

Board of Commissioners Meeting  
October 7, 2015

Present: Commissioner Steve McClure  
Commissioner Mark D. Davidson  
Commissioner Jack Howard

Chairman Davidson opened the meeting at 9:00 a.m. with all three Commissioners present. The pledge of allegiance was given.

**Public Comments**

Burn Ban

Larry Wooldridge, Island City Rural Fire Chief, stated that the county burn ban was extended on September 30 and he recommends that the commissioners extend it until October 21 since there hasn't been a significant change in the weather. There is a consensus with county fire chiefs to extend the burn ban. JB Brock, Emergency Manager, reiterated that the extended forecast calls for above average temperatures and below average precipitation. Commissioner Davidson supports extending the burn ban until the next meeting; there is a need to balance the needs of the farmers and fire safety. He stated that the consideration of opening field burning for a short period of time may be needed; Commissioner McClure agreed. Commissioner Howard asked if there is a plan for an extended period of time if the weather remains unchanged, or if consideration should be given to have a permanent burn ban or modified approach to allow some burns. Mr. Brock stated that he and Mr. Wooldridge have discussed reviewing the burn ordinance; recreational burning is not addressed in the existing ordinance. The current structure allows for an extension of the field burning season and is independent from other types of burns. Mr. Wooldridge indicated that this is the first year that the burn ban has been extended this late. Commissioner Howard stated that his concern is a potential transition of 4-5 years and discussing a long term plan should take place sooner rather than later. **Commissioner McClure moved to extend the burn ban to October 21, 2015. Commissioner Howard seconded. Motion carried unanimously.**

Engineer of Record Question

Matt Cooper, 302 C Avenue. He agreed with Commissioner Howard and would like the burn ordinance to be reviewed again due to climate change; there is more spring runoff coming earlier in the year and drier summers. He stated that his question is in regards to a statement made in The Observer from the previous Monday; it refers to Anderson Perry as the County's engineering firm. He asked Commissioner Davidson to elaborate on the nature of the relationship and UCEDC. Commissioner Davidson stated that Anderson Perry is the current engineer of record.

## **Elected Official, Department Head and & Employee Comments**

### **Blue Mountain Translator District Agreement**

Carole Smith of the 4-H & Extension Service District stated that they have been in negotiations with the Blue Mountain Translator District (BMTD). She didn't feel the agreement was ready to be signed due to needed changes that are not negotiable. 4-H Extension District is in support of having the tower on their property and they believe it benefits the community. She stated that they would like to complete the agreement soon as equipment is ready; the advisory board has agreed that there is no need to charge BMTD as long as no additional expenses incurred.

Tim Wallender, 65302 Airport Lane, La Grande, BMTD Board. Stated that he had not yet seen the revised document Ms. Smith was referencing and would like time to review it. He stated that their position is that it would be best for BMTD to have some protection and assurance if equipment needs to be relocated, especially during winter months. He also stated that he understands the BMTD is a guest at the site and, as long as the conditions are reasonable, they will sign the agreement.

Commissioner Davidson stated that the county would provide a copy of the revised document to Mr. Wallender. He stated that the 4-H Extension District needs to agree with the revised document before the commission would sign it. Mr. Wallender stated that he didn't have any concerns with the original document and finds Ms. Smith to be reasonable; he expects that the revised agreement will be sufficient and they can move forward. He stated that he is concerned about installing equipment with upcoming weather. Commissioner Davidson stated that the proposed changes to the agreement are fairly extensive for the commissioners to consider signing now.

Commissioner Howard asked if the value has been assessed; he is comfortable that there is value for both parties. He stated that he would prefer to have the document well before the next meeting to be adequately prepared, otherwise he would be inclined to oppose it. The commissioners did not sign the agreement; it will be reviewed at the meeting on October 21.

### **MERA Timber Management Request for Proposal (RFP)**

Sean Chambers, MERA Park Coordinator. Chuck Sarrett 509 Benton Court, consulting forester. Mr. Chambers notified the commissioners that he has prepared an RFP for timber services on MERA. He gave a historical review of the timeline of MERA's forest management. The RFP has been reviewed by legal counsel. It is expected to be released October 12, 2015 with a bid closing date of October 29. Commissioner Davidson asked for clarification of log delivery completion date; Mr. Chambers stated July or August 2016.

Mr. Sarrett stated that there is a high priority need for treatment in some areas. Harvest and sanitation work is needed at the top of Fox Hill of approximately 500+ acres. Current issues include dwarf mistletoe, bark beetles and poor shape of the stand. The area north of parking lot was pre-commercially thinned 10-15 years ago, but there are older over-story trees creating issues with mistletoe that is reinfecting the younger growth. He stated that the desire is to remove the infected areas and over-story pine trees. Other areas contain more fir that does not require drastic cutting; a lot of the Douglas Fir is currently dying due to bark beetles. There are also a lot of opportunities throughout the acreage. He stated that they would like to sanitize the bulk of the area and remove over-story in the young pine area that is showing risk. One or two areas would be excluded, but would include tree planting or some harvesting, thinning, and cleanup. Natural meadows would remain untouched as much as possible.

Commissioner Davidson asked about the over-story removal and if there was sufficient pine reproduction occurring for regeneration. Mr. Sarrett stated that there would not be a need for any planting in the over-story removal area; there is more than enough pine reproduction and some has been thinned commercially already.

Commissioner Davidson asked if the canopy was dense enough and if there would be a release from the trees that are left. Mr. Sarrett stated that he does not expect much release due to the scattered over-story. He explained that mistletoe slows tree growth and increases fire danger.

Commissioner Howard asked if there was a change of policy with regards to removing dwarf mistletoe and a sensitive habitat, as the west side of the state may be changing the rules. Mr. Sarrett stated that he has not heard that, but due to the lack of fire in the area it has actually made the area worse. Fire tends to take out susceptible trees and, with the exclusion of fire over the last two decades, mistletoe has become more prevalent.

Commissioner Howard asked about minimizing impacts to the area and trail use, and if the public has been involved with the RFP. Mr. Chambers stated that there will be some impact to trail accessibility as safety of the citizens will be first concern. The contract stipulates that trails are left in the condition they are found (or better) and the investment of the trails will be protected. He stated that there is a MERA meeting the following week addressing the issue and seeking feedback, which was the same process followed in creating the forest management plan. The desire is to keep the public involved and informed, and why the RFP is presented at the meeting.

Commissioner Howard asked if another week could be added to the October 29 deadline. Mr. Chambers stated that it could be done, but the hope was to have it on the only November commission meeting scheduled. Commissioner Howard stated that the commission could schedule a different meeting to review it if

needed; Mr. Chambers stated that he would not be opposed to that if it needs to take longer. Mr. Sarrett stated that, in regards to forest management, it would not be a problem to push the date back. Commissioner Howard stated that he would like to see the consistency with the original plan.

Commissioner McClure stated that there was a great deal of work creating the forest management plan and the proposed work would be the first step in initiating it. The intention of the purchase originally was to use it in multiple ways: recreation, timber production, and grazing. This has been a successful model in Morrow County. The work proposed would be an extension of the original plan for MERA.

Mr. Chambers stated that the purpose today was to inform the commissioners. Mr. Sarrett anticipated that this will be financially beneficial to the county and MERA.

#### Sage-Grouse

Scott Hartell, Planning Director, presented an update regarding rules protecting sage-grouse areas. Mr. Hartell explained which projects would or would not be allowable in the protected sage-grouse areas.

Commissioner McClure asked about the impact on the residential areas in the Pondosa Springs and Medical Springs areas. Mr. Hartell stated that when the Land Conservation & Development Commission (LCDC) adopted the rule, they did not adopt any existing disturbance thresholds. He stated that John Jennings, the Community Service Specialist with LCDC, proposes those numbers will be adopted by LCDC in December 2015.

Commissioner Davidson asked if the changes were happening without input from the commission; Mr. Hartell indicated that is correct. Commissioner Davidson requested Mr. Hartell to prepare local data that could be compared with LCDC's data and have available by November 5. He stated that he would like to ask LCDC why the county isn't involved in developing data.

Commissioner McClure stated that Union County may not be hugely affected, but should still be involved. Commissioner Davidson stated that LCDC held public hearings regarding restrictive conditions on private land in Lakeview and Burns, but not in Baker or Union Counties. There should have been local meetings to allow citizen input. Commissioner Howard agreed with his concerns and encouraged citizens to write letters. He asked if there have been coordinated efforts with Baker County. Mr. Hartell stated that the previous County Planner was involved in the process; Mr. Hartell's personal involvement began after the adoption of the rule. Commissioner Howard stated that it is absurd not to recognize county's borders regarding impacts. He thinks cooperation with Baker County is necessary.

Mr. Hartell stated that U.S. Fish & Wildlife did not list the sage-grouse. Commissioner Davidson asked if the B2H project is exempt because the application is in process; Mr. Hartell stated yes. Commissioner Davidson stated that while at a meeting in Burns he had expressed his concerns about LCDC not meeting Goal 1, which is involving the public in the rule making process. There was a lack of multiple hearings in the affected areas; he believes the appeal period has not expired. He would like to explore how Union County can get LCDC to ease off on some restrictions.

Mr. Hartell stated that due to the geography and historical pattern of use, Union County is not a high development area for smaller projects. Just one large project could potentially exceed the 1% threshold in the ten-year period.

Commissioner Davidson stated that there are current restrictions on private property owners during hunting season.

Mr. Hartell stated that he would like to ask why existing development doesn't have the same rules as new development. Mr. Hartell stated that he will report back with new local data and the appeal deadline. Commissioner McClure thanked Mr. Hartell for his efforts and encouraged him to stay involved in the process for Union County.

### **Consent Agenda**

**Commissioner McClure moved approval of the Consent Agenda, which included Claims Journals for September 16, 24, and 30; Claims Journals for Public Works for September 14, 17, and 23; and September 2 meeting minutes. Commissioner Howard seconded. Motion carried unanimously.**

### **Administrative Matters**

#### **Wolf Depredation Grant Amendment**

Shelley Burgess, Administrative Officer, presented An Amendment to the State of Oregon Grant Agreement for Wolf Depredation for the commission's approval. Additional funding was made available for non-lethal deterrents in the amount of \$5,000; the amendment would accept the funds and make it available to producers.

Commissioner McClure asked for recorded predation in Union County. Commissioner Davidson stated that there was a loss of multiple sheep and a herding dog as a result of the Mt. Emily Pack. The producer applied for a kill permit, claiming he has lost hundreds of ewes in the last several years; the permit was denied because the non-lethal techniques are said to be deterring the depredation. Commissioner Davidson stated that the producer affected has not yet applied for compensation.

Commissioner Howard asked for the source of the additional funds. Mrs. Burgess stated that initial funds are from the Oregon Department of Agriculture (ODA); additional funds are also from the ODA under a federal program. New funds were offered to counties who did not receive the full amount of funds originally requested; Union County originally applied for more than \$3,000. The additional \$5,000 is now available to the county. Commissioner Howard stated that he thought that the \$3,000 had not yet been fully disbursed. Mrs. Burgess stated that all the funds for the current year have been spent; however, during the previous year funds were not fully spent so the excess was returned to the program.

Commissioner Howard stated that his concern is whether or not this will be a policy to implement the non-issue of kill permits; is the county is being paid to pay people for alternative techniques. Commissioner Davidson stated that the specified funds are for non-lethal techniques to deter predation, not the compensation money. He stated that ODF&W asked him if the commission would support the non-lethal techniques that ODF&W would employ to support the farmer who was experiencing the predation. Commissioner Davidson told ODF&W that the commission would support their attempts through the committee. This money will help back-fill the county's expenditures of funds that are expected, but have not yet been billed. He stated that it is anticipated for the county will expend at least \$3,000. **Commissioner McClure moved approval of Amendment of State of Oregon Grant Agreement for Non-lethal Techniques in regard to Wolf Depredation. Commissioner Howard seconded. Motion carried unanimously.**

### **10:00 AM Marijuana Legislation Discussion**

#### **Union County Planning Department Presentation**

Scott Hartell, Planning Director, presented information to the commissioners regarding 2015 marijuana legislation and zoning ordinances for local authorities, OLCC, and OHA. He stated that rule-making from OLCC is still ongoing and not expected to be finalized until end of 2015; details of the regulations remain unknown. It is yet to be determined how or if OLCC will regulate issues such as degree of public access, processing, wholesaling.

Mr. Hartell recommends the commission to opt out of legalization of marijuana facilities based on the general election results of Measure 91 for Union County. This recommendation results from the fact that OHA and OLCC do not currently have rules to regulate medical or recreational marijuana facilities in place at this time. More importantly, 6,138 registered voters in Union County voted 59.04% no to Measure 91. Union County has not discussed the impact that the regulations will have on specific zones. For Union County to undertake an amendment process to the Union County Zoning Partition and Subdivision Ordinance and provide individual notice to every affected landowner based on the best guess of the outcome of the regulations from OHA and OLCC would

likely result in conducting the same expensive exercise once the administrative rules are effective and operational. He stated that even though staff recommends the commissioners to opt out at this time, he also recommends having the discussion or conducting work sessions to deal with effects of HB3400. Once OHA and OLCC regulations are in place and Union County chooses to opt in at a later date, staff could work through the amendment process based on known adopted administrative rules

Commissioner Davidson asked for more information about the effects of HB3400. Mr. Hartell stated that the majority of that discussion would be time, place, and manner. Union County has ability as local jurisdiction to govern the time that marijuana facilities could operate, the location they could occur, and the type of use that would occur on the land. For example, HB3400 prohibits the operation of a medical or recreational marijuana facility in a residential zone. Union County does not have a specific residential zone; all residential zones allow farm use, which would allow for marijuana production and wholesale operations in those zones; home occupations with distribution centers would be allowed. HB3400 allows for discussion and amendments of zoning ordinances to consider prohibiting some activities in residential zones and to identify zones where it may be more appropriate for marijuana operations.

Commissioner Howard stated that a work session would be beneficial and would allow the commission to consider an alternative ordinance; he is opposed to the current ordinance presented for consideration because there is a need to cover the role of zoning, the economic impact, and the rights of the people. He supports allowing citizens to vote on the issue. He stated that Mr. Hartell's comment regarding the number of votes against Measure 91 was a political calculation, not a planning calculation. He thinks Mr. Hartell's recommendation stressed that there is a political division on the issue, not a planning decision. He stated that the zoning aspects need to be tackled.

Commissioner Howard stated that he agreed with the statement on page six of the packet distributed, HB3400: "However, it would be within the county's purview to be more restrictive for the production of marijuana in the EFU and on these exception lands, based on Section 34." He stated that Mr. Hartell indicated that the opt out will give the county unlimited availability; Commissioner Howard believes an opt out takes away the ability to have effective zoning. He likes the idea of considering restrictions on the production of marijuana in the EFU, which gives the county more latitude. He believes an opt out limits the county's options on marijuana.

Mr. Hartell stated that based on the date of this meeting, this is the first he has come to talk to the commission about the rules and regulations. He stated that the county does not have time to amend the zoning ordinance, hold work sessions, and bring it to the board for adoption, thus indicating a need to opt out at this time. He stated that his office would have to revert to state law, not county

ordinance, if anyone wanted to start a marijuana-related business because Union County doesn't currently have any regulations regarding time, place, and manner. He stated that the need to opt out is also based on discussions that are needed locally. The county is at the mercy of the state since the OLCC rules are still unknown. Commissioner Howard stated that the OLCC rules are evolving; there are benchmarks that are being met and stating there are no rules is an excuse to opt out.

Commissioner Howard supports the idea of a work session and would like to know how many parties have shown interest in a marijuana-related business at this point. Mr. Hartell stated that one person who was in an industrial zone showed an interest in growing marijuana.

Commissioner Howard asked if there is an overlap of county code in the UGB, or potential for placement of marijuana retail business. Mr. Hartell stated that the UGB is county jurisdiction; Union County has a joint management agreement with the City of La Grande that allows the city to regulate areas based on their development pattern. However, in the case of a dispute or disagreement, Union County has the authority to hear an appeal.

Commissioner McClure thanked Mr. Hartell for his time and efforts. He stated that one concern was whether or not the county can opt in or out; attorney Baum submitted a letter stating that the county can opt out. He stated that he agrees that it would not be practical to opt in at this point; he believes the only option is to opt out. He stated that it is not time to discuss zoning until more information regarding state regulations is available. He agrees that the discussion should take place at a later time. His concern is for county enforcement and whether it is better for the county to enforce the rules or leave it the way it is. He has not personally decided and in order to make a decision state regulations must be known first.

Commissioner Davidson stated that a letter was provided to the commission from legal counsel answering previous questions asked. The attorney believes that the county can opt in at a later date if it opts out now; the county would be eligible for tax revenue if the county rescinds an opt out; the county qualifies to opt out by ordinance and it is not necessary to send it to the voters because there was greater than 55% in opposition to Measure 91.

Commissioner Howard stated that the legal counsel did not preclude the referral to a vote. Commissioner Davidson agreed. He stated that if it were referred to the voters, there would be a temporary moratorium until the outcome of the election is known.

Shelley Burgess stated that during the last meeting the commissioners identified questions to be answered regarding land use regulations, the three issues just reviewed by Commissioner Davidson, and information about law enforcement

data regarding marijuana-related charges and citations. The Juvenile Department provided information stating that there were 14 referrals strictly for marijuana in 2014; there have been 10 referrals to date in 2015. The District Attorney's Office provided data stating there were 115 marijuana-related charges in 2014 and 49 charges to date in 2015. She stated that she was asked to point out that the numbers do not include any marijuana-related DUIs because they are not recorded separately from any other substance. She provided the commissioners with information from OLCC showing a record of cities and counties that have opted out. She stated that she investigated a few counties closer to Union County since they were not listed; Baker County opted out, Sherman County is currently in discussions, and Grant and Wallowa Counties have not yet discussed the matter but plan to do so.

Commissioner Davidson noted that there are two Union County cities listed on the documentation presented by Mrs. Burgess and stated that there is a need to confirm the status of other Union County cities. He thanked Mr. Hartell for his efforts, which will contribute to the commission's decision making. Mrs. Burgess stated that the county has had two public hearings on the proposed ordinance; the first reading has not been approved. Options for the next step are to revisit the original ordinance or consider a different type of ordinance and announce and hold new public hearings. Commissioner Davidson stated that the hearings that have been held refer to opting out of all six marijuana businesses and does not refer the issue to voters.

Commissioner Howard would like to have a work session within the next 7-9 days specifically to discuss zoning and separate ordinances that would allow medical marijuana and banning recreational marijuana. He would also like a referral to the voters.

Commissioner Davidson asked to review the medical marijuana ordinance; Mrs. Burgess stated that it opts out of recreational marijuana. She stated that the ordinance was based on legal work from Rob Bovett, attorney for AOC.

Commissioner Davidson asked Commissioner Howard if he would like to have an ordinance to allow the use of medical marijuana; he responded yes. Commissioner Davidson asked him which zone would be appropriate to allow use within unincorporated Union County. Commissioner Howard responded that he is unsure if the county can do it in the UGB but he thinks it could be done. Mr. Hartell stated that would be a question for Mike Boquist of City of La Grande Planning. Commissioner Davidson asked where the uses would apply if La Grande opts out and the county adopted La Grande's zoning ordinances, as has been the process in the past. Commissioner Howard stated that he answered his own question. Commissioner Davidson stated he thinks he knows the answer, but wants to be sure he is not overlooking something.

Commissioner Howard would like to refer to the voters and go through a work session developing clean ordinances, rather than talking in the abstract about them, which may or may not be seen in time.

Commissioner Davidson stated that the county is not ready to opt in, the majority of Union County voters opposed the measure, and the county should opt out of all types of uses. He would like to wait and see how rules are developed and how opting in affects other communities; then make a decision later. Opting back in could be accomplished by an ordinance or a vote of the people. He doesn't think there is enough evidence to make the decision right now, and he does not expect it before the next general election.

Commissioner Davidson proposed to schedule a first reading of Ordinance 2015-02 to be held on October 21, 2015.

Commissioner McClure stated that medical marijuana is grandfathered in and the two dispensaries currently operating in La Grande would be unaffected.

Commissioner Howard stated that it appears Commissioner Davidson supports a complete opt out based on the current language of Ordinance 2015-12. He stated that it appears Commissioner Davidson does not care if language regarding medical marijuana is in the ordinance simply because it would not affect anything. He stated that it is interesting that Commissioner Davidson would want to include unnecessary language in the ordinance.

Commissioner McClure asked if the county can opt in to allow medical marijuana later. Commissioner Davidson stated yes. Commissioner McClure stated that putting a moratorium on all businesses does not limit future action of the county. He stated that he would like to take the prudent course of waiting; this process was dumped on the county quickly. He stated that Union County voters have already voted against the recreational use of marijuana. The county needs to look at what is best for the community; should the county opt out or look at the possibility of controlling it better by being actively involved by opting in. That discussion can take place through work sessions and community input when the OLCC rules are final. He stated that there is not enough information and not enough time. He suggests that it be scheduled for the next meeting. Mrs. Burgess will bring any updates at that time. First reading of Ordinance 2015-02 was scheduled for October 21, 2015.

### **Returned to Administrative Matters**

Oregon Dept. of Early Learning Division 2013-15 Amendment  
Shelley Burgess, Administrative Officer, presented the Oregon Department of Education Early Learning Division 2013-15 Amendment, Intergovernmental Agreement 9766, to extend the original contract to December 31, 2015, for

consideration and approval. **Commissioner McClure moved approval. Commissioner Howard seconded.**

Commissioner Davidson asked for clarification of line items listed for Healthy Families and Family Support Services; he would like to know if it is new money. Mrs. Burgess stated that the funding for the Healthy Families Program comes from the state, with a small portion coming from federal funding. They are increasing the federal support by \$248 for the same period. She stated that it is the same program, same services, and two sources of funding. **Roll Call: Commissioner Howard, yes; Commissioner McClure, yes; Commissioner Davidson, yes. Motion carried.**

Resolution 2015-14, In The Matter Of A Resolution Authorizing Signature Authority for the 2015-17 Intergovernmental Agreement Amendments For Public Health, Mental Health, Developmental Disability And Addiction Services Agreement

Shelley Burgess presented the resolution for the commission's consideration and approval. She stated that the commission has previously authorized the acceptance of funds from the Oregon Health Authority. OHA requires an official designation of an authorized person to accept the funds, which are issued electronically through the grant management system and typically involve additional funding to the county for specific programs as funds become available. When the county receives an invitation for a grant amendment, Mrs. Burgess reviews it with CHD, the contractor, who reviews it and verifies they can meet the requirements before accepting the funds. Some amendments only include new administrative rules for specific programs, which are passed through CHD and legal counsel if needed before authorizing acceptance. Approving the resolution would authorize Mrs. Burgess to accept the amendments, continuing the current practice for the current biennium. The alternative would be to send all the agreements to the commission for approval. **Commissioner McClure moved approval. Commissioner Howard seconded. Motion carried unanimously.**

Court Order 2015-29, In The Matter of Appointment to the 2015 Board of Property Tax Appeals Shelley Burgess presented the court order for consideration and approval. This will reappoint Commissioner McClure, Steve Oliver and Russ Smith to the Board of Property Tax Appeals. **Commissioner Howard moved approval. Commissioner McClure seconded. Motion carried unanimously.**

Resolution 2015-16, In The Matter of Transferring Appropriated Funds Shelley Burgess presented the resolution for consideration and approval. She stated that at the September 2 meeting, the board passed a motion to approve a \$10,000 payment to Shelter from the Storm in response to their request for assistance. Approval of this resolution will allow a transfer of \$10,000 from the Contingency Fund Special Accounts in the general fund to the Special Accounts Special Grants in the general fund and allow the release of funds. This transfer

is allowed under ORS294.463 as the transfer is under 10% of the total funding. **Commissioner McClure moved approval. Commissioner Davidson seconded.**

Commissioner Howard stated that he thinks the funding is somewhat irregular in the way it was originally presented, but that it is not his primary discomfort. His primary discomfort is that he doesn't know if this expenditure has been fully justified. He stated that he knows the Shelter has asked for money for a building fund, but he is not certain that the numbers are solid and meaningful. He stated that he thinks this is something that others can now line up for and request funds, making it a competing request. There are others who could use the money as much as the Shelter, for that reason he opposes it. **Roll Call: Commissioner Howard, no. Commissioner McClure, yes. Commissioner Davidson, yes. Motion carried.**

Resolution 2015-17 In The Matter Of Resolution Opposing The Creation Of A New National Monument Proposed As The Owyhee Canyonlands Monument; And The Establishment Or Designation Of Any Other National Monument, National Conservation Area Or Wilderness Area On Public Lands Within Southern Malheur County, Oregon

The resolution was presented by Shelley Burgess for consideration and approval, at the request of Judge Dan Joyce from Malheur County. This will support Malheur County as well as numerous other counties across the state.

Commissioner Davidson stated that the resolution is supported by the AOC Public Lands and Natural Resources Steering Committee, the Legislative committee, and multiple counties in Oregon. He explained the resolution's effect on local counties. **Commissioner McClure moved approval. Commissioner Howard seconded.**

Commissioner McClure stated that this resolution is the result of Malheur County going through the public process. He states that the reference of the Antiquities Act to create the designation is an incorrect use of the intended purpose of the Antiquities Act; it should go through an honest review and policy. He thinks it is taking advantage of a loophole in the law. He stated that it has a lot of ramifications to a community and economy. He supports Malheur County's position. **Roll call on the motion to approve; carried unanimously.**

**Ordinance 2015-02 Marijuana Opt Out (follow up clarification)**

Commissioner Davidson stated that he wanted to clarify an earlier discussion regarding medical marijuana. Commissioner Davidson stated that Commissioner Howard asked if he cared about the availability of medical marijuana. Commissioner Davidson stated that there currently isn't an opportunity for medical marijuana uses in unincorporated Union County. No action that the county or City of La Grande City Council could take would close the two dispensaries currently operating. The county is not eliminating the availability of

marijuana for medical use and, if action were to eliminate it, then he would have a different opinion. He thinks there is a legitimate need for medical marijuana.

Commissioner Howard stated that there is a right way, wrong way and right time, wrong time.

Commissioner McClure stated that when it gets sorted out and it makes sense to have a work session with the community, then he would support it. At this point there are too many unanswered questions.

Commissioner Howard stated that he has learned to trust the judgment of the people and a vote. He thinks the commissioners would do a better job of discussing ordinances if the county had a policy of drafting ordinances through work studies. He is concerned that the proposed ordinance has language that he didn't like much in the start and the change he would like to make would not be fair because it would be a substantive change to take medical marijuana out of the ordinance. If language means something, then it is meaningful in the ordinance. Whether or not the commission believes it does or does not have an impact, it has to be relevant in the ordinance. If it's not useful or productive or related to a condition, then it should not be in the ordinance. He stated that it is a poorly written ordinance for the purpose the county intends.

Commissioner McClure stated that he appreciated Commissioner Howard's comments.

The meeting was adjourned at 11:02.

Respectfully submitted,

Lorcinda Johnston  
Senior Department Specialist II