



**BOARD OF COMMISSIONERS and PLANNING COMMISSION
JOINT MEETING STAFF REPORT**

DATE: February 25, 2016

SUBJECT: A simple County process to assure that:

- 1) New businesses proposed in existing buildings on commercially zoned property in Curry County are consistent with the permitted land uses specified in the Curry County Code;
- 2) Determine that new businesses will meet the health and safety standards of Curry County and
- 3) Identify the businesses on commercial property in Curry County for life/safety personnel if/when needed for emergencies.

TO: Board of Commissioners and Planning Commission

FROM: Carolyn Johnson, Planning Director

RECOMMENDATION:

- 1) Board of Commission, Planning Commission and public review of the draft permitting process.
- 2) Board of Commission direction to staff for future action.

Background: On November 15, 2015, the Curry County Planning Commission held a public workshop to review a proposal for a draft Business License Ordinance. The draft was assembled based on a 2013 study that recommended the County adopt a flat annual business license fee in the range of \$40 - \$80. The Study research noted that approximately 500 businesses in the County could annually generate approximately \$40,000 to \$50,000 a year. This money would be utilized to fund a part time employee in the Community Development Department (Department) to manage Business License processing. The Study concluded that the Business License Ordinance requirements would provide a tool to:

- 1) protect the public interest, health, welfare and safety of residents by providing a means to advise all new and existing persons or entities transacting business within the unincorporated areas of the County of County Codes, rules and regulations
- 2) ensure that all new business activities are conducted in compliance with County applicable regulations.
- 3) enable the County to maintain an inventory of existing businesses operating and doing business within the County limits outside of City limits.
- 4) support the functions of the Curry County Community Development Department,
- 5) provide information useful for promoting economic development.

Key features of the draft Business License Ordinance included:

- A requirement for all Curry County business entities (outside the cities), including home occupations and cottage industry businesses, to secure a Business License from the Community Development Department subject to the Planning Director's determination that the proposed business complies with the Counties zoning regulations.
- Annual License renewal.
- Display of the Business License in a conspicuous place on the premises of the business.
- Consequences for Violations – Violation of the Business License regulations could be subject to a fine not to exceed \$500. Licenses could be revoked by the County if the Business License holder violated county, state or federal regulations.

After considerable review and testimony by the public, the Planning Commission (Commission) unanimously concluded that they could not recommend Board of Commission (BOC) approval of the proposed Business License program.

On January 13, 2016, Commission Chair Lyn Boniface and Commissioner Brazile met with the BOC in a public workshop and shared the Commission's thoughts on the Business License idea. They noted the Commission:

- 1) Did not support the premise that the proposed Business License proposal would provide economic support to the Community Development Department. If the purpose of the program was to be the sole funding source for administering Business Licenses, the program would pay for itself and nothing else; a "wash" that would not provide any additional benefit for the Department staffing.
- 2) Did not support the Business License proposal in general as it could be costly and difficult on an ongoing basis for the Curry County Business owner.
- 3) Supported the protection of public health and safety with a simple one-time process to assure the public interest, health, welfare and safety by confirming new businesses are aware of and will conform to all County regulations and provide a means for emergency responders to know what businesses are in the county for purposes of

life/safety protection. Further, the Commission believed that new businesses in commercial areas must provide proper safeguards to assure neighboring businesses are not adversely impacted.

4) Supported a separate, simple and affordable permitting system for Home Occupations and Cottage Industries. The Commission asked Planning Staff to develop revised Home Occupation requirements and new Cottage Industry regulations that would ensure public health and safety through a simple planning permitting process. It was recognized that the health and safety of these types of businesses is important but the requirements and needs of these businesses are different from those businesses in commercially zoned property.¹

BOC Preliminary Conclusions

At the conclusion of the January 13, 2016 BOC workshop, there appeared to be Board consensus to create a simple permitting process to:

- Confirm that new businesses proposed in existing buildings on commercially zoned property in Curry County are consistent with the permitted land uses specified in the Curry County Code.
- Determine that new businesses will meet the health and safety standards of Curry County.
- Identify the businesses on commercial property in Curry County for availability to life/safety personnel if/when needed for emergencies.

As discussed at the workshop, this process could be similar to a “Planning Clearance” process already in place. The “Planning Clearance” process administered by the Community Development Department, assures compliance of new residential and other types of development with County zoning and building requirements. This process includes a one-time fee of \$151 and requires applicants to lengthy form file related primarily to new construction or rehabilitation of existing structures.²

The similar process could developed for establishing new businesses in existing buildings in commercially zoned areas. Individuals who wanted to start a new business outside city limits in an existing building would submit an application for a simple “New Business Clearance” that would be reviewed by planning and building staff. A completed form would include:

- the name and contact information of the business owner
- business description
- authorization of the owner of the property where the business would be located.
- Signature of the business owner noting he/she will comply with all county codes and requirements.

The form would be accompanied by a one-time fee to accommodate staff time and costs to review the application. It’s estimated that between the two staff persons reviewing the application, a \$75 fee could be considered. The Planner and Building

¹ Staff will be bringing forward the directed revisions to the Planning Commission in the coming months.

² Due to its length and bulk, a copy of the “Planning Clearance” form will be available at the workshop.

Official would evaluate compliance of the business in an existing building with the County's zoning, building and safety requirements. The applicant would also be required to secure a sign off on the form from the local fire district serving their area. Some examples of how this process could unfold follow:

A retail store proposal that is surrounded by other retail stores – under this scenario there would be no impact and the New Business Clearance could be signed off.

A nail shop proposal or other service style commercial use adjacent to a restaurant – under this scenario a potential negative impact could be possible. Building staff would provide direction as to the type of storage and ventilation needed for the nail shop as this type of business may store and utilize chemicals with strong odors. If specific ventilation would be required, the Building division would require a building permit for tenant improvements to assure the needed improvements for the system were in before the New Business Clearance was signed off.

Applicants would come to the Community Development Department (Department) and fill out a form similar to the draft on the Attachment 1. The “New Business Clearance” forms and authorization would be part of the public record and could, as suggested at the January 13, 2016 workshop:

- Confirm that new businesses in existing buildings on commercially zoned property are consistent with the permitted land uses specified in the Curry County Code.
- Determine that new businesses will meet the health and safety standards of Curry County.
- Identify the businesses on commercial property in Curry County for availability to life/safety personnel if/when needed for emergencies.

Additionally the “New Business Clearance” form, upon completion and authorization, could be copied to the County Economic Development Department for use in marketing County economic resources.

Should the Board wish to move forward with the “New Business Clearance” idea, staff suggests the matter be advertised for a public hearing. Because a new fee would be involved, any future BOC action to authorize the suggested process could not occur until the FY 2016/2017.

ATTACHMENT 1

DRAFT NEW BUSINESS CLEARANCE APPLICATION DRAFT

The purpose of the New Business Clearance application is for the Community Development Department Building and Planning staff to:

- Confirm that new businesses on commercially zoned property in Curry County are consistent with the permitted land uses specified in the Curry County Code.
- Determine that new businesses will meet the health and safety standards of Curry County.
- Identify the businesses on commercial property in Curry County for availability to life/safety personnel if/when needed for emergencies.

To address these County needs, please provide the following information:

Business name, address and detailed description

Any other information requested by the Building Official or applicable Fire District representative.

Property Owner: _____

Mailing Address: _____ E-mail address: _____

City _____ State _____ Zip _____ Phone# _____

Property owner signature _____

Business Owner: _____ Phone# _____

Business Mailing Address: _____ E-mail address: _____

By my signature I certify that the information provided by me is correct and I am aware of and will comply with all Curry County land use and health and safety requirements. Further, I grant the staff of the Curry County Community Development Department permission to enter this property for purposes of confirming the information on this New Business Clearance form.

Business Owner signature: _____

STAFF AUTHORIZATION

___ The proposed business complies with the land uses permitted in the area of the proposed business.

___ The proposed business complies with Curry County building code and/or applicable fire district regulations.

___ The proposed business does not comply with the permitted or conditionally permitted land uses identified in the Curry County zoning ordinance and may not be permitted at the proposed location.

___ The proposed business complies with the permitted or conditionally permitted land uses identified in the Curry County zoning ordinance; however a building permit for tenant improvements is required.

Building Official Dan Sigvartsen

Planner Nancy Chester

Applicable Fire District Representative



**BOARD OF COMMISSIONERS and PLANNING COMMISSION
JOINT MEETING STAFF REPORT**

Meeting Date: February 25, 2016

Prepared by: Carolyn Johnson, Planning Director

Subject: Review of Recreational Marijuana land use regulation alternatives
– Workshop 2.

Recommendation to the Board of Commission:

- 1) Accept oral staff report, engage the Planning Commission and the public in the discussion of the alternatives.
- 2) Provide direction for future action.

Summary:

The Board of Commission held a morning workshop on this topic on February 10, 2016. The purpose of tonight's workshop is for the public to have an evening opportunity to participate in the Recreational Marijuana land use regulation alternatives discussion with the Board and the Planning Commission.

For reference purposes, the staff report and draft minutes of the February 10, 2016 meeting are attached. Because of the length of exhibits 1 and 2 attached to the February 10, 2016 staff report, for packet brevity those exhibits are not attached but will be available at the February 25, 2016 meeting.



BOARD OF COMMISSION WORKSHOP REPORT

Meeting Date: February 10, 2016

Prepared by: Carolyn Johnson, Planning Director

Subject: Review of Recreational Marijuana land use regulation alternatives.

Recommendation: Accept oral staff report, engage the public, discuss alternatives and provide direction for future action.

Summary: The purpose of this workshop is to provide an opportunity for the community to comment on whether Curry County regulations should be established for the production, processing and sale of recreational marijuana. The Planning Commission reviewed the matter in a public workshop on January 28, 2016; their comments are in this report.

Background: Measure 91 was approved by Oregon voters in November of 2014 and legalized marijuana for recreational purposes as of July 1, 2015. Measure 91 also gives the Oregon Liquor Control Commission (OLCC) the authority to tax, license and regulate recreational marijuana grown, processed and sold for commercial purposes.

The Oregon Legislature provided counties and cities an option to “opt-out” of permitting recreational marijuana by December 27, 2015. Oregon counties and cities who did not “opt-out” may not completely prohibit any of the defined types of marijuana-related land uses approved with Measure 91 without a vote of the people. Curry County did not opt-out.

Following the passage of Measure 91, the Oregon Legislature adopted laws giving counties and cities the authority adopt “reasonable regulations” for the production, processing and sale of recreational and medical marijuana. State law defines the variety of marijuana businesses:

- *Production:* manufacture, planting, cultivation, growing or harvesting of marijuana in Oregon.
- *Processing:* processing, compounding or conversion of marijuana into cannabinoid products, concentrates, or extracts; excluding packaging or labeling.
- *Wholesaling:* purchasing marijuana items in Oregon for resale to a person other than a consumer in Oregon.
- *Retailing:* selling marijuana items to a consumer in Oregon.

OLCC will license and regulate the commercial growing and selling of recreational marijuana. The OLCC regulations are vast; the regulations are attached as Exhibit 1 and dated December, 2015. The current rules are considered temporary as rulemaking is still underway. For additional information see the OLCC website at: <http://www.oregon.gov/olcc/marijuana/pages/default.aspx>.

OLCC began receiving license applications on January 4, 2016 and advises they will be phasing Producer (grower) licenses in early in 2016 followed by Processor and Wholesaler licenses. OLCC estimates that Retailer licenses will be issued in late summer or early fall of 2016. Once a license from OLCC is issued, the licensee may begin his/her business provided all state and local regulations are met. Enforcement of regulations will be the responsibility of the County Sheriff, State Police, and possibly other law enforcement agencies.¹

Discussion:

While the State of Oregon has the ability to develop regulations for recreational marijuana, cities and counties may also adopt recreational marijuana land use permitting requirements/limitations. Should the BOC adopt recreational marijuana regulations, individuals and entities with recreational marijuana businesses would be required to comply with both State and County land use regulations. Should the BOC decline to adopt recreational marijuana regulations, the growing, processing and sale of marijuana would be treated no differently than any other farm crop (for growing and processing) or retail product (for retail and wholesale sales) except to be subject to State of Oregon OLCC requirements and limitations.

The Planning Commission's January 28, 2016 workshop included examination of three options related to the regulation of recreational marijuana. Each option the Planning Commission examined is noted on the following page and their comments are noted at the end of this report.

¹ Among other requirements for a license, applicants must provide OLCC with a Land Use Compatibility Statement (LUCS) from the local government agency annually noting whether the land use for a license to participate in a recreational marijuana activity is allowable in the zone where the activity is proposed. Applicants in Curry County work with the Community Development/Planning Division to request the LUCS forms.

Option 1 - Adopt County regulations for the production, processing and sale of recreational marijuana as noted in draft Curry County zoning regulations in Exhibit 2 and summarized below. (This option would also require compliance with all current and future State regulations found in Exhibit 1)

- 1) Creation of a Minor Use Permit process to accept applications for recreational marijuana production, processing, retailing and wholesaling.
- 2) In the Timber, Forest Grazing and Agricultural zones, permitting the production and processing of marijuana with a Minor Use Permit.
- 3) In the Exclusive Farm Use zone, permitting by right the production and processing of recreational marijuana (as permitted by State law); however the following would be prohibited: Farm Stands, Commercial Activities in conjunction with a marijuana crop, and new dwellings used in conjunction with a marijuana crop; these include primary farm dwellings, accessory farm dwellings, and relative farm help dwellings.
- 4) In the Exclusive Farm Use zone, permitting with a Minor Use Permit, non-residential agricultural buildings in conjunction with marijuana production and processing and on-farm smaller scale processing buildings of 5,000 square feet or less in floor area in conjunction with marijuana production and processing.
- 5) In the Rural Commercial, Rural Resort Commercial, Light Commercial and Heavy Commercial zones, permitting with a Minor Use Permit the retail sales of recreational marijuana.
- 6) Prohibiting recreational marijuana retailing and wholesaling as a Home Occupation.
- 7) Creating development standards and criteria for recreational marijuana production, processing and sales.

Option 1 would require the processing of a Minor Use Permit by the Community Development Department for growing, processing and selling recreational marijuana.

Option 2 - Add an initiative to the November 2016 ballot to opt out of the recreational marijuana framework established by the State of Oregon.

9,794 registered voters in Curry County voted on Measure 91 with 5,590 votes or 57% of the Curry County of the voters in favor of Measure 91 with 4,204 votes or 43% against the Measure. If the BOC selected this option for the November 2016 ballot for voter action, the production, processing and sale of recreational marijuana by individuals or business entities would be temporarily banned until the election results would be received.

While Option 2 would appear to fly in the face of the Curry County voters, it has been used by Deschutes County who had a similar favorable approval of Measure

91. Deschutes County recently went with this option to buy time to refine their local recreational marijuana regulations. In Deschutes County, if and when they can complete their regulations, their BOC can then repeal their authorization for an initiative and institute their local regulations. Should the review and decision making process appear to be too lengthy regarding what (if any) regulations need to be added to the County code to regulate recreational marijuana, the BOC could go with this option to take additional time to reach a decision.

Option 3 - Do not develop local regulations and rely on the State of Oregon for land use regulation of recreational marijuana.

Option 3 would require that individuals and entities comply with State law – those regulations are found in the OLCC Division 25 regulations related to Recreational Marijuana. See below the focus of these regulations (Exhibit 1).

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General Requirements applicable to all marijuana licenses	1-28
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Exhibit 1 – Recreational Marijuana sanctions	76-78

Planning Commission comments

Seven Planning Commissioners provided comments on the alternatives. Three Commissioners indicated a preference for Option 3 noting that OLCC regulations should be workable, provide needed public protection and relieve the County of expending very limited staff resources for additional regulation. Four Commissioners indicated that more information was needed before they were prepared to select an option to recommend to the BOC.

Planning Commission's comments and questions included:

Comment 1: The State is still in a state of flux with their regulations; the BOC should have a clear handle on the State regulations before deciding if/how the County should create land use regulations related to recreational marijuana.

Question 1: What is the hard timeline for the BOC to make a decision on this matter?

Question 2: Will the State provide funds for the County to enforce the new State regulations?

Question 3: Will the State provide notification to the County of marijuana growers, processors, retailers and wholesalers?

Question 4: If the BOC declines to develop regulations in the near future, can County regulations be established later if it appears that the State regulations are inadequate?

Advisement of the Oregon Association of Counties and/or OLCC on these questions is necessary; staff will seek to have answers at the February 10, 2016 BOC workshop.

Question 5: Can medical and retail marijuana entities co-exist in the same location? Beginning in October 2015, participating medical dispensaries can sell a one quarter ounce of marijuana flower to any adult over the age of 21. This provision sunsets on December 31, 2016. Beginning in 2016 medical marijuana growers may apply for an OLCC license to sell their excess product into the recreational market. State regulations are currently in place that would differentiate and separate the sales of both medical marijuana and recreational marijuana in one location.

Question 6: Is there a Medical Marijuana ordinance in place in Curry County? Yes, a Medical marijuana ordinance was adopted by the BOC in 2015.

Commissioners Karen Kennedy and Maggie McHugh were requested to attend the workshop and share the opinions of the Planning Commission on this matter. Commissioner Kennedy is not able to participate in the workshop in person but her e-mail comments follow:

From: Karen Kennedy [mailto:goldbeachkaren@gmail.com]
Sent: Sunday, January 31, 2016 3:54 PM
To: Carolyn Johnson
Subject: Re: request for some of your time, Wednesday, Feb 10 at 10 AM

Hi Carolyn,

Since I'm unable to attend the BOC meeting on the 10th due to a previous appointment I'd like to share my personal thoughts on proposed recreational marijuana land use regulations.

I am currently in favor of leaving compliance with the State. The state has spent numerous hours and resources working through the various issue involved with recreation marijuana. My decision is, however, based on the assumption that if we wait and a problem arises that is not being addressed or resolved as we would like (as a planning commission) we would have the right to enact land use measures to combat those issues. The other assumption is that the state is required to supply the county and cities a list of all OLCC Marijuana license holders (of all types). Said list will contain addresses and owner names as well as what type of license(s) they possess. This list can be used for law enforcement and fire/safety personnel.

As far as land use, I would agree with the same outright uses a tobacco grower, distillery or commercial resaler (depending on OLCC license).

I feel OLCC has been proactive in regulating for odor, sight lines, security etc. With our lack of personnel on the county/cities levels, any extra regulations will be time consuming and, in most case, not enforced.

Thank you for your listening to my personal beliefs. I know this is a hot topic in our county but the majority of the voters voted for legalization and it is our job to do as the majority desires, while protecting our resources to the best of our ability.

Karen Kennedy

Finally, the Planning Commission requested the Board of Commission provide additional time for the Planning Commission to review the recreational marijuana regulation matter and return to the BOC with a recommendation.

Exhibits

Exhibit 1 - the current OLCC regulations related to recreational marijuana

Exhibit 2 - draft Curry County land use regulations related to recreational marijuana



CURRY COUNTY BOARD OF COMMISSIONERS

MINUTES – WORKSHOP

Wednesday, February 10, 2016–10:00 A.M.

Commissioners' Hearing Room, Courthouse Annex
94235 Moore St., Gold Beach, Oregon 97444

Commissioners Present: Chair Thomas Huxley, Vice-Chair Susan Brown, David Brock Smith

Support Staff Present: County Counsel, John Huttli; Administrative Assistant, Shelía Megson

CALL TO ORDER

Huxley called the meeting to order at 10:00 a.m.

DISCUSSION TOPIC: Marijuana Regulations

Planning Director Johnson explained that in November of 2014 the voters approved State Measure 91 concerning recreational marijuana. Since then the State has made many rules and is still working on them and making changes. There are many different category licenses that new business owners can apply for. These include Lab, Processor, Producer, Researcher, Retailer, and Wholesaler. The Oregon Liquor Control Commission (OLCC) is the agency that will deal with the licensing and began accepting applications in January. There will be some categories that are issued before others. She had provided a lengthy packet to the Board that outlined the State's current rules. She said that the Planning Commission went over the matter in January, discussed the possibilities of regulation in Curry County and came up with three possible scenarios. The County could decide to add additional regulations to the current State rules, could decide to move to ban the activity in total in the area, or decide to accept the State regulations without imposing any additions. Within the Planning Commission, most preferred to remain with only the State regulations, some wanted more information before they decided and others did want further regulation by the County.

There were some common questions that she had been getting from the public and wanted to address them since many members of the attending public were people that were seeking to enter the business. Q: What is the timeline for the Board of Commissioners to make a decision? A: Time, Place, and Manner (TPM) regulations do not have a hard timeline restriction. The County could decide to abide simply by the State guidelines and then enact further restrictions in the future. Grandfathering would probably not happen and existing businesses may be affected when any new regulations are made. Q: Will the State be providing funds for enforcement? A: There has not been any indication of an offer for that from the State. Commissioner Smith said that he would be looking into the unfunded mandate considerations to that question. Q: Will the state provide notification of all marijuana growers, retailers, etc? A: The County will know most of the operations since a sign off from Community Development Department is a requirement of the OLCC application process. It is not known what the plan of sharing that information will be. Q: Can medical and recreational retail operations coexist in the same building? A: There have been changes at the State level concerning this issue and there may be more. Currently they are permitted to do so but there may be physical barrier requirements. Q: Does the County already have an Ordinance in place for medical marijuana? A: Yes, Ordinance 15-02 that concerns time, place, and

manner. County Counsel Huttl remarked that the wording in the Ordinance does allow for changes to be made.

Planner Chester told the Board that the current process is to simply refer to the zoning code to see if the proposed activity is allowed. It is the only determination used when asked to provide the County Sign-Off requirement for the OLCC application process.

The State will be taxing the retail side of the new industry for 17% of sale and the County can choose to add an additional 3% through balloting. There will most likely be a tax sharing structure from the State. Commissioner Brown stated that we could only tax retail sales up to a 3% tax. The move by the State to change categories took an opportunity away from the County. A ballot of the additional tax can only be done in general election years and there are requirements of time in order to get it listed. If not done this year then it will be another four years before they can attempt the tax.

Johnson read aloud a letter from Planning Commissioner Karen Kennedy. It stated that she favors the option of not adding additional regulations at this time and following the State rules. The County should consider it as it would any other tobacco or distillery business. Additional regulations are not yet shown to be needed and the County does not have resources to enforce them. This is the stance of the majority of the Planning Commission.

Planning Commissioner Margaret McHugh told the Board that she thinks that the State rules were not sufficient for the land use planning. She suggested things such as bright lights, odor and dogs should be addressed to protect adjoining land owners. She said that other places have restrictions of a 300 foot setback and recommends at least a 100 foot here. This should not be treated as just any other crop. She also said that she would like a requirement of mail notification of any adjoining properties of anyone that applies for a license.

Smith said that he would like another workshop on this topic for more discussion. His current opinion was to initiate regulations that conformed to the current medical marijuana ordinance. He apologized that he had to leave the meeting but he is very interested in the public comments and will be reviewing the video tapes to hear the testimonies. He thanked the Community Development Department for their work. Brown and Smith informed that Ordinance 15-02 have restrictions such as 1000 feet not only from schools but parks, churches, etc.; times of operation were limited to 10:00 a.m. to 6:00 p.m.

Smith left the meeting at 10:35 a.m.

Commissioner Huxley asked for speaker slips from the public and determined to limit the remarks to five minutes each. Johnson told the Board that the County Sign-Off is a yearly requirement and would coincide with businesses' State OLCC renewal requirements.

Carl King from Nesika Beach recommended that the Board enact more restrictions than what is offered by the State. He cited examples of how an adjacent property to his could be used in ways that would affect his enjoyment of his property. They included bright lights, the smell which he has been told that he cannot get high from, and camera use that could potentially film people in parts of

his yard. He pointed out that the zoning sign-off states that the activity is of legal use, but it is not according to federal laws.

Jason Adams from Brookings said that he will be starting an outdoor grow business. He said that the use of this medicine has taken him from an overweight, injured vet with chronic pain, he had to get letters and go through a procedure in order to get his medication every month for seven years, to the fit person that he is today. His wife works in the wellness industry as well. Marijuana can stop seizures and stop tumor growth which is something that every male will encounter if they live long enough. It can significantly cut down on Emergency Room visits by Hospice patients. There are many things that could be done by gathering tax dollars from the increasing business. He cited the successes in Colorado. The smell is the exact same as a prolific plant along all the waterways locally called Skunk Cabbage, so there would be no strange 'new' odor. He does not think additional regulations should be considered unless heavily weighed against the benefits to the entire population, both medicinally and economically. He supports the option to adopt only the State rules and wait to then see if more are needed. Huxley asked Brown if it would be okay with her if he talked to the public at the time that they are at the podium. Brown had no objection. Huxley asked Adams if there was a way to decrease the smell of the plants. Adams replied that he did not know of a way but offered that when he grew plants on his property the neighbors never even noticed. In making his decision to do this as a business, he talked with all of his neighbors, and they have responded favorably. His property used to be a pig farm and this would be seen as a less intrusive odor. He wishes to apply for many OLCC license categories.

Greg Tidey from Buddha's Wellness Center in Port Orford spoke. He lives in an area with many cows that emit more odor than growing marijuana. He supports option three which is to not add anything above the current State regulations, which will actually take effect in May, and could change again. He attends meetings in many locations on the subject, including Portland. He said that Curry County passed Measure 91 in one of the highest percentages in the State. If additional regulations are made, it may cause needed redactions in the future so he suggests they wait to witness what the State submits as their final set of rules. According to the OLCC website there were very few current applicants in Curry County for any licenses. Regulations could be made later if indeed there are problems to address.

Sharon Eblen from Brookings said that she supports not adding additional regulation. This should be viewed as all other businesses. If agricultural activity is allowed then the neighbors are already aware of the activities that could happen. Her example was that she lives next to a forest that she already knows someday could be harvested. Passing unnecessary regulation without there first being a problem to address is never good policy. She shared that she is not a Libertarian but is an attorney. Regulations should only be added if an identified, clear, and specific purpose is shown. She added that there were not enough resources for enforcement in this County.

Karen Clark from the southern part of the County said that she had done a lot of volunteer work with hospice and seniors with cannabis. Many of the patients are on Social Security and restricted incomes. They currently pay higher prices for this medicine and are looking forward to competition happening as well as being able to grow their own plants and save money. A setback rule would make most people unable to grow in their own yards. She supports option three to not add additional

regulations. Brown and Johnson assured her that regulations would be for commercial applications and not on personal growing.

Jim Clark who lives in the Winchuck River area wanted to remind everyone that marijuana has many medical benefits. He personally does not use the medicine but could envision a time that it may be needed. He said that if he decided to put a dozen pigs on his property then it would be considered a fine thing to do. That would obviously be more impacting on his neighbors than growing marijuana. He asked the Board to not overreact to situations that are still imaginary. He also pointed out the inability of the County to enforce additional regulations and asked who would really do that job. Brown said if it was a zoning or land use violation then it would be the Planning Director.

Linda Bozack from Brookings told the Board that she lives in a regular neighborhood with close houses. Her neighbors had a grow operation and not only was she not effected by any of the feared suggestions but she didn't even know they had it. There were no adverse effects to anyone until the Police raided their home, put them in jail, and confiscated many things. The only real adverse effects were done by someone trying to enforce rules over a feared substance that has now been legalized. She supports the wait and see suggestion and asked the Board to not add more regulation and discourage the new industry. She asked if the rules for growing hemp are the same as marijuana, is it allowed. Brown didn't think it was legal. Bozak said that would be another great industry with many business possibilities for Curry County. She spoke of tourism businesses that would thrive with this new market. Huxley said she had reached her five minute limit. Brown said that during a visit in Salem last week she had gotten a map that showed pot tours.

Brown asked Johnson about the reasons given for setback requirements in other counties. Johnson said the responses from the other areas were varied and not really sure if there was a specific concern they were trying to address. Dark sky issues already have local ordinances in some places in the county and could be addressed if something were to become a problem. Brown said there were also limitations set upon the agricultural industry as to times that they could work on the ranches or farms.

Huxley read announcements listed on the agenda for the Special Meeting held later that day. Brown reminded the public that workshops are for information sharing and discussion and that no decisions can be made within them. Huxley said that they would move into Executive Session. Administrative Assistant Megson, through a point of order, said that the Workshop should be closed first, the Special Meeting opened, and then they could move into Executive Session. Huttel asked about the timing of the notice given to the public and suggested it would be better to begin the Special Meeting at noon. There was consensus to adjourn until noon.

ADJOURN

Huxley adjourned the meeting at 11:26 a.m.

Respectfully Submitted,
Shelía M. Megson

These minutes from Wednesday, February 10, 2016 Board of Commissioners' Workshop approved this 02 day of March, 2016.

CURRY COUNTY BOARD OF COMMISSIONERS

Thomas Huxley, Chair

Susan Brown, Vice Chair

David Brock Smith, Commissioner