



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, Shelia Megson

CALL TO ORDER

Commissioner 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 Huttli 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.

Commissioner 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.

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. HuttI 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.

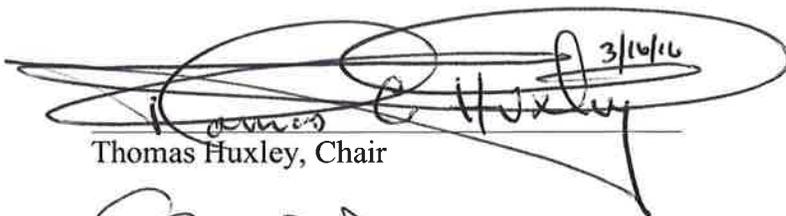
ADJOURN

Commissioner 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 16 day of March, 2016.

CURRY COUNTY BOARD OF COMMISSIONERS



Thomas Huxley, Chair



Susan Brown, Vice Chair



David Brock Smith, Commissioner