

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

BOARD MEETING MINUTES

April 22, 2015

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Anthony Hyde and Commissioner Earl Fisher, together with Robin McIntyre, Assistant County Counsel, and Cynthia Zemaitis, Acting Board Office Administrator.

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

VISITOR COMMENTS:

None.

Commissioner Heimuller announced that they would be recessing at 12:00 to attend a meeting with the OSU Extension Service.

TEMPORARY MORATORIUM ON MARIJUANA FACILITIES:

This is the time set for deliberations “In the Matter of Enacting a Temporary Moratorium on Medical and Recreational Marijuana within the Jurisdiction of Columbia County and Declaring an Emergency [Ordinance No. 2015-3]”.

Robin gave an opening statement.

Commissioner Fisher stated he had heard some interesting testimony and received additional testimony since the hearing, and as well as contact from a number of citizens. There seems to be a fair amount of feeling about this, some people extremely emotional and engaged, with some real concern. There was a great concern over whether we were doing something to people’s property, and if we were going to try to interfere with people’s private use of marijuana. The Board tried to assure people that that was not the case. There is no intent to do any harm to those who use marijuana. The only effect he sees on delaying implementing local rules is for those who want to invest. They will have to wait until a process is put into place.

Commissioner Fisher related that his own son died of cancer and, near the end of that, was using THC while in the hospital. He said that people need to get away from the misconception that only “old hippies” use marijuana. A lot of people from the mainstream are now using it.

It is also a misconception that people can do whatever they want on their property. If they want to build an outhouse, they would need to come down to the courthouse for a permit.

Commissioner Fisher indicated that we need to take advantage of the knowledge of some of the people who testified at the hearing, and has asked staff to submit a timeline and how the process would work. It will take time to sit and talk with people who have the experience to help guide them to the correct regulations.

Commissioner Fisher is willing to support this moratorium on the condition that that is the way the County will move toward implementing local regulations.

Commissioner Hyde stated he has a different view. He listened hard at the hearing and heard a lot of testimony with regard to the Commissioners' duty to protect health and safety. A couple things resonated: first, when he heard the testimony with regard to medical marijuana. The State already has rules in place, but the Commissioners have been unable to find a State authority to enforce those rules. He wanted people to understand that the moratorium they are talking about today will not affect the issue of your neighbor growing marijuana right next door. The moratorium keeps in place everything that is happening now. Medical marijuana has been legal for more than a decade, and the County has no authority to change that.

He is a little embarrassed by the fact that local regulations are not already in place. Commissioner Hyde stated that the crux of it is the State law that will supposedly be in place in 60 days or so, and indicated again that this local authority will extend only into the unincorporated areas of the County.

With regard to recreational use, he believes we do need rules and regulations as to where it can be sold and how. He stated that it is their job to pay attention to what citizens are telling them. He has asked the same question of all positions: do you have the conception that the Commissioners are trying to stop marijuana? Those on both sides felt that that was true. The County is absolutely not attempting to stop the use of marijuana. Take a grocery store -- rules of the State say where you can put a grocery store, and how it can be built. Commissioner Hyde does not support a moratorium on medical marijuana and thinks we need to get busy with regards to recreational marijuana. He believes a moratorium is needed when it comes to shops and means of commercial sales.

Commissioner Hyde indicated that his answer is that he is and is not in support of the moratorium as written. He would be very supportive as to a moratorium on any types of commercial sales in the unincorporated areas. He also felt that, if we are talking about 120 day moratorium, we should say that.

Commissioner Heimuller stated that the moratorium as he reads it has expanded with regard to the commercial sale of marijuana. The Board has no intent or desire to stop, slow down or discourage the use of medical or recreational marijuana. The voters have supported that. Marijuana will be part of our social life henceforth.

He believes both Commissioners have brought up a good point – how to regulate the businesses who want to sell it. He will focus on the medical facilities; people are ready to open businesses in the unincorporated areas of the county. He feels as if he has read and

listened to so much information about marijuana growers, dispensers and users, and has learned a tremendous amount. They have been doing a lot of research.

Commissioner Heimuller indicated that it was also important to note that there is a lot of concern out there. There has been indications of grow sites growing up over fences and into people's yard; mice, rats and other rodents that tend to migrate toward these grow sites; and discussion about chemicals and pesticides. He indicated that if he was a medical marijuana grower or user, he would want the plants to be as organic as possible. He's concerned about the agricultural aspect, receiving several phone calls and visits regarding growing hemp, an altogether different matter, which is used in soap, clothing, etc., and the concern about cross-pollination.

For him, it comes down to the fact that it is very clear in Oregon statute that medical marijuana has to be grown out-of- public sight. Legal growers get a handbook, but it doesn't describe that, or anything about keeping it safe from kids and others. It doesn't protect the neighborhood or the grower, which astonishes him. Once again, what comes back to him is that, in the case of many State rules, the authority to keep local citizens protected falls back to the County. Commissioner Heimuller does not think there is a better tool then a moratorium so the rules can be processed in an intelligent way. The local process should be as encompassing as it can be, not only for the neighborhoods, but for the people who are growing, buying or using it.

Commissioner Heimuller agrees with Commissioner Fisher that we need to have experts in the room as these rules are formed. He is impressed with the knowledge of many people in the field who have testified, and we want those people helping to draft the regulations.

The only disagreement he has with Commissioner Hyde is that he does not feel we have anything to apologize for. They have been working on this continuously, following a process that has had some detours in it, the recreational marijuana being on the ballot one of those issues.

Robin stated that what they have before them is the proposed ordinance that has been revised since the public hearing. It would establish a moratorium on outdoor growing of marijuana, whether for medical or recreational, for any new or expanding sites, and dispensaries. She indicated that this would be a temporary moratorium of 120 days, which is likely to be extended another 6 months.

Commissioner Hyde indicated that he heard in the hearing that the County has already exercised its moratorium. Robin stated that moratorium was authorized by State statute for medical dispensaries; this moratorium is a land use moratorium, which is very restrictive. It is a different law that allows this.

Commissioner Fisher asked what the moratorium covers. Robin stated that if you are already doing outdoor growing or dispensing, you can continue to do that. This moratorium is for new facilities or the expansion of existing facilities.

Commissioner Heimuller stated that electrical services can be quite expensive and some folks have pointed out that growing indoors has a higher cost than growing outdoors. There are areas in the County where that could make a huge difference in electrical use. We are not talking about current growers, just new or expanding growth.

Commissioner Hyde stated he wants the rule to be around commercial sales. The Board knows there have been issues and, if we could do something about them, he thinks we should. But we need to see what the State does, since we cannot be any more lenient than the state.

Commissioner Fisher moved for tentative approval of the moratorium and staff will bring back a revised final. Commissioner Heimuller seconded that motion. Commissioner Fisher indicated that no one is going to be harmed by this except those that wish to expand and we need to be sure we proceed to work diligently.

Commissioner Hyde offered an amendment to the motion to remove the restriction on outdoor growing and narrowly defining the moratorium to include only commercial sales or dispensaries.

Robin, looking at the proposed language, would take out section 5, subparagraph (a) "expansion of new ..." deleting the indoor or outdoor growing.

Commissioner Heimuller stated that, with that amendment, the moratorium would not address the grow sites at all. Commissioner Hyde agreed it only impacts dispensaries. Commissioner Hyde stated that they need to explore all the laws that might be in place so that they know how to regulate the rest of it.

With no further discussion on the amendment, Commissioner Hyde supports the amendment, and Commissioners Heimuller and Fisher do not. The amendment to the motion dies.

Robin repeats the first motion, with putting an amended final on the agenda. With no further discussion of the original motion, Commissioner Fisher and Heimuller approve the original motion, Commissioner Hyde opposed.

Commissioner Heimuller once again thanks the citizens for all the information they brought to this matter to help the Board make the best decision.

He stated they will be putting together an advisory group to work with staff, and asked for volunteers to step forward to be a part of this process. He would love to have people from the hemp side, from the grow side, from the dispensary side, and from those who are suffering from the effects of grow sites be a part of the group.

Commissioner Hyde clarified that they are going to put together such a committee immediately. Commissioner Heimuller confirmed, and stated they can make it a staff

meeting committee along with Todd and his staff. Commissioner Hyde indicated that the committee does not need to be formally appointed.

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

CONSENT AGENDA:

- (A) Ratify the Select to Pay for week of 4/20/15.
- (B) 2015 Liquor License Renewals for: Vernonia Golf LLC d/b/a Vernonia Golf Club;
- (C) Approve Request by Boy Scouts of America for Temporary Archery Range at Camp Wilkerson on May 2nd, 2015.
- (D) Appoint Catharine (CiCi) Bell to the Cultural Coalition for a 3-year term ending December 31, 2018.
- (E) Notice of Intent to Award Contract for Urban Renewal Administrator to ECO Northwest.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Ratify Escrow Agreement for sale of 115 South 8th Street, St. Helens, and authorize Sarah Hanson to sign.
- (G) Ratify *ConnectOregon V* Information Form No. 30620 Columbia County Rider Transportation and authorize Janet Wright to sign.

The motion carried unanimously.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller mentioned that he was appointed to represent the Board on the Columbia Pacific CCO, which is one of the organizations of coordinated health care that the previous governor started up. This is the local agency which includes Clatsop and Tillamook Counties. He attended a meeting this week and was amazed to see the number of moving parts. He is excited to represent the County on that Board.

Commissioner Heimuller thanked Commissioner Fisher for the foundational work he and others did to get this organization off to a great start.

He gave a shout out for the RSVP volunteer members, who have chosen the candidates for My Fair Lady from all corners of the County. This is the 25th anniversary for the My Fair Lady program at the Fair. We are a County of volunteers ... things wouldn't happen without them

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde announced that yesterday we received confirmation from NACO for the prescription club cards, which are available to any and all citizens, and stated that everyone should gain access to these. Many people are underinsured, or have issues where insurance companies will not cover treatment. NACO does cover them in a lot of cases. The cards also cover pet medicines. Now the program has expanded to where there will be vision or dental at about \$60 per year. He highly recommended that people look into it. He stated that, once all the supporting data is received, the cards will be pushed out to the public. The only requirement to get the card is to be a citizen of Columbia County. The cards are transferable to pharmacies outside of the County.

Last week Commissioner Hyde was in McMinnville to talk about the McMinnville to Forest Grove trail, which is much like the Banks-Vernonia and C-Z Trail. This has been a 20-year slog to get this in place. He has been told that the Banks-Linear Trail is the Holy Grail in the State. The meeting was like deja vu – they looked like the same crowd that gathered to create the Banks-Vernonia Trail. There are now hundreds of thousands of users of that trail, and it has been good for the community. He looks forward to the new trail as an economic boon to this County.

Commissioner Hyde also attended a meeting in Portland about getting Hermo road built into Port Westward.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher was in Salem yesterday meeting with people interested in healthy activity work. He also attended some hearings on the Public Safety Commission, which includes money used to try to keep people from going to prison, keeping costs down.

He also found out this week that the Educational Service District will be taking over most of the things that the Commission on Children and Families has done in the past.

Commissioner Fisher stated that the County budget meeting is scheduled for next Tuesday morning.

Commissioner Fisher wanted to mention something that he learned from the hearing on the moratorium. It seems people were talking about the Board being like peas in the pod. But, he stated, they are three diverse people working together; sometimes they can work things out, sometimes they can't. He appreciated Commissioner Hyde's viewpoint; there are a lot of things to balance.

Commissioner Heimuller wanted to mention the Coffee with Commissioners last Friday in Vernonia. They had a pretty good turnout and discussed a wide variety of topics. They appreciated folks showing up and being part of this.

Commissioner Fisher stated it is important for people to talk to them like that; he learned some things on Friday that he had no idea were going on.

The Board recessed the meeting until 12:00, when they will reconvene at the OSU Extension office.

EXECUTIVE SESSION:

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 22nd day of April, 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: _____
Henry Heimuller, Chair

By: _____
Anthony Hyde, Commissioner

By: _____
Cynthia Zemaitis, Acting
Board Office Administrator

By: _____
Earl Fisher, Commissioner