

Board of Commissioners Meeting  
April 2, 2014

Present: Commissioner Steve McClure  
Commissioner Mark D. Davidson  
Commissioner William D. Rosholt

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Chairman McClure opened the meeting at 9:00 a.m. with all three Commissioners present.

Public Comments

There were no public comments.

Major Partition Platt

Rick Robinson, brought a Major Partition Platt to the Commissioners for consideration. He explained that they are dedicating a portion of Spruce Street. This is North of the Freeway crossing on Spruce and it falls within the County jurisdiction on the road. When there are partition plats that join county rights of way that were created by petition they are dedicated with a platt and needs Commission approval. **Commissioner Davidson moved approval of the Major Partition Platt as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Planning Grant Application

Frank Thomas, Community Connections of Northeast Oregon, brought a planning grant application to the Commissioners for consideration. He explained that there is an opportunity to apply for a grant that would help fund planning needs within Union County. He would like to submit for two projects. One project is for Union County Public Transit Planning which would support the development, delivery and adoption of an Asset Management Plan, Safety and Security Plan and an update to the existing Title VI Plan in Union County. The second project would be a Bedroom Communities Needs Assessment which would support a formal needs assessment for public mobility in Elgin and Union. These funds are state funds and cannot be given directly to a non-profit agency. He is requesting that Union County sponsor this grant. **Commissioner Davidson moved to have Union County sponsor the Section 5304 public transportation planning grant application as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Consent Agenda

**The March 20 and 27 claims journals; and the March 19 and 26 Public Works claims journals were approved as presented on the consent agenda.**

Medical Marijuana Facility Moratorium Ordinance

Shelley Burgess, Administrative Officer, explained that the County has received information from the Association of Oregon Counties regarding the passage of Senate Bill 1531 which was passed in March. SB 1531 allows the authority of the

County to enact an Ordinance that would put a moratorium on medical marijuana dispensaries for a year. If the County is interested in adopting such an Ordinance it would need to be done before May 1<sup>st</sup>. The County would have to notify the Oregon Health Authority of the fact that an Ordinance was enacted so that would affect the applications received for the dispensaries. She wanted to bring it as an item for discussion to see if the Commissioners are interested in pursuing an Ordinance. AOC did send a sample Ordinance that was reviewed by their legal counsel if the Commissioners are interested in moving forward.

Commissioner McClure asked if the County passes the Ordinance does it then forbid the dispensaries within the cities or do the cities have to do their own moratorium. Shelley explained that the cities would have to do their own moratorium. This would only affect the area under County jurisdiction.

Hanley Jenkins, Planning Director, explained that this has been a big issue for the State. The Ordinance that has been crafted by AOC is not a land use Ordinance and is not intended to place a moratorium on land use actions. The legislation that was passed addressed the opportunity to establish dispensaries based on zoning designations in cities and counties. It does exempt them in residential zones. They can be placed in commercial and agricultural zones. The question is then whether the zones authorize that type of use. The agricultural zone will not allow a retail outlet but the question would be if it could be done as a home occupation. He is not sure if it can be a home occupation at this point but it definitely cannot be a standalone retail operation. The only commercial zone the County has is at the truck stop. Most jurisdictions are equating dispensaries as pharmacies and the County does not allow pharmacy or drug sale in the commercial zone either outright or conditionally nor does it identify that type of use in the industrial zones. The likelihood of being able to site a dispensary is pretty slim within the County. This moratorium would run for one year from May 1, 2014.

Commissioner McClure asked if someone could explain the reason for doing a one year moratorium. Hanley explained that the concern is there has not been enough evaluation as to the regulation of dispensaries. There are requirements as how close they can be to schools, how many there can be but there is no other regulation authority that has been identified either in the Statute or through the Health Division. Commissioner McClure asked if the moratorium only allows the State time to review the rules and regulations on the dispensaries. Hanley stated that is correct. Commissioner McClure asked how medical marijuana is dispensed now. Hanley explained that the only thing he knows about it is that it is not an agricultural commodity because it cannot be grown for profit.

Randy Lindsey explained that the program being discussed is the medical marijuana program of 1999. There is a Bill that has been passed to allow safe access for medical patients inside the State of Oregon. Under the medical

marijuana act of 1999 a patient with debilitating conditions must see a physician with records that are up to date to check for medical qualifications to be inside the medical program. Once they have proven those ailments and the physician signs the form they can choose who is going to be their designated grower and who will be their caregiver. The caregiver can execute the medical grade cannabis for them. Inside the program a patient is allowed 24 plants only 6 of those plants can be over 1 foot tall. Anything other than those 6 plants are considered to be mature even if they are not in a flowering state. The weight that a patient can have is 24 ounces. He explained that they are now talking about medical patients in this community that will have safe access to medical grade cannabis that must be tested for potency, moisture, mold, and pesticides unlike what patients use and get now. If patients now do not have a designated grower they have to go to the street. He feels that a program that has been in existence for 14 years inside the State of Oregon should be allowed to get on its own feet and let the program work for the patients. Inside a dispensary in HB3460 the security that must be present is to the criteria of a casino cash room. All of the security is 24 hours 7 days a week. Two panic alarms must be put into the facility. OHA and Oregon Law Enforcement have direct access to the computers and the wand systems that dispensaries use. The program that they have is so astringent it is tough to do and not everyone will be able to do it.

Commissioner McClure asked if there are already all these regulations what is the purpose of the moratorium. Randy stated that he doesn't know. There are certain fascists inside the State that didn't want the program to go ahead. Inside the last State Legislative session because it took so much time to decide on SB1531 and decide on that the Columbia River crossing didn't get time to get done and they had to put a hold on how to regulate the gift of a gun to a family member. They already looked at initiative 1556 which will be voted on November 4<sup>th</sup> that deregulates cannabis for recreational use within the State of Oregon. All this would do is prolong to get legitimacy inside the medical program so that patients can have safe access to clean meds. He feels that it is a point of dignity to medical patients.

Commissioner Rosholt asked who is doing the inspections and the enforcement. Randy handed the Commissioners a copy of HB 3460 to review.

Shawn McKay, Eastern Oregon Analytical, 1806 26<sup>th</sup> Street La Grande, explained that his company came into conception October of last year in preparation HB 3460 and the dispensary program. They are set up to do volume with multiple dispensaries in the area. They have been working with Randy all along with compliance issues. They have invested over \$30,000 in infrastructure and equipment. Their lab is run by two PhD chemists. He feels that having a local laboratory will complement the dispensary facilities in a way to provide the testing locally. In addition to regulating the cannabis they will generate income through income taxes and property taxes on the business. They are looking at occupying

a building in Island City that has been vacant for over a year. The patients within this program are being isolated out and they are just members of the community that want safe access. They don't want a lot of attention drawn to themselves and don't want to have to communicate with local street vendors. They want to be able to obtain safe access at these facilities. He feels that with the regulations by the State there should be no problem within a city this size. The boundaries alone will only allow for one to two dispensaries based upon the zoning restrictions within the boundaries of schools and within the boundaries of themselves. Those zoning restrictions are going to limit the amount of dispensaries that will be in town.

Commissioner McClure asked why AOC wants the moratorium. Commissioner Davidson explained that there were member counties and cities of League of Oregon Cities that expressed concern about this and asked them to prepare this draft Ordinance. The Legislative committees of the organizations had weighed in supporting the legislation SB1531. Commissioner Rosholt explained that both the Public Safety Committee and the Governance Committee agreed to it. Commissioner McClure asked if then it would give the committees a year to go back through SB1531 and make any additions or revisions necessary. Commissioner Rosholt explained that it would.

Commissioner Davidson pointed out that every County is unique but they have clearly heard today that this is for Union County not an issue of great magnitude because there are very limited if any opportunity to site this type of business outside of an incorporated area. If the Commission considers an Ordinance and an Ordinance is passed it would be mostly a symbolic gesture that he is not sure really accomplishes anything. It is primarily an issue that cities within the County need to come to a decision within their jurisdiction.

Robin Wortman, Union County Safe Communities Coalition Coordinator, explained that their Coalition has had some discussions regarding youth marijuana use and the dispensaries. She read a statement from the Coalition. She explained that Marijuana and the perception among youth have changed over the years. With the passage of medical marijuana laws talking to kids about marijuana has become more difficult. It is challenging because there are so many perspectives. It is illegal most of the time. It is illegal at a Federal level however; there are people that use it as medication. It can affect a developing brain but sometimes what is helpful for a disease might be better for a certain person. This sends mixed messages to the youth. Local teenagers are reporting that they have a decreased perception of risk of marijuana use. Union County eleventh graders were asked how risky they thought it would be to smoke marijuana once or twice a week. Only 49% thought it was a moderate or great risk. Other options were if it was a slight risk or no risk. There was a study done that linked long term marijuana use starting in teen years with decreased IQ in adulthood. The scores can decrease by as much as 8 points. Teenagers face great risks from regular

marijuana use compared to adults. Studies indicate that the brain develops into the mid-twenties with adolescents being a big developmental period. Young minds need every opportunity to develop to their greatest potential. In 2013 the Oregon Healthy Teens survey 17.8% of Union County eleventh graders indicated they had smoked marijuana in the last 30 days. That is higher than the eleventh grade rate for smoking cigarettes. The Coalition asked the Commissioners to consider passing the Ordinance to maintain local control and take the time to evaluate the rules and regulations involved in the dispensaries.

Commissioner McClure asked if she should be addressing the cities and not the County on this. Robin explained that they are addressing them as well but the County is looked to as a great authority and their leadership would make a stand. The Commissioners are leaders in the County and the decisions they make can impact the decisions that might be made in the cities.

Commissioner Rosholt felt that the Commission should at least look at an Ordinance. A hearing on the Ordinance will be held on April 16, 2014 at 10 a.m.

Appointment to Union County Fair Association Board of Directors

Court Order 2014-23, In the Matter of Appointment to the Union County Fair Board Association, was presented for consideration. This Court Order will appoint Tee Gandy to the Union County Fair Association Board of Directors. **Commissioner Rosholt moved approval of Court Order 2014-23 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Appointment to Union County Planning Commission

Court Order 2014-24, In the Matter of Appointment to Union County Planning Commission, was presented for consideration. This Court Order would appoint Arthur Rhodes to the Union County Planning Commission. **Commissioner Rosholt moved approval of Court Order 2014-24 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

2014 Wolf Depredation Compensation Grant

Shelley Burgess brought a grant agreement with the Oregon Department of Agriculture for 2014 Wolf Compensation and Financial Assistance Program. She explained that this award would be \$5,000 for financial assistance for livestock compensation. **Commissioner Davidson moved approval of the Oregon Department of Agriculture grant as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Title II Funding Recommendations

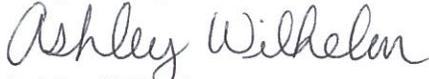
Arlene Blumton, La Grande Ranger District, brought Title II funding recommendations to the Commissioners for consideration. Arlene explained that there is around \$75,000 available within Union County. There were five

proposals presented. She explained that the proposals were reviewed by the Forest Restoration Committee and their recommendations are to fund the Grande Ronde Weed Control proposal to treat the Meadow Hawkweed within Union County, the Union County Community Wildfire Protection Plan to complete the plan and initiate implementation, Union County Natural Resources Youth Crew to develop recreations maintenance, invasive species treatment and riparian improvement, and Thinning for Release of 200 acres. They are recommending deferring funding for the 6200 Road maintenance which would have covered 24.5 miles of road maintenance. **Commissioner Davidson moved approval of the Title II Funding recommendations as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Adjournment

The meeting was adjourned at 10:05 am.

Respectfully Submitted,



Ashley Wilhelm  
Sr. Department Specialist II