for the business or sale of
19 marijuana or any marijuana derivative is prohibited pursuant to SB 1531;
- 20 (2) The provisions of this Ordinance shall apply to unincorporated areas within Washington
21 County;
- 22 (3) The provisions of this Ordinance shall terminate on May 2, 2015;

1 (4) This Ordinance shall not be codified because the provisions herein are automatically
2 terminated by operation of law as directed by SB 1531.

3 SECTION 3

4 The Board, having received the recommendation of the County Planning Commission,
5 conducted a public hearing on this proposed Ordinance, and being fully informed thereon,
6 hereby adopts this Ordinance.

7 SECTION 4

8 If any section, clause, phrase, or word of this Ordinance, including its exhibits, shall for
9 any reason be declared invalid, unenforceable, or unconstitutional by an authority of competent
10 jurisdiction, the remainder of this Ordinance or its application shall not be affected thereby and
11 shall remain in full force and effect.

12 SECTION 5

13 The Office of County Counsel is authorized to make non-substantive changes, including
14 deleting and adding textual material and maps, renumbering pages or sections, and making any
15 technical changes not affecting the substance of this Ordinance as reasonably necessary to give
16 effect to this Ordinance.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

1 SECTION 6

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 22nd day of April, 2014, being the first reading and
4 first public hearing before the Board of County Commissioners of Washington County,
5 Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 *Andy Dwyer*
CHAIRMAN

10 *A. D. Noyola*
RECORDING SECRETARY

11
12 READING

12 PUBLIC HEARING

13
14 First April 22, 2014
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____

14 First April 22, 2014
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____

17 Dwyck,
18 VOTE: Aye: Malinowski, Rogers, Terry
Recording Secretary: Ana D. Noyola

18 Nay: Schauten
Date: 04-22-14

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO All)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 781

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

Ordinance No. 781 proposes a moratorium prohibiting distribution of medical marijuana and its derivatives in unincorporated Washington County, including use of any building, structure, location, premises, or land for the business or sale of such products, as provided for in Senate (SB) Bill 1531. The window for adoption of the ordinance ends May 1, 2014. No Washington County code or plan changes are proposed. The ordinance will function as a stand-alone regulation, effective through May 1, 2015, automatically expiring thereafter. Ordinance No. 781 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm>

Attached is the Resolution and Order to adopt these findings for Ordinance No. 781. Prior to the April 22, 2014 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachment: Resolution and Order

Clerk's Desk Item: Ordinance findings (*click to access electronic copy*)

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 781 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 14-47

Agenda Item No.	<u>5.a.</u>
Date:	04/22/14

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 781) No. 14-47

This matter having come before the Washington County Board of Commissioners at its meeting of April 22, 2014; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with Senate Bill (SB) 1531 and Chapter X of the Washington County Charter relating to Ordinance No. 781; and

It appearing to the Board that the findings attached as Exhibit "A" constitute appropriate legislative findings with respect to the adopted ordinance; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on April 16, 2014, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

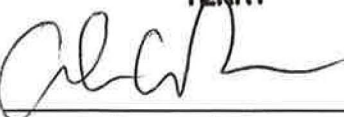
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 781 are hereby adopted.

DATED this 22nd day of April, 2014.

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED AND FOR FORM:



County Counsel
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON



Chairman




Recording Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WASHINGTON COUNTY
OREGON



April 14, 2014

To: Washington County Board of Commissioners
From: Andy Back, Manager 
Planning and Development Services
Subject: **PROPOSED LAND USE ORDINANCE NO. 781 - An Ordinance Prohibiting Any Business or Sale of Medical Marijuana**

STAFF REPORT AND FINDINGS

For the April 22, 2014 County Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 pm)

I. PLANNING COMMISSION RECOMMENDATION

The public meeting scheduled before the Planning Commission will occur on April 16, 2014, after the date of this Staff Report. The Planning Commission recommendation will therefore be reported at the April 22, 2014 Board of County Commissioners (Board) meeting.

II. STAFF RECOMMENDATION

Conduct the April 22, 2014 public hearing, and at its conclusion, take one of the following actions:

- Adopt Ordinance No. 781, to temporarily prohibit operation of medical marijuana dispensaries in unincorporated Washington County;
- Reject Ordinance No. 781.

III. OVERVIEW

Ordinance No. 781 is predicated on Oregon Senate Bill 1531. The ordinance proposes a moratorium prohibiting distribution of medical marijuana and its derivatives in unincorporated Washington County, including use of any building, structure, location, premises, or land for the business or sale of such products. The window for adoption of the ordinance ends May 1, 2014. If adopted, the ordinance is effective through May 1, 2015 and automatically expires thereafter. The moratorium applies to all medical marijuana facilities within the unincorporated areas of the county.

Department of Land Use & Transportation · Planning and Development Services
Long Range Planning

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072
phone: (503) 846-3519 · fax: (503) 846-4412 · www.co.washington.or.us

IV. BACKGROUND

The Oregon Medical Marijuana Act (Ballot Measure 67) was adopted by voters in the November 1998 general election, and amended during the 1999, 2005, and 2007 legislative sessions (OAR 333-008-0000). The Oregon Health Authority was assigned rulemaking authority for its implementation and administration. The act did not seek to change civil and criminal laws governing use of marijuana for non-medical purposes. Rather, it was intended to allow Oregonians with debilitating medical conditions to use small amounts of marijuana without fear of civil or criminal penalties, when advised by a doctor. Qualified patients were required to either grow their own medical marijuana or designate an individual to grow it for them. Medical marijuana dispensaries began to operate throughout Oregon, existing in what is widely considered a legal “gray area.”

In 2013, Oregon House Bill 3460 required the Oregon Health Authority to develop and implement a process to register medical marijuana facilities.

Senate Bill 1531, signed into law by Governor Kitzhaber on March 19, 2014, amended Oregon's medical marijuana dispensary law. It allows local governments to regulate and restrict potential and existing dispensary operations. The bill also allows for temporary prohibition of their operation, subject to adoption of a moratorium ordinance by May 1, 2014. Provisions of any such ordinance are valid through May 1, 2015 and expire automatically thereafter.

Ordinance Notification

Ordinance No. 781 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on March 26, 2014. A display advertisement regarding the proposed ordinance was published in *The Oregonian* and the *Hillsboro Argus* on March 28, 2014. Individual Notice No. 2014-02, describing proposed Ordinance No. 781, was mailed to 429 people on the General Notification List on April 2, 2014. A copy of this notice was also mailed to the Planning Commission at that time.

V. ANALYSIS

Moratorium Applicability

Senate Bill 1531 allows the county to temporarily prohibit medical marijuana dispensaries within its jurisdictional boundaries. The moratorium would apply to all unincorporated areas of Washington County, both urban and rural.

According to information released by the state as of April 11, 2014, the Oregon Health Authority has fully approved 43 medical marijuana dispensary applications statewide. Additionally, 73 provisional licenses have been granted (allowing dispensary operation after installation and state approval of a security system).

Of the 43 licensed dispensaries in Oregon, 38 have allowed the Health Authority to release their names and locations, none of which appear to be within unincorporated Washington County. Confidentiality provisions in the law, however, make it difficult to know where the remainder of

licensed or provisionally licensed dispensaries are located. All provisional licenses are confidential. Facilities advertising medical marijuana appear to operate within leased space on Canyon Road and TV Highway in the unincorporated area. Others may exist in Washington County and the state continues to issue licenses. To what extent, if any, a license to dispense medical marijuana is a property right remains an open question. The initial ability to dispense medical marijuana was granted by the Legislature and the Legislature has also empowered local governments to temporarily suspend dispensaries under certain circumstances.

The Oregon Health Authority formalized temporary rules on March 31, 2014 related to regulating medical marijuana products and the time, place, and manner in which medical marijuana facilities may operate. These new dispensary regulations include the following:

- Must be located in an area zoned for commercial, industrial, mixed use, or agricultural use (and may not be located at the same address as a marijuana grow site);
- Not allowed within 1,000 feet of a primary or secondary school;
- Not allowed within 1,000 feet of another dispensary;
- A city or county may adopt ordinances that impose reasonable regulations regarding hours of operation, location (zone /land use district), and how marijuana may be dispensed; and
- **A city or county may adopt an ordinance that applies a moratorium on medical marijuana dispensaries, provided adoption occurs by May 1, 2014.**

Adoption of a moratorium affords time to hear community concerns, evaluate enforcement implications, and customize standards related to the above, but potential exists for legal challenges.

Sheriff's Moratorium Endorsement

At the March 18, 2014 Board Work Session, District Attorney Bob Hermann and County Sheriff Pat Garrett summarized regulations of the Medical Marijuana Dispensary Program and recommended moratorium adoption. Their concerns included:

- Despite the Governor's call for "extraordinary vigorous enforcement rules," there is little or no provision for collaboration with local authorities, leaving enforcement largely in the hands of a small staff at the Oregon Health Authority (OHA). The number of applications to the state (289 on the first day) compounded concerns about capacity to address potential enforcement needs.
- Background checks and licensing requirements apply only to the person legally recognized as the one responsible for the facility, leaving employees and others largely unregulated. This differs from regulation of others in the community who dispense controlled substances (such as pharmacists and alcohol servers).
- Product types created through potentially flammable or explosive extraction techniques are unregulated.

- Beyond the state's requirement for a minimum distance of 1,000 feet from any primary or secondary school, the county's consideration of additional protections for children may be warranted (such as required distances from playgrounds, parks, transit centers, libraries, and the like, and prohibition of packaging or labeling that targets children).

Sheriff Garrett suggested that moratorium adoption would allow time to learn from other jurisdictions where dispensaries now operate within and beyond Oregon, to further investigate local concerns, and to develop standards that address them in a deliberate and careful way. He emphasized that if the May 1, 2014 adoption deadline is missed, ability to regulate dispensaries beyond issues of "Time, Place, and Manner [of dispensing]" would be significantly limited. A letter from the Sheriff to Planning Commission Chair Richard Vial, dated April 1, 2014, elaborates on the above concerns ("Attachment A" to this report).

Board Authorization to File Moratorium Ordinance

At that same March 18th public meeting, the Board authorized filing this ordinance.

Association of Oregon Counties Guidance / Applicability to Washington County

The Association of Oregon Counties (AOC) does not take a particular stance on moratorium adoption. Notwithstanding its lack of stated position on the issue of whether counties should or should not adopt a moratorium, the AOC, together with the League of Oregon Cities (LOC), released a model moratorium ordinance shortly after SB 1531 was approved by the Legislature.

Although the AOC's model ordinance provided a starting point, it was of limited value to the drafting of Ordinance No. 781. Due to Washington County's unique charter, the process by which Ordinance No. 781 is adopted follows the procedure for land use ordinances. Chapter X of The Washington County Charter defines a land use ordinance as one which "*adopts, amends, or repeals a comprehensive plan, development or zoning code and related maps, or otherwise directly governs the use of land*" [emphasis added]. Since the moratorium directly governs use of land by temporarily prohibiting the operation of medical marijuana dispensaries, Ordinance No. 781 must comply with the procedures set forth in Chapter X of the Charter.

It should be noted that even though the land use ordinance process is utilized for Ordinance No. 781, this ordinance does not affect any of the County's code provisions or comprehensive plan and is intended to be a stand-alone ordinance that sunsets after May 1, 2015. As such, Washington County's approach to adoption of a moratorium differs from that of other Oregon jurisdictions that have been able to apply the AOC model ordinance or a variation of the model.

Other Jurisdictions' Approach to the Issue

Regardless, Deschutes, Jackson, and Lincoln Counties have adopted a moratorium. Tillamook, Josephine, Crook, Klamath and Linn Counties have proposed moratorium ordinances. Linn County, however, has delayed its vote until April 16th, having learned of a facility that already exists within its boundary. Lane County has voted against a moratorium. Multnomah County and the City of Portland (partly within Washington County) are not pursuing moratorium ordinances.

**Ordinance No. 781 Findings
EXHIBIT A**

County Board of Commissioners Staff Report
Ordinance No. 781
April 14, 2014
Page 5 of 5

Inside Washington County, the Cities of Sherwood, Tualatin, Banks, and Cornelius have adopted a moratorium. Wilsonville, Forest Grove, Beaverton, Tigard, and Hillsboro are considering a moratorium. For some cities this would mean extension of an existing temporary ban. Final votes for most jurisdictions are expected mid-April.

Limited Scope

If adopted, this ordinance would apply a **temporary** moratorium on dispensaries. Drafting of Community Development Code standards for dispensaries is not a function of Ordinance No. 781 and would require a subsequent ordinance.

Moratorium Enactment

Because of the short timeframe allowed by SB 1531 for enactment of a moratorium, the filed ordinance provides for immediate adoption on April 22, 2014 if the Board so chooses. If adopted, the ordinance will function as a stand-alone regulation until its provisions sunset. A copy of the adopted ordinance must be provided to the Oregon Health Authority.



Conserving the Peace through Values Driven Service
Sheriff Pat Garrett

April 1, 2014

RECEIVED

APR 02 2014

Chair Richard Vial
Washington County Planning Commission
155 N First Avenue, Room 350
Hillsboro, OR 97124

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE

Dear Chair Vial:

Thank you for taking the time to consider proposed Ordinance 781, a one-year moratorium on marijuana dispensaries in the unincorporated areas and authorized by Senate Bill 1531. This conveys my strong support for the ordinance in order to allow local leaders the necessary time to plan, learn lessons, and pursue interagency coordination. I apologize I will be unable to attend your meeting on April 16, 2014, as I will be away at the Integrated Emergency Management Course in Maryland with many other emergency preparedness leaders from Washington County. Sheriff's Office Chief Deputy Bill Steele will be available at your meeting to answer questions. I'll elaborate below why I think Proposed Ordinance 781 is good policy for Washington County.

While I appreciate the legislature provided local governments the flexibility to make decisions around marijuana dispensaries, we need more time to craft regulations about time, place and manner of operation in a way that adequately protects the community. Even though the Governor called for "extraordinary vigorous enforcement of rules" the Oregon Health Authority (OHA) has only six employees to run the entire program. I am very concerned such a meager staff will be unable to provide credible program oversight or be responsive to local complaints in a timely, effective manner. I found no provision in the OHA rules that require dispensary operators partner or collaborate with local leaders. Our singular reliance on the state will put at risk the ability for local communities and authorities to resolve problems in a timely or effective manner. Also concerning, state law requires a limited background check for the one person responsible for the facility, and not other staff who will be dispensing marijuana. I also believe thoughtful regulations should consider 1,000 foot zoning restrictions missed by the authorizing legislation (HB 3460) like recreation facilities, child care centers, public parks, public transit centers, libraries and youth game arcades. I am confident a one-year moratorium would provide the best chance to craft thoughtful regulations to address these and other concerns.

Dispensaries are different from other businesses in that they are more like a pharmacy – they distribute drugs. However, marijuana dispensaries also deal in large amounts of cash. Even though the federal government issued detailed guidelines for banks to conduct business with marijuana dispensaries without fear of prosecution, banks largely refuse to deal with marijuana businesses because possession and distribution of marijuana remains a federal offense and banks remain concerned that support to those activities could lead to prosecution or sanction. Proposed Ordinance 781 will provide time to help ensure significant land use decisions are

compatible, de-conflicted, and mitigate the possible public safety risks associated with this new type of high-cash business.

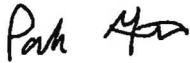
As you likely know, the Oregon Health Authority has already begun to issue dispensary permits. As in our case, cities have to make quick decisions. Time constraints provided by SB 1531 have not permitted the multiple jurisdictions to coordinate with each other. I think it wise governments in Washington County strive to synchronize local ordinances to minimize confusion when one travels from one jurisdiction to another, which in many places means crossing a street. Taking full advantage of the moratorium authorized by the legislature would let the dust to settle on near-term decisions made by various jurisdictions, and make possible a discussion about whether we can coordinate future policy among the many local governments in Washington County.

I understand within Washington County six cities have moratoriums in place and such action is under serious consideration by others. If dispensaries are left exclusively to the unincorporated areas, the dispensary landscape will be very uneven and the burden will be on county officials alone to learn fast lessons, make challenging adjustments as necessary and accept all the risk and uncertain outcomes associated with this significant change in our community.

Finally, it is becoming clear dispensaries will be plentiful in neighboring Multnomah County. Washington County residents in the Oregon Medical Marijuana Program will not have to travel far if we authorize a one-year moratorium to enable leaders and planners to thoughtfully craft rules and safeguards that best meet our communities' needs.

Thank you for your consideration of my recommendation for the passage of the proposed Ordinance 781.

Sincerely,



Pat Garrett
Sheriff

cc: Washington County Planning Commission members
Chair Andy Duyck, Washington County Board of Commissioners
Commissioner Greg Malinowski
Commissioner Roy Rogers
Commissioner Dick Schouten
Commissioner Bob Terry
County Administrator Robert Davis