

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

April 8, 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'S COMMENTS:

None.

HEARING ON TEMPORARY MORATORIUM:

This is the time set for the public hearing "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 McIntyre went over a short statement to explain the nature of and process for the hearing. This is the time set for the hearing to temporarily prohibit new or expanding marijuana facilities. This hearing is legislative in nature and notice was provided, including Measure 56 notice and notice to DLCD. The notice was also made available to the public. Robin explained the relevant criteria for the moratorium, and that the Board has discretion to make a decision today, or to continue it for further deliberations. This will be the only notice that will be given.

Robin introduced Exhibit 1, which is list of items in the record.

Glen Higgins summarized the staff report. He explained there are two State agencies involved -- one for medical marijuana and one for recreational marijuana. The State Legislature is currently reviewing legislation on both medical and recreational marijuana. The outcome will be known in July. Staff recommends a moratorium to allow the county to develop comprehensive regulations for both medical and recreational marijuana that is consistent with soon to be adopted State Law.

Glen further explained that on May 1, 2015, the 2014 moratorium on medical marijuana dispensaries expires. On July 1, 2015, recreational marijuana for personal use becomes

legal by the State. After State legislature adjourns we will have a better idea of how the State will handle these two different uses.

If the moratorium passes, it will expire February 1, 2016, with a possible 6 month extension.

Glen stated that this is a land use moratorium under ORS 197.520 based on a compelling need. He summarized the applicable criteria and identified examples of the irreparable harm that could result without the moratorium, such as nuisance impacts from the odor of mature plants, increased risk to public safety from high value products and proximity to schools. These are the reasons why the County wants to adopt zoning regulations for marijuana. The County sent out almost 9,000 cards to notify the public of this hearing. What the County is doing is buying some more time so they can implement guidelines at the local level.

Commissioner Hyde stated there is a need to clarify stop and hold. The voters have spoken twice: once with regard to medical use and once with recreational. The desire is for it to be legal in Oregon, and the County clearly understands that. This moratorium only affects the unincorporated areas and is not intended to make marijuana illegal or attach any kind of restrictions regarding medical marijuana cards. If you're growing indoors, there is no proposal of regulation, including recreational marijuana when it becomes legal.

Glen stated that the Board has listened to the 100 comments received and has directed staff to do a revised ordinance to clarify exactly what is to be done.

Commissioner Heimuller explained that the Board oversees the zoning laws in the County and this moratorium addresses zoning. The main goal of the hearing is to hear from the public who have signed up to testify. Commissioner Heimuller will start down the list.

Robin read into the record the revisions made to the ordinance. The revised ordinance amends Section 5 to prohibit only the outdoor growing of marijuana and marijuana dispensaries during the moratorium period.

Commissioner Heimuller asked that everyone be courteous and reminded those who wish to testify to observe the 3 minutes time limit.

Nathan Hoffee, 58688 Noble Road, St. Helens. Mr. Hoffee stated that he was a disabled vet who has lived in the County most his life. Mr. Hoffee uses this medicine because it replaced 15 pills, some of which were opium based, which take lives. Medical marijuana has helped him return to a good quality of life. Mr. Hoffee wanted to know why the County would delay issuing permits across the entire County. Commissioner Hyde explained. Mr. Hoffee cannot grow indoors because his wife is allergic to it.

William Etter, 32976 SW JP West Road, Scappoose. Mr. Etter agrees and supports the moratorium, but there are many questions it raises. He doesn't expect answers today, but hopes the answers are brought forward. As a former DEA agent, he is familiar with all the steps of investigating marijuana grows. He stated that there are no regulations in place to handle the electrical issues or code. There is also the question of liability: what happens when there is a fire on a grow site and spills over to timberland -- who pays for that? There are trash issues, noise issues and the odor issues. Some of these can be confined in the rural area, but once the cat is out of the bag, there will be a firestorm. Mr. Etter also wondered about addiction services, and asks what the take of CCMH is on this issue, for they will be impacted. In addition, claims of decreased property values is an issue.

Don Campbell, 75735 Price Road, Rainier. Mr. Campbell would be happier to smell marijuana rather than the sewage from the trailer park next door. He is not for or against marijuana, but believes it limits property rights and the Board just wants to find a way to get their hand in the pot. He thinks meeting is a waste of time, the people have already voted it in.

Bob and Lola Gregg, 62623 Burn Road, Vernonia. The Greggs are concerned that, when the County doesn't know who these people are or what they're doing, how the County will not be able to enforce this moratorium. Commissioner Heimuller states that the moratorium is about dispensaries, and agrees that there is no way to know where most of these folks are.

Linda Cokely, 31146 Fairview Road, Rainier. Ms. Cokely stated that the notice on the little green card indicated that, if this moratorium passes, it may decrease property values. Commissioner Heimuller stated that that particular language is required by the State and does not mean that property values will decrease.

Bill Bud Buel, 78747 Pt. Adam Road, Clatskanie. Mr. Buel wishes to address his concerns about medical marijuana. He stated that you cannot lump medical marijuana with recreational. In his opinion, this is a blatant attempt to circumvent the medical marijuana laws. The Commissioners knew what was in that bill and enacted an ordinance in 2014, and now wants to use a part of that law to do what they want. The Commissioners didn't do their job under that bill. Mr. Buel stated that the County had 22 months to work out the rules. He also felt that there were many falsehoods in the staff report and that, by limiting it to outdoor grows, the County is messing with medical marijuana.

Steve Kneble, 31501 Smith Road, Scappoose. Mr. Kneble stated that, under 197.54, the County is required to ask for the State's permission. Robin McIntyre, stated that the County did notify them as required.

Jay Bates, 34168 Davidson Drive, Scappoose. Mr. Bates stated that, if understands this right, the County is not above State law or the people. The problem in this County is not

marijuana, but meth, heroin and drugs. Marijuana does not incite crime. Mr. Bates heard a comment made about vermin and rats. He takes issue with that, stating that the vermin are here with meth. Commissioner Heimuller clarifies that they literally mean vermin and rats, not humans. Mr. Bates does not understand why the County cannot get on board with this. He would like to open medical marijuana facilities, and the County has had 2 years to deal with it.

Commissioner Hyde stressed that this ordinance only involves the unincorporated areas outside of the cities.

Dave Ehrenkranz, 53696 Viewcrest Place, Warren. Mr. Ehrenkranz would like clarification, and noted that, apparently, the paperwork has been revised. It is not clear to him about the indoor/outdoor personal use, because four plants on six acres makes no sense to him. He questions why the County would impose that on him.

Jeff Campbell, 28250 Hafferman Road, Scappoose. Mr. Campbell is embarrassed by this ordinance, which contains so many fairytales. He would like to know where else you can write a permission slip to not do your job. There was a temporary ordinance in 2014, which is 16 years after medical marijuana was approved. He does not understand why the County government needs more time. Mr. Campbell believes citizens needing medical marijuana are very disappointed that the Board has not done their job.

Joan Magin, Post Office Box 258, Scappoose. Ms. Magin stated that she has spoken with Stormy Ray, who wrote the original medical marijuana bill 16 years ago. She pointed out that there are a number of medical purposes for marijuana beyond the recreational use. Sometimes people cannot even move, or have not eaten in weeks, or are in hospice; medical marijuana has helped all of them. Ms. Magin has had arthritis since age 25, and is allergic to the pain pills prescribed for her condition. Only medical marijuana has helped. She urges the County to come to a swift conclusion. Stormy has talked about opening an enterprise area that will allow medical marijuana facilities, and Ms. Magin will provide additional information regarding the task force.

Joe Lewis, Apple Valley Rd., Scappoose. Mr. Lewis would like to thank the Board, for he knows how difficult setting policy for all citizens can be. He wonders why there is so much focus on this issue when there has been another trail derailment and fire, which used a great amount of water. Given the amount of attention and time the Commissioners and staff have spent on this issue, he cannot help but question why this Board has not turned its attention to oil trains.

Commissioner Heimuller stated that they deal with hundreds of issues at a time. The point about oil trains is well taken. The Board is working and looking in many different directions.

Thelma Bonar, 51734 Way Lane, Warren. Ms. Bonar stated that the green card indicated that property has depreciated and, if that is so, it means less money for the County to provide the services that everyone needs. She believes that medical marijuana provided by a doctor should be o.k., although she does not want a grow next to her. Ms. Bonar also wants to know who the enforcer for this ordinance is going to be. She believes that, if someone was going to dispense marijuana, the County will need to charge for a permit. OMMA dispenses marijuana around the schools and they do not do a very good job of patrolling that. She asked whose responsibility it was to watch the schools. Finally, Ms. Bonar thinks this issue should come to the CPAC's.

Jordan Burrows, St. Helens. Mr. Burrows advised that he did not want to be on the news, and testified that he felt that a lot of things about this ordinance are misleading and very confusing. He watched his father pass from cancer; his medicine was organic and it helped. Even though the Board says they are not trying to change medical marijuana, they are. Under State law they can grow medical marijuana outdoors. Mr. Burrows stated that taking more time to decide what to do is going to the black market, which is already working. What he does - does not affect anyone else's property.

Lu Parshall, 33960 Butterfield Road, Deer Island. Ms. Parshall stated that her main concern was that someone was going to open a facility near here, but has now learned that is not so. After hearing the comments here, she feels that she makes her own choices, and others should as well, as long as they don't interfere with others lives or livelihood.

Dr. John Arnold, 73739 Cedar Grove Drive, Clatskanie. Dr. Arnold is in favor of holding up on this. He stated that medical marijuana is in the same class with meth and heroin, whether that is right or not. There is no therapeutic use for it, and more research needs to be done. Dr. Arnold feels that most outdoor growths are in neighborhoods. If grown inside, one can hardly argue against it. However, outdoor grows have a high potential for children gaining access. He understands that marijuana works well in some medical issues, but other medications are available. He is for the moratorium so the Board has more time to look into this and come up with good regulations.

Cynthia Anderson, Post Office Box 1199, Rainier. Although a licensed medical care provider, she speaks from the position of a property owner who is a tree farmer. She states that there are many laws that control what tree farms can do, including the Oregon Forest Practices Act. Official maps show Columbia County to be entirely forested. Those forests provide income for the community. Mowing the forests down to plant marijuana will change not only the people in this county but the environment as well.

Rod Trommhitze, 35324 Pittsburg Road, St. Helens. Mr. Trommhitze spoke about the background of the Oregon medical marijuana law, which is regulated. However, there is no law that regulates outdoor growing facilities, so he is in support of this ordinance.

Shiloh Parkin, 204 E. 4th Street, Rainier. Mr. Parkin stated he had a lot of concerns with what is going on with this procedure. He is a medical marijuana grower who deals with people who have seizures. He needs to grow outdoors, since it takes so much crop to affect these conditions. He feels that the County is taking that away from him.

Cully Calvert, 70510 Apiary Market Road, Rainier. Mr. Culver is a medical marijuana patient, and feels that most of what the Board says is crap. His well failed last year and it cost him \$21,000; using City water for train fires does not apply to this situation. Mr. Culver wanted to know what one thing the Board has done regarding this issue.

Commissioner Heimuller replied that he is Vice Chair on the Health & Human Services committee under the Association of Oregon Counties.

Oscar Nelson, 92428 Ft Clatsop Road, Astoria. Mr. Nelson stated that they had a moratorium in the City. However, there were zero issues with the outlet, and the City ended up revoking the moratorium. Medical marijuana facilities should not be in rural areas, but in cities. The OLCC has stated that they see this as Oregon's Napa Valley. He believes property values are going to go up, as this is a fine growing area. He know that this is a complete transition, but if the County helps this along, it will be an incredible opportunity.

Suzanne Goodnight, 35432 Spence Street, St. Helens. Ms. Goodnight agrees with the moratorium and that more time is needed. She lives in an incorporated area and she does not want to see it, smell it, or have her land value decreased.

Jeremy Wilson, 69908 Goble Road, Rainier. Mr. Wilson stated he has a few concerns. He was unaware about the change made to the ordinance and is concerned about outdoor grows. He does not feel it is right to force people to spend more money to create an indoor environment instead of using what nature provided. He understands protecting children is our future, and would be devastated if anything happened to one of them related to marijuana growth. He stated that Commissioner Heimuller himself told him that the County does not investigate property crimes, so expressing concerns about a potential marijuana theft makes no sense. Mr. Wilson stated that he is going to make sure that one of the two Commissioner's spots coming up will be filled by someone else.

Bryan Smalley, St. Helens. Mr. Smalley stated that he is not going to voice his address to the public. On the issue of outdoor v. indoor grows, with outdoor grows you get bigger plants without the use of electricity. He owns an outdoor commercial grow, and if you force them indoors it will end up costing the patients more. Mr. Smalley feels that lumping medical with recreational use is like lumping cannabis with hemp. Around 65% of patients are low income and pay a reduced fee. He also feels there are sufficient standards in place for outdoor grows.

Ken Kovash, 65793 Janshaw Road, Deer Island. Mr. Kovash stated that he is a medical marijuana grower. He related that THC is a schedule 1; in its raw form as a plant, it is 1A. He believes most of the things about cannabis are good for people, with different oils made up for 16 different ailments. Mr. Kovash feels there needs to be a line drawn between medical and recreational.

Colleen Cuchetto, 1944 Cowlitz Street, St. Helens. Ms. Cuchetto stated that she is one of the medical marijuana immigrants. She is new to Oregon because of that, and has brought three businesses with her. Ms. Cuchetto stated that she has a disease and is living every day with a brain tumor that cannot be removed. The blood brain barrier stops all medications from reaching her brain, and she needs medical marijuana to live.

Clifton McCoy, 69055 Hwy 47, Mist. Mr. McCoy stated that he owns a piece of property with 4 little plants growing. His neighbors can see them, but who cares. There are people who want to grow it, but with this moratorium, they will be growing in State parks and other public lands. Mr. McCoy does not want to have to take pills, and does not support this moratorium.

Matt Wiley, Pisgah Home Road, Scappoose. Mr. Wiley has suffered a broken back, and now a broken leg. He does not use marijuana, but there is hundreds of acres around him. He does not want it around him or his daughter.

Derek Broders, Scappoose. Mr. Broders grows medical marijuana for his family outdoors. He stated that the grow season runs from May to November. He grows in a greenhouse. If growing outside is banned, this will not allow him to grow medicine for his family. Mr. Broders feels this will affect him heavily.

Braxton Kreel, 9121 NE Summer Street, Portland. Mr. Kreel is with the Stormy Ray foundation. He stated that a lot of patients rely on outdoor growing arenas. If they are not allowed to grow, the Board should consider paying for transportation for the patients to go to Portland or Astoria to get their medicine. Mr. Kreel asked that the Board reconsider banning small outdoor operations.

Scott Ramsdell, St. Helens. Mr. Ramsdell is a cancer survivor and business owner. If they pass this law, he's out of here.

Francine Fisher, J.P. West Road, Scappoose. Ms. Fisher does not think that any more laws are needed as to what they can do with their property.

John Harper, 335 West Lane Drive, Astoria, Oregon. Mr. Harper owns property and businesses in this County. He feels that there have been a lot of great ideas spoken here. Mr. Harper agrees with all the people -- that the Board has had a couple of years to work on this and, from their view, they do not see that anything has been done. Most people are

concerned about outdoor growth, which is for medical use and has been around in this county for umpteen years. Mr. Harper stated that the Board needs to address commercial production after the legislature sets the rules. The Board should not tamper with people's medical marijuana. Mr. Harper is against a moratorium on medical marijuana, and does not believe there should be delays when the County has had the time.

Lola Gray, 62623 Burton Road, Vernonia. Ms. Gray testified that they currently have a grow area next to them. She believes these sites should be made public information. They have been unable to sell their house with a grower next door.

Sherry Howell, 649 Round Round Road, Hood River. Ms. Howell owns an acre in this County on Bellcrest Road. She does not use marijuana, but is against this moratorium because it blurs the difference between medical and recreational marijuana. Ms. Howell believes the Board should undeclare the emergency and let the people vote on it. Commissioner Hyde explains what the emergency clause means, which just shortens the length of time for the ordinance to become effective.

Jay Bates testifies for the second time. Mr. Bates states that, if the Board passes this ordinance, he will seek a special election to replace two positions on the Board.

With no further testimony coming before the Board, Commissioner Fisher moves to leave the record open until April 15 for any additional written testimony and to continue deliberations on April 22 at or after 10:00 p.m. Commissioner Hyde seconds the motion, which is carried unanimously.

Commissioner Heimuller states that the Board will adjourn to meet with the County Parks Advisory Committee at noon.

Consent Agenda: Fisher moves, Hyde seconds, motion carriers.

CONSENT AGENDA:

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

- (A) Ratify the Select to Pay for week of 4/6/15.
- (B) Final Order No. 14-2015, "In the Matter of Application CU 15-01 by Enerfin Resources Northwest for a Conditional Use Permit for a New Natural Gas Well in the PF-80 Zone.
- (C) Approve Hardship Waiver/Deferral of Fees for Marjorie Prosser.

(D)

2015 Liquor License Renewals for: Yankton Store and Restaurant; Suki C, Inc. d/b/a St. Helens Golf Course; Bing's Restaurant; The Birk; and Alston Country Store & Video, Inc.

The motion carried unanimously.

COMMISSIONER HEIMULLER COMMENTS:

None.

COMMISSIONER HYDE COMMENTS:

None.

COMMISSIONER FISHER COMMENTS:

None.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 8th 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