

Wasco County Board of Commissioners'

TOWN HALL

**JOIN US FOR A CONVERSATION
REGARDING THE
NEW MARIJUANA LEGISLATION!**

FOR MORE INFORMATION VISIT WWW.CO.WASCO.OR.US

Thursday, Sept. 17, 2015

6:00 p.m.

**Dufur School Cafeteria
802 NE 5th Street
Dufur, OR**

Monday, Sept. 21, 2015

5:30 p.m.

**Mosier Senior Center
501 East 2nd Street
Mosier, OR**

**Ask
Questions**

**Share
Ideas**

**Express
Concerns**

**The Dufur Town Hall will be followed by
South Wasco Alliance Meeting
Beginning at 7:00 p.m.**



WASCO COUNTY BOARD OF COMMISSIONERS
TOWN HALL - MOSIER, OR
SEPTEMBER 21, 2015

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner

STAFF: Tyler Stone, Administrative Officer
Kathy White, Executive Assistant
Angie Brewer, Planning Director

Chair Hege opened the Town Hall at 5:32 p.m. He explained that the purpose of the Town Hall is to give the public some information regarding the new marijuana legislation and take in public comment on the subject. He said that while Measure 91 passed statewide, it did not pass in the Eastern Oregon counties. Many of the Eastern Oregon counties voted more than 55% against legalization of recreational marijuana; those Counties' local governments can opt out of the law without taking it back to the citizens for a vote. Wasco County voted 51.02% against Measure 91 so the Board only has the option to temporarily opt out; if the Board of Commissioners opts out, it will go to the ballot in November of 2016. If the Board of Commissioners does not opt out, the citizens can refer it to the ballot by gathering the required number of signatures. He reported that they held a Town Hall in Dufur last week where opinions on the subject were about half for and half against a temporary moratorium.

Chair Hege asked that when the meeting moves to the public comment period, those wishing to speak should stand, provide their name, where they are from and speak loudly so everyone can hear. He introduced Wasco County Planning Director Angie

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Brewer to give a brief overview of the legislation and options.

Ms. Brewer reviewed the information in her presentation (attached). She explained that she is not an expert on the subject but can provide a high level overviews; the County wants to hear from the citizens about whether or not to opt out.

A citizen asked what is referred to by “time, manner and place” regulations. Ms. Brewer explained that they are used to insure citing uses in appropriate places, regulating noise, smell, disturbances to the community, etc.

A citizen asked if those regulations can be plant specific. Ms. Brewer replied that current regulations are not plant specific; if different regulations are adopted there is the flexibility to be more specific.

The citizen pointed out that that flies in the face of the Right to Farm Act. Ms. Brewer said that it is not something the County is currently exploring. The citizen stated that when you are just exploring you usually end up there. Ms. Brewer explained that it would require public input; it cannot happen behind closed doors.

A citizen asked what she would estimate the tax revenue to be. Ms. Brewer replied that she did a very loose estimate based on the assumption that all counties would get 3% which would be approximately \$50,000 per biennium. She cautioned that the estimate is very “ball-park” and not a reliable number.

A citizen asked what the opt-out is. Ms. Brewer responded that it would mean a temporary ban on recreational marijuana until it could come to a vote in November, 2016. Another citizen said that it would mean commercial growing would have to take place outside of the County. Ms. Brewer said that if we opt out, we will not have legal businesses.

Youth Think Prevention Coordinator Debby Jones asked if the County opts out, does it have to go to the voters in November or can the County opt out for a lessor amount of time and lift the moratorium before the election. Ms. Brewer replied that she does not know.

Commissioner Runyon stated that if the County does nothing, citizens can take it to

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the ballot if they choose. If the County places a temporary moratorium, then it has to go to the ballot. Ms. Brewer added that the County is not working toward any particular direction; we are here to listen to you. Ms. Brewer completed her presentation.

Chair Hege opened the floor for comment saying that the Board is here to listen and would ask that speakers be respectful of one another. He explained that this relates to cultivation and growing – for the most part, the retail is the jurisdiction of the municipalities although there is some commercial zoning in the unincorporated portions of the County.

Cole Griffith stated that he recently moved back to Wasco County and has begun setting up a recreational facility. He said that Wasco County has a very good environment for growing marijuana; a better product can be produced here. He said that he hopes this will go through; if it does not, he will move elsewhere to start. He said that the power is not an issue; we have good power here. He went on to say that the plants do not take that much water. He said that he has a fairly large medical garden and uses about 500 gallons a week.

A citizen asked how many plants he is watering. Mr. Griffith replied that he has 48 plants. He added that hydroponics can use about one-third the amount of water. He said that he waters 10-25 seconds, 6 times a day. He said that it is much less water than the orchards use.

A citizen said that water seems to be an issue and asked if Mr. Griffith has a specific quantity per plant. Mr. Griffith replied that it depends, with hydroponics you don't use dirt – a dozen plants will use about 100 gallons per week. Ms. Brewer noted that commercial growing of any crop requires a water right.

Owen Papworth stated that he just moved here to be a producer. He said he attended the Dufur Town Hall and has since done some research on the water issue. He reported that he has learned how much water other crops require to grow per pound:

Lettuce -- 15 gallons
Tomatoes -- 22 gallons
Cabbage -- 24 gallons

Cucumber -- 28 gallons
Potatoes -- 30 gallons
Oranges -- 55 gallons
Apples -- 83 gallons
Bananas -- 102 gallons
Corn -- 107 gallons
Peaches or Nectarines -- 142 gallons
Wheat Bread -- 154 gallons
Mango -- 190 gallons
Avocado -- 220 gallons
Tofu -- 244 gallons
Groundnuts -- 368 gallons
Rice -- 403 gallons
Olives -- 522 gallons
Chocolate -- 2847 gallons
Eggs -- 573 gallons
Chicken -- 815 gallons
Cheese -- 896 gallons
Pork -- 1630 gallons
Butter -- 2044 gallons
Beef -- 2500-5000 gallons
Tea (8oz) -- 7 gallons
Beer, barley (8oz) -- 36 gallons
Coffee (8oz) -- 29 gallons
Wine (8oz) -- 58 gallons
Cannabis -- 100 gallons

Mr. Papworth pointed out that a pound of cannabis goes a lot farther than a pound of any of the other items listed – there are 450 grams per pound, each gram representing one use. He reminded everyone that growers will be limited on how much space they can use for growing; he said that if he needs to, he will haul water in. He stated that if it is legal, it will be regulated and taxed; with licenses there will be cameras and oversight.

Jeremy Plumb said that he has a dispensary in Portland; he believes Wasco is special – it has a unique environment for producing cannabis. He acknowledged that there are concerns and they must be addressed. He reported that during the process in Portland,

they have been talking about it in a committed way – we aspire to be incredible neighbors. He said that the water issue can be avoided by using water collection that takes no ground water, no power from the grid. He said that if the County opts out, many of the people that are showing up to be part of the process locally will be edged out; next year, when it is well-established, the wealthy from elsewhere will move in.

Mr. Plumb went on to say that he went to D.C. as part of the cannabis lobby for Oregon Cannabis Association. He said that the organization wants to engage with the community to address their concerns. He stated that one of the concerns is the kids; he pointed out that the best regulated markets have the least access by kids – it keeps it in the hands of the appropriate users. He pointed out that the system will track to the gram what is produced. He said that this industry is unprecedented and fits our culture. He said that he offers to be available to anyone who has questions or concerns. He reported that there is a greenhouse in California using less than 500 gallons of water per week for 600 plants. He stated that marijuana can be dry-farmed as well. He said that the Association wants to introduce people to the therapeutic power of this plant for the aging – it changes their lives. He thanked the Board for the public forum.

Jim Wilson of Mosier said that he has been a patient for 15 years using marijuana for muscle spasms. He stated that he is in favor of recreational marijuana – it will be more money for the community and the County. He said that he would like to be a grower; it will help in a lot of ways.

Laura Coblentz said that she owns a small vegetable farm in Maupin. She said it is difficult to survive on the revenues from vegetables, wheat and alfalfa. She said that if they can change how and what they grow – just looking at the numbers for ½ acre, they could make more in three years than all the other growing possibilities combined. She said that this crop will save the family farms.

Ms. Coblentz went on to say that she suffers from migraines. She went to a doctor in the 80s and tried many things to help – when nothing worked, the doctor told her to try marijuana. The marijuana cleared up the headaches. She said that if kids want the marijuana, they will get it, but they won't get it through the dispensaries. She said it is up to the parents to train and parent their children. This industry will create new jobs and taxes.

Robert Larsell said he agreed with Ms. Coblenz; their farm is 1,000 acres and they need to find a way to save the farm. He noted that tomatoes take a lot more water than marijuana.

Georgia Murray said that she voted against legalization and she wants the Board to take it to the people. She said that marijuana alters states of mind so that people do not make good decisions. She said that she lives in a rural residential area where two residents want to grow. She said that the roads are not maintained and will not stand up to the increased traffic.

Debby Jones said that she had the chance to speak at the Dufur Town Hall and has had conversations with the OLCC, Youth Think and a dispensary owner in The Dalles. She said that there are pros and cons and is grateful that the community is talking about this. She stated that she wishes the kids could hear this as it is being talked about as a business – they think that the majority of adults get high several times each week. She said that she does not know the answer but the discussion is important. She said that she is sure that this can be a win/win for the County.

Ms. Jones continued by saying that marijuana is not the top drug of choice but she is concerned about our young people – there is research about the negative impact of marijuana on brain development and we need to protect that.

Ms. Jones explained that Youth Think is not a political organization but wants to be part of the conversation. She said that kids don't understand why marijuana is classified the same as meth, cocaine and heroin. Every drug is not the same, from Tylenol to Vicodin – they have different side effects. She said that kids used to say they used alcohol or marijuana to get high; now they say it is a way to deal with stress. She said that whatever is decided in regards to the moratorium, we need to come together to message that to kids and protect their brain development. She stated she thinks we can find a way to make Wasco County the star when we make our kids the priority.

A citizen remarked that educating young people is probably the key – teaching them that there are other ways to deal with stress.

Another citizen remarked that the dispensaries have gone over the top in making sure they are not marketing or selling to under-aged people.

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Ms. Jones asked everyone to keep in mind that the kids already have a skewed perception. She said that she has great respect for the people serving on the committees to implement this law.

A citizen noted that at the last Town Hall, Ms. Jones wanted the County to wait and now she seems to have softened her position. He asked what the difference is.

Ms. Jones replied that she wants a way to slow-down without opting out; taking it to a vote sends a message, too. She said that she just wants to put the kids first.

Another citizen asked if there is a standard curriculum for education. Ms. Jones replied that in The Dalles they have adopted a health curriculum; it is not being used in the middle school due to budget cuts – this is a need that should be addressed. The citizen said that we need to look at that and have the kids taught without scare tactics. Ms. Jones agreed; scare tactics do not work. The kids want honest conversations – they respect that.

A local teacher said that there is some education but it is an important factor and needs to be done. The citizen asked if there is special funding for marijuana education.

Juvenile Services Director Molly Rogers said that she works closely with Ms. Jones and they are pulling people together to have that dialog. There are promising, best practices to explore. She said that tobacco education is the most financially supported and there is some money for alcohol; we need to look at how we want to address this in our community. She said that the people kids listen to the most are parents – the schools cannot do it alone. She noted that it doesn't matter what the decision is about opting out – we still need to have that conversation.

Ms. Jones said that she does not want to see people labeled pro or con – we need to have a conversation that includes the kids.

Bill Wolfe said that he was raised in Wasco County and wants to address his remarks to the Board. He said that he thinks it is ridiculous to put this to another vote; it has already passed a state-wide vote and is the law. He said that there was pot being grown when he was a kid and they are growing now – nothing has changed. He went on to say that this is about economics and he does not know why Wasco County would turn it

down – it isn't just about the taxes but it is about the jobs and community support. He said that a number of people have returned to this community to participate and put money into the community. He stated that opting out would be irresponsible.

Carl from Hood River stated that we already voted on this through the state and it has already been passed. He said that his son has a piece of property to grow tomatoes; he has invested between \$60,000-\$70,000 getting it ready – that is money being spent in the community. He said that that same investment will be made by marijuana growers. He noted that if parents have home grows, their kids can have access – opting out won't protect the children.

Sandy Burbank stated that she has lived here for over 40 years. She said that anyone who wants to grow marijuana can, so there is no reason to stop it. She reported that the Director of OMPP will be leaving but has made assurances that OLCC and OMPP will be combined. She said that this is set up to allow counties to not follow state law – how did that happen? She said that a lot of money will be injected into the community as farms are readied; a lot of jobs will be created.

Chuck Barker stated that he has been a resident for 40 years – this smacks of a republican house trying to squash the law. He said that this movement started in Wasco County a long time ago – we were considered crazy then. He said that the Board's decision will affect everyone. In this room 80% do not want the moratorium; most of the rest are unsure with about 3% in support of a moratorium – and they don't even stay in the room to hear the rest of the opinions. He said that this is the law in Oregon – let people get on with it; let's get the money to educate the kids.

Bob Brownback from Hood River said that he has an extraction business and will be applying for growing. He said that he is in support of this – this is like Jack Daniel when he started around the time of prohibition. He stated that he has children aged 11 and 13 – both are honor roll students; both climbed Mount Hood at the age of 8. He said that parents teach their children and the parents need to be educated. He said that he voted for legalization so that it would be safe and not available to the children. He said without the law, there is no quality control – you don't know what you are getting. He said that parents who give their kids beer are the same ones who will give them marijuana.

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A citizen asked the Board what they would do with the money if they get taxes and if they do not know, he would like to see a Town Hall for that.

Some discussion ensued about what the taxes can be used for. The conclusion was that the State taxes are directed funds, while a local tax would have more flexibility.

A citizen observed that the OLCC gives very little for alcohol prevention. Mr. Plumb stated that Colorado does a better job of that.

A citizen commented that the Board has done a good job here listening to the citizens.

Corey Collins said that it would be a big mistake to opt out – in the near future this will be legal across the country. He said that California just passed legislation to regulate medical marijuana and have their own oversight board for that. He stated that California is huge and will be the tipping point; it will probably be legal there in 2016. He said that right now is critical for the young businesses to get up and running; if it is legalized on the federal level, the big money will move in. He said we need to establish this for the family farm.

John Frederick said that he is a property manager and doesn't care what people do in their own homes. However, people who rent and grow and smoke do a good deal of damage. He said that as a property manager, he is looking out for the owner. He said that when damages occur, security deposits and rents go up to cover losses. He said that we need a way to protect the property owner.

Hugo said that there seems to be prejudices around this one crop. He said that if people are overusing water, the water bureau can address that. He said that it is the job of parents to govern their children. He said that the small businesses need to be protected – they could be shut down when the big businesses roll over them. We should at least give them the chance to be bought out. He said that cannabis is a schedule one drug; meth is schedule two. He noted that the road to which Ms. Murray referred is not maintained by the County because the person who put it in did not follow regulations.

Antonia Cavanagh (sp) stated that she does not understand why this would have to go to a vote again. She said that kids are the best BS detectors and we have to have

integrity when communicating with them. She said you cannot die from cannabis but you can die from alcohol or cocaine. She agreed that we do not want our kids using it but we need to educate families on how to educate their children. He said that we should respect it and teach our children to respect it. She pointed out that it does not make people violent or crash and asked that the Board not opt out.

Bill McMurrin asked that the Board not vote to have the moratorium – we don't need it; we can handle this.

Patricia Martin from Hood River said that she is a single parent and has invested in property in Wasco County. She said that her teens know what she is doing and that it is legal and medicinal. She said that there is an opportunity for people to use this for good uses. She said she has invested in Wasco County and wants to see this go forward. She reported that she went to Mama's and watched the videos outlining the health benefits.

Rodger Nichols said that there are three stores in Klickitat County; they have all made money – the one in Bingen made \$1.2 million.

A citizen wondered how many of those sales were from across the river in Oregon.

Mr. Wilson said that despite the money invested and the job creation, some of us are in serious pain. He said he has used it for 15 years and has 3 patients who cannot get to this meeting because of their pain. He said that he could not exist without it. He said this will allow people who cannot get a card access to it; it is medicine that works.

Mr. Larsell asked Mr. Frederick how much damage is being done in addition to damage done by regular smokers. Mr. Frederick replied that the smoke from cigarettes and marijuana gets into the walls and carpets. Ms. Brewer said that landlords can prohibit growing and smoking on their premises.

Mr. Plumb said that there is a unique potential in Wasco County to become the center of scientific research. He said that when he was in Israel, bridges were being built for research and will be bringing that to Oregon. He offered his help to anyone who wanted to contact him.

Karen Bailey said that everyone here is for it but she has not made up her mind. She

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asked about size limitations. Commissioner Kramer said information he has received from Representative Huffman indicates that indoor grows are limited to 10,000 square feet and outdoor grows are limited to 2 acres.

A citizen asked if any more Town Halls are scheduled for this. Chair Hege replied that this is the last scheduled Town Hall; the next Board session is scheduled for October 7th.

Those in attendance thanked the Board for the open forum and for listening.

Chair Hege adjourned the Town Hall at 7:15 p.m.

WASCO COUNTY BOARD
OF COMMISSIONERS



Scott Hege, Commission Chair



Rod Runyon, County Commissioner



Steve Kramer, County Commissioner

Marijuana Laws & Wasco County

An Overview

- In November 2014, Oregon voters passed Ballot Measure 91 legalizing recreational marijuana. The legislature has provided local jurisdiction opt-outs.
- Marijuana can be grown commercially on Exclusive Farm Use and other resource zones that list “farm use” as a use allowed without review (no permit required).
- Commercial growing on non-resource lands will depend on the uses allowed in that zone by the Wasco County Land Use and Development Ordinance. This will also be true for the processing, selling, wholesaling and distribution of marijuana and products that contain marijuana.
- Under current rules and regulations, the time place and manner of marijuana processing and retailing can be regulated for impacts to the community and resources just as any business, home occupation or cottage industry would be in the applicable land use zone.
- OLCC license process will include a Land Use Compatibility Statement that must be signed by the applicable planning department to verify the use is allowed in that zone.
- Under HB3400 Opt Out Option 2, Wasco County may opt out of permitting marijuana businesses by enacting an ordinance identifying which, if any, of the following businesses to prohibit:
 - Medical Marijuana processing sites
 - Medical Marijuana dispensaries
 - Recreational Marijuana producers
 - Recreational Marijuana processors
 - Recreational Marijuana wholesalers
 - Recreational Marijuana retailers
 - Or any combination of the businesses described above
- If Wasco County enacts an ordinance to prohibit any or all marijuana businesses in unincorporated areas, the ordinance will be referred to the voters at the November 2016 General Election. Until the election, a temporary moratorium will be in effect which will prevent the OLCC and OHA from issuing licenses for the prohibited marijuana businesses.
- If Wasco County opts out of any of the six categories of marijuana businesses, it loses its right to a share of the net proceeds of the state recreational marijuana tax and also loses its ability to seek voter approval for a local recreational marijuana tax.

HB3400 may be viewed online at:

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3400/Enrolled>

Wasco County
Board of County Commissioners
Town Hall Meeting to Consider:

HB 3400 & Opt Out Options
of Marijuana Businesses
in Unincorporated Areas
(outside cities)

Town Hall & Participation Format

- Brief staff overview of HB 3400 and several time sensitive options.
- Opportunity for audience to share thoughts or concerns with the County Commissioners about the subject.

BACKGROUND

- Electors of Oregon passed Ballot Measure 91 (recreational marijuana) in November 2014.
- 2015 Legislature enacted HB 3400 on June 30, 2015, including opt out provisions for marijuana businesses.
 - Wasco County may temporarily opt out until the November 2016. election by adopting an ordinance to place a moratorium in effect.
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process (no applications submitted).

BACKGROUND

- BOCC may enact an ordinance which prohibits the establishment of any or all of the following businesses in the UNINCORPORATED AREA of Wasco County:
 - a. Medical Marijuana processing sites;
 - b. Medical Marijuana dispensaries;
 - c. Recreational Marijuana producers (growers);
 - d. Recreational Marijuana processors;
 - e. Recreational Marijuana wholesalers;
 - f. Recreational Marijuana retailers; or
 - g. Any combination of the entities described above.

TOWN HALL PURPOSE

- To receive public input on whether to enact a temporary ordinance to opt out of marijuana businesses in unincorporated Wasco County (outside cities) until the November 2016 general election, when voters will have the final say.
- Why now?
 - Public interest. Town Hall provides an opportunity for everyone to share their opinions.
 - Provide clarity to citizens, businesses, agencies, etc. on what's legal & what's not as soon as possible.
 - Inform private investment decisions.

TOWN HALL PURPOSE

- This is NOT a public hearing to address:

- Measure 91 (it's the law).
- Marijuana businesses in the cities of The Dalles, Mosier, Dufur, Maupin, Shaniko or Antelope.
- Marijuana inside the Columbia River Gorge National Scenic Area – that policy is set by the Columbia River Gorge Commission and US Forest Service NSA Office
- Personal grow, use or possession of recreational marijuana.
Recreational use and production will not be effected by a decision to opt out or by a vote to ban in November, 2016.

HB 3400: A LAND USE SNAPSHOT

- Retail Marijuana Production (“commercial grows”), as licensed by OLCC, is:
 - An agricultural crop that is permitted outright in the Exclusive Farm Use (EFU) Zone like any other farm crop.
 - Entitled to protections and duties provided under the Oregon Right to Farm Act.
 - Eligible for farm use deferral under Oregon property tax law like any other farm crop.

HB 3400: A LAND USE SNAPSHOT

■ Land Use:

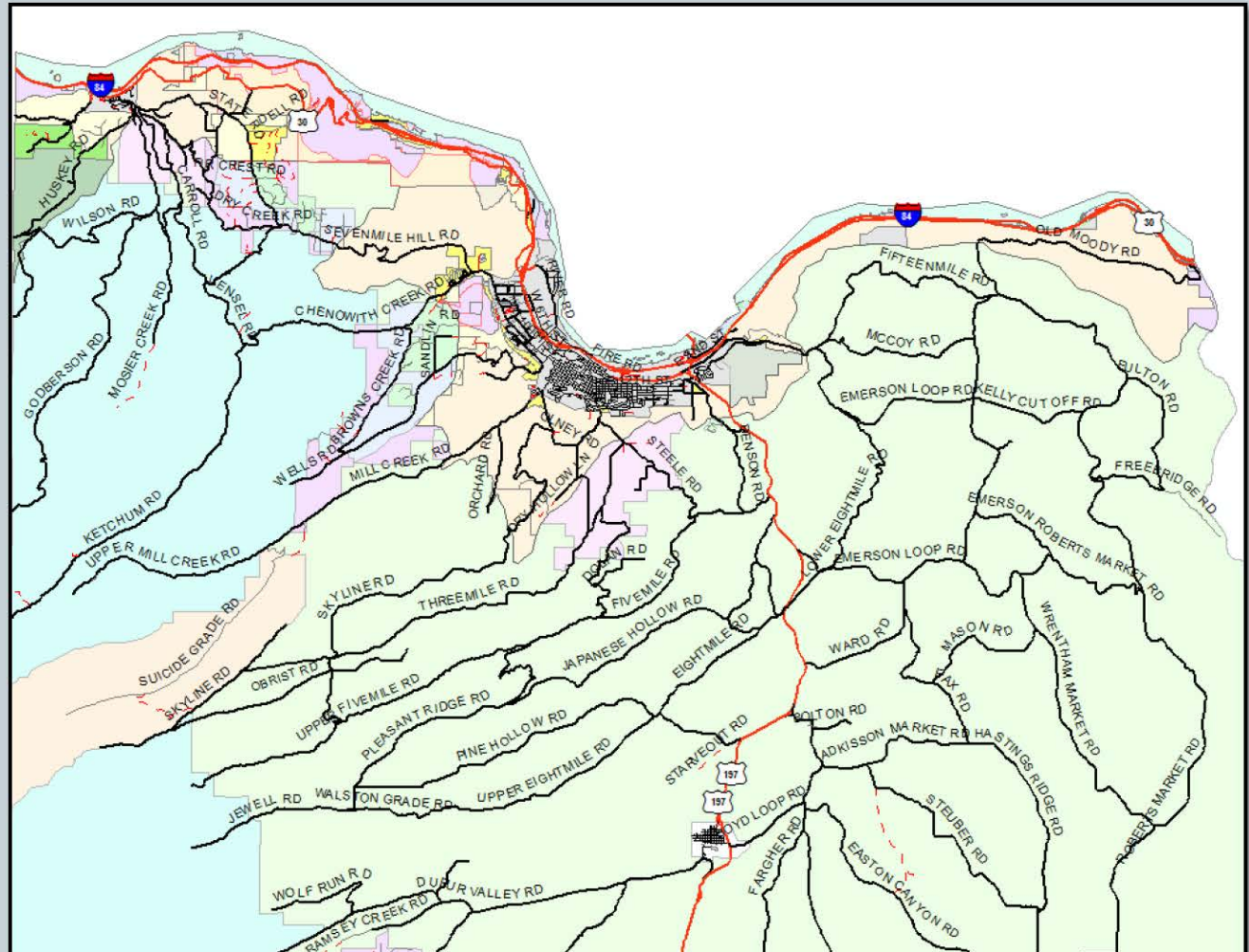
- Requires a Land Use Compatibility Statement (LUCS) from local government prior to OLCC's issuance of marijuana business license.
- In EFU, the law prohibits farm stands, farm commercial activities, and new farm dwellings based on marijuana crops.
- Counties may permit the commercial growing of marijuana crops in farm and forest zones, similar to EFU:
 - Forest 1 & 2 Zones (F-1, F-2)
 - Agriculture Zones and Forest-Farm (A-1, A-R, TV-AG, & F-F)
 - Rural Residential Zones (R-R (2), R-R (5) & R-R (10))

LAND OWNERSHIP & POPULATION

- 57% of the land is privately owned (roughly 881,000 acres),
- 5% of the land is owned by BLM (roughly 84,000 acres),
- 10% by the U.S. Forest Service (roughly 160,000 acres) and
- 60% by other entities (roughly 398,000 acres), primarily Indian Trust Lands.
- A majority of the private land in the county is either agricultural land, forest, or an agriculture/forest mix.
- Wasco County is home to nearly 26,000 residents in 6 incorporated cities, 5 rural communities, unincorporated urban areas and rural acreage (an average of 10.6 persons per square mile).

ZONING – NORTH COUNTY

<input checked="" type="checkbox"/>	Wasco County Zoning
	Zone
	A-1(160)
	A-1(40)
	A-R
	F-1(80)
	F-2(80)
	F-F(10)
	LAKE
	R-R(10)
	R-R(5)
	RC
	RI
	RR-2
	TV-A
	TV-C
	TV-M1
	TV-M2
	TV-R
	TV-RR
	WAM C-2
	WAM M-2
	WAM R-2
	WAM R-5

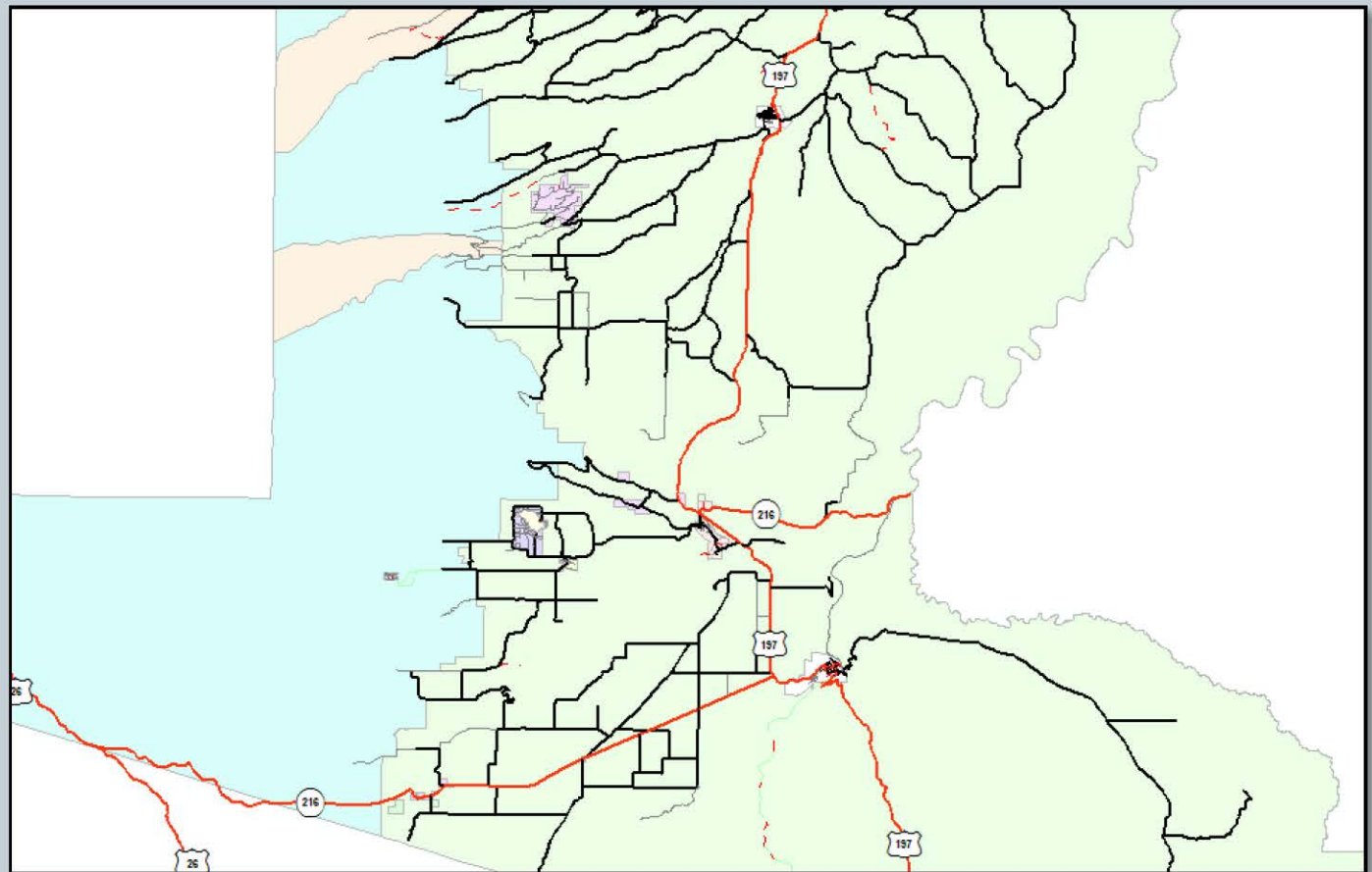


ZONING – CENTRAL COUNTY

☒ Wasco County Zoning

Zone

- A-1(160)
- A-1(40)
- A-R
- F-1(80)
- F-2(80)
- F-F(10)
- LAKE
- R-R(10)
- R-R(5)
- RC
- RI
- RR-2
- TV-A
- TV-C
- TV-M1
- TV-M2
- TV-R
- TV-RR
- WAM C-2
- WAM M-2
- WAM R-2
- WAM R-5

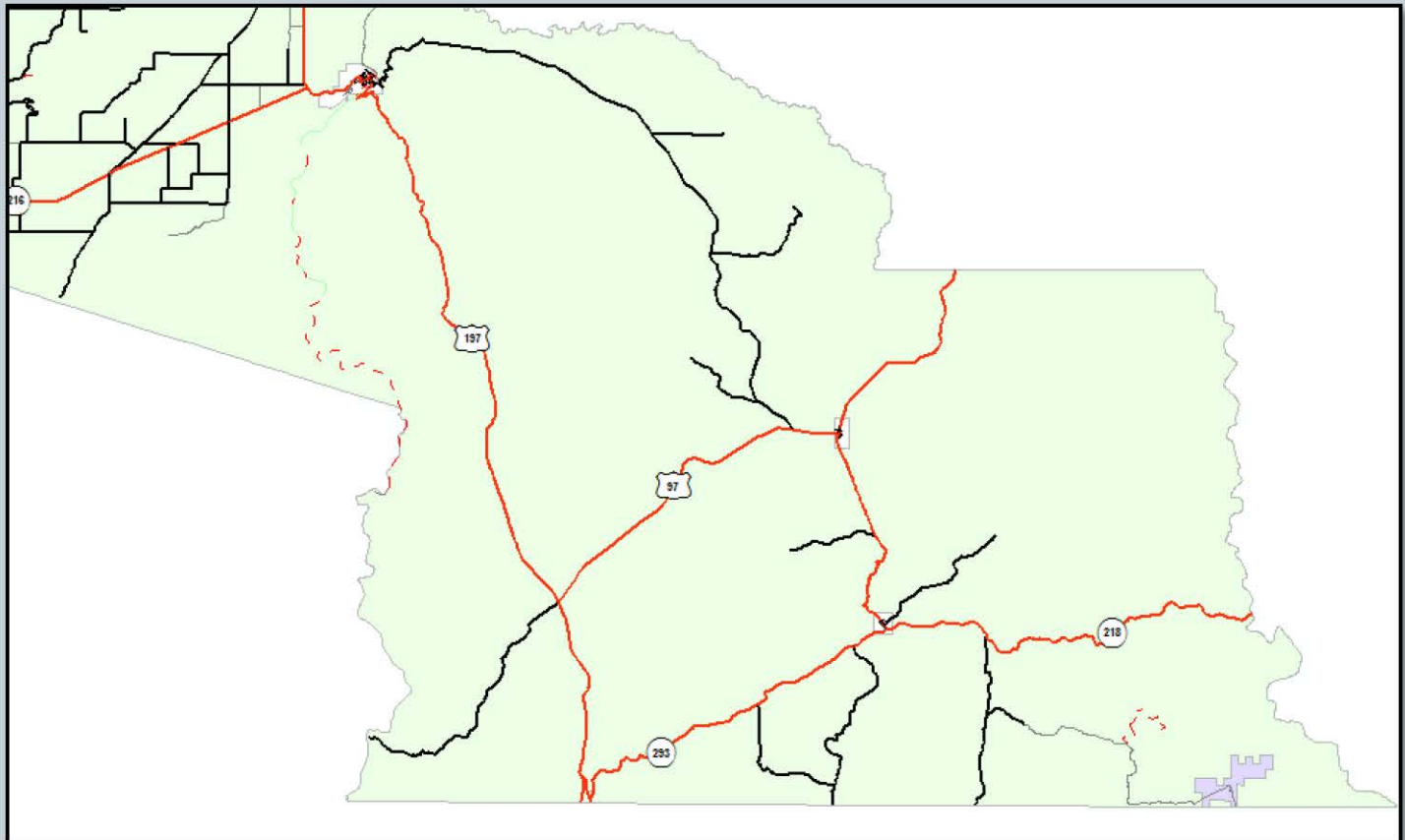


ZONING – SOUTH COUNTY

☒ Wasco County Zoning

Zone

- A-1(160)
- A-1(40)
- A-R
- F-1(80)
- F-2(80)
- F-F(10)
- LAKE
- R-R(10)
- R-R(5)
- RC
- RI
- RR-2
- TV-A
- TV-C
- TV-M1
- TV-M2
- TV-R
- TV-RR
- WAM C-2
- WAM M-2
- WAM R-2
- WAM R-5



COUNTY OPT OUT: WHAT DOES IT MEAN?

- Marijuana businesses identified in the ordinance would be prohibited in unincorporated areas (*but may still be permitted in incorporated cities if the cities choose to take no action*).
- Planning Department cannot sign OLCC form (LUCS) for “opt out” businesses, preventing OLCC from issuing a license for those businesses.
- Temporary moratorium in effect until the November 2016 general election.
- If the County chooses to opt out Local option tax is prohibited, and we are excluded from receiving shared state tax revenue.

PARTIAL OPT OUT OR NO OPT OUT

- Partial opt out – selected marijuana businesses prohibited:

- Ordinance referred to voters in November 2016.
- Disqualification from state shared revenue and local option tax.

- No opt out:

- Marijuana is a farm crop in the EFU zone.
- Board may decide in the future to allow and/or regulate marijuana businesses in other zones as allowed by HB 3400.

COUNTY BAN CONSIDERATIONS:

- Ban limits commercial businesses creation until November 2016 vote.
- Ban provides more time establish regulations and processes.
- Ban forces marijuana businesses into the incorporated areas.
- Ban forces supply and demand into private residential market where we have no regulatory ability.
- Ban eliminates local and state tax dollars that could be used for education and prevention.

BOARD OPTIONS(S) FOR FUTURE CONSIDERATION

- Prohibit the establishment of any or all of the following businesses in the UNINCORPORATED AREAS of Wasco County until the voters can decide in November of 2016:
 - a. Medical Marijuana processing sites;
 - b. Medical Marijuana dispensaries;
 - c. Recreational Marijuana producers (growers);
 - d. Recreational Marijuana processors;
 - e. Recreational Marijuana wholesalers;
 - f. Recreational Marijuana retailers; or
 - g. Any combination of the entities described above.
- Take no action and follow State guidelines to allow marijuana businesses
- Develop additional time, manner, and place ordinance provisions to address specific elements of the uses

PUBLIC COMMENT

Please:

- State your name
- Limit your comments to 2-4 minutes
- Be respectful

NEXT STEPS

- Seeking additional feedback →
- Board will discuss options at future hearing that will be publicly noticed and advertised to ensure public involvement.

Wasco County Board of Commissioners'

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**JOIN US FOR A CONVERSATION
REGARDING THE
NEW MARIJUANA LEGISLATION!**

FOR MORE INFORMATION VISIT WWW.CO.WASCO.OR.US

Thursday, Sept. 17, 2015 6:00 p.m. Dufur School Cafeteria 802 NE 5th Street Dufur, OR	Monday, Sept. 21, 2015 5:30 p.m. Mosier Senior Center 501 East 2nd Street Mosier, OR
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Ask Questions **Share Ideas** **Express Concerns**

**The Dufur Town Hall will be followed by
South Wasco Alliance Meeting
Beginning at 7:00 p.m.**

QUESTIONS?

Angie Brewer, AICP

Wasco County Planning Director

(541) 506-2566 / angieb@co.wasco.or.us

Other Helpful Resources:

View House Bill 3400 online

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3400/A-Engrossed>

Oregon Liquor Control Commission (OLCC)

<http://www.oregon.gov/olcc/marijuana/pages/default.aspx>

Oregon Medical Marijuana Program (OMMP)

<http://public.health.oregon.gov/DiseasesConditions/ChronicDisease/medicalmarijuanaprogram/Pages/index.aspx>

Oregon League of Cities Marijuana Ordinance Guidance

<http://www.orcities.org/Portals/17/A-Z/A%20to%20Z%20Documents/LocalRegulationMarijuana08-14-15.pdf>

FAQs



Recreational Marijuana in Oregon

RECREATIONAL MARIJUANA IN GENERAL

Q: What is the purpose of legalizing recreational marijuana?

A: As stated in Measure 91, the purpose of the Act is to:

- Eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- Protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- Permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;
- Ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law;
- Establish a comprehensive regulatory framework concerning marijuana under existing state law.

Q: What does Measure 91 do?

A: Measure 91 allows Oregonians to grow limited amounts of marijuana on their property and to possess personal limited amounts of recreational marijuana for personal use beginning July 1, 2015 under Oregon law. The measure also gives OLCC authority to tax, license and regulate recreational marijuana grown, sold, or processed for commercial purposes. The OLCC does not regulate the home grow/personal possession provisions of the law. Nor does it regulate the sale of small amounts of recreational marijuana through medical marijuana dispensaries starting October 1. The OLCC will begin accepting applications for growers, wholesalers, processors and retail outlets on January 4, 2016.

Q. When did Measure 91 go into effect?

A. The home grow/personal possession provisions of the measure started on July 1, 2015. Sales of small amounts of recreational marijuana through medical marijuana dispensaries will begin October 1. The OLCC will begin issuing commercial recreational marijuana licenses to growers, wholesalers, processors and retail outlets in 2016.

Q. Who will implement the initiative?

A. The initiative designates the Oregon Liquor Control Commission as the state agency that will regulate the commercial growing and selling of recreational marijuana. It also gives the OLCC

authority to license and regulate commercial recreational marijuana operations. The OLCC has no authority to regulate or enforce the home grow/personal possession provisions of the law.

Q: How can I get a job with OLCC in the new marijuana program?

A: OLCC posts job opportunities on the www.oregonjobs.org website. You can also sign up for email alerts through our website to receive notices about OLCC job opportunities.

Q: Has Measure 91 been changed from what voters approved?

A: Yes. The 2015 session of the Oregon Legislature made technical changes to Measure 91. It also authorized the sale of small amounts of recreational marijuana through medical marijuana dispensaries starting October 1. The Legislature also changed the way recreational marijuana is taxed. Instead of the OLCC imposing the tax at the grower level, it will now be imposed at the retail level and collected by the Department of Revenue.

Q: Where can I get more information?

A: As updates occur and information is available, we will share that information with you on this website. To keep up to date, [click here](#).

Q: What if I have additional questions?

A: Please send additional questions to marijuana@oregon.gov.

MEDICAL MARIJUANA

Q. What impact does the new recreational marijuana law have on the current Medical Marijuana Program?

A. Beginning in October 2015, 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.

Q. Should I get a new OMMP card or renew my existing Card?

A. Only you as an individual can determine answer that question. The OLCC cannot advise you about how to make that determination.

Q: What is the difference between recreational marijuana and medical marijuana?

A: Medical marijuana is for patients with qualifying medical conditions. Recreational marijuana, whether grown at a residence, obtained free from an acquaintance, or purchased legally is for personal use for adults 21 years of age or older. For more information on medical marijuana see www.mmj.oregon.gov.

PERSONAL USE

Q: When can I smoke/use recreational marijuana?

A: As of July 1, 2015, Oregonians are allowed to grow up to four plants on their property, possess up to eight ounces of usable marijuana in their homes and up to one ounce on their person. Recreational marijuana cannot be sold or smoked in public. For more information go to: www.whatslegaloregon.com

Q: Where and when can I buy marijuana?

A: Limited amounts of recreational marijuana will be available for purchase through medical marijuana dispensaries starting October 1, 2015. Retail stores licensed by the OLCC will open sometime in the second half of 2016.

Q: Where and when can I buy edibles and extracts?

A: Edibles will eventually be available at retail outlets licensed by the OLCC, hopefully at the same time that the stores open in the second half of 2016.

Q: How much marijuana can I have?

A: As of July 1, 2015, recreational marijuana users can possess up to eight ounces of useable marijuana and four plants per residence in Oregon. An individual can carry up to one ounce in public.

Q: What is meant by “useable” marijuana?

A: Useable marijuana refers to dried marijuana flowers or leaves. In other words, marijuana that is ready to smoke.

Q: Can I grow marijuana at home and when?

A: Yes, with limits. As of July 1, 2015, Oregonians can home grow of up to four plants per residence, regardless of how many people live in the residence. Four adults in one residence does not mean 16 plants. The limit is four per residence.

Q: Where can I obtain marijuana seeds or starts after July 1, 2015?

A: The OLCC can provide no guidance on that issue.

Q: Can a landlord tell tenants not to grow recreational marijuana or smoke it rental units?

A: Measure 91 does not affect existing landlord/tenant laws.

Q: What if an employer requires drug testing?

A: Measure 91 does not affect existing employment law. Employers who require drug testing can continue to do so.

Q: Can I smoke marijuana in a bar/restaurant?

A: No. Marijuana cannot be smoked or used in a public place. The OLCC considers any establishment with a state liquor license to be public, including patios or decks set aside for smokers. Allowing marijuana use may put an establishment's liquor license in jeopardy.

Q: What is the definition of a public place?

A: Measure 91 defines a public place as "a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation."

Q: Who can smoke recreational marijuana? What is the minimum age?

A: As of July 1, 2015, anyone 21 years of age and old and consume recreational marijuana in Oregon. Marijuana use or possession of recreational marijuana by anyone under 21 years of age is illegal. That includes home consumption.

Q: Who will enforce recreational marijuana laws?

A: Enforcement of the home grow/personal possession provisions of Measure 91 will be at the discretion of local jurisdictions, the state police and possibly other law enforcement agencies. The OLCC is responsible for enforcement actions against businesses that the OLCC licenses to grow, process, wholesale and sell recreational marijuana and related products.

Q: How much will recreational marijuana cost?

A: The retail price of recreational marijuana will be determined through a competitive marketplace.

Q: Can Oregon recreational marijuana be taken to the state of Washington where it is also legal?

A: No. Taking marijuana across state lines is a federal offense.

Q: How will children be protected from recreational marijuana and marijuana products?

A: Measure 91 prohibits the sale of recreational marijuana to anyone under the age of 21. The act also gives OLCC authority to regulate or prohibit advertising. In writing the rules necessary to implement the new law, the OLCC may also regulate packages and labels to ensure public safety and prevent appeal to minors.

Q: Can I get a DUI while under the influence of marijuana?

A: Yes. Current laws for DUI have not changed. Driving under the influence of intoxicants (DUI) refers to operating a motor vehicle while intoxicated or drugged, including impairment from the use of marijuana. In addition, Measure 91 requires OLCC to examine, research and present a report to the Legislature on driving under the influence of marijuana. The OLCC will do this in conjunction with the Department of Justice Criminal Investigation Division and Oregon State Police.

Q: Can I lose my job for using marijuana?

A: That depends on who you work for and what your employer says about the use of marijuana by employees. Passage of Measure 91 does not change existing employment law in Oregon.

Q: Where will marijuana stores be located?

A: Marijuana retailers may not be located within 1000 feet of a school. All licensed businesses must be located in an area that is appropriately zoned. Also, local jurisdictions have authority to adopt reasonable regulations regarding the location of marijuana businesses, including regulations requiring that the businesses be located no more than 1000 feet from one another. To keep up to date, [click here](#).

Q: What impact does the new recreational marijuana law have on the current Medical Marijuana Program?

A: Beginning in 2016 medical marijuana growers may apply for an OLCC license to sell their excess product into the recreational market. Beginning in October 2015, 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.

Q: Who collects the tax on recreational marijuana?

A: Taxes on recreational marijuana will be collected by the Oregon Department of Revenue at the retail level.

Q: How is Washington state's recreational marijuana law different than Oregon's?

A: See [Oregon/Washington/Colorado Comparison](#).

Q: Is it legal to possess or use recreational marijuana on Federal or Tribal land in Oregon?

A: No. It is illegal until either the Federal Government or Tribes take action otherwise.

LICENSING

Q: What licenses will be available?

A: The measure lists four types of recreational marijuana licenses: Producer, Processor, Wholesaler, and Retail. A producer is also known as the grower. A processor is a business that will transform the raw marijuana into another product or extract. Processors are also responsible for packaging and labeling of recreational marijuana. A wholesaler is a business that buys in bulk and sells to resellers rather than to consumers. A retailer is a business that sells directly to consumers. The Oregon Legislature also created a license for the laboratories that test marijuana. The OLCC will issue licenses to labs that are certified by the Oregon Health Authority.

Q: When will the OLCC begin accepting license applications?

A: The OLCC will begin accepting license applications for recreational marijuana on January 4, 2016. It will be an online-only application process.

Q. How will OLCC decide how to grant or deny license applications?

A. Undetermined at this point. The OLCC is in the process of writing the rules necessary to implement Measure 91. The agency has appointed an advisory committee that will write the rules and send its recommendations to the Commission sometime this fall for approval.

Q. If I want to apply for a recreational marijuana license, what should I do now?

A. Be patient. The OLCC won't be accepting applications until January 4, 2016. In the meantime, to keep up to date on process, [click here](#).

Q: How much are the licensing fees?

A: Undetermined at this point. Measure 91 established an annual license fee of \$1,000 plus a non-refundable application fee of \$250 per license application. However, the Oregon Legislature made the determination that license fees need to cover the cost of the recreational marijuana program. That means fees are likely to be higher than what Measure 91 envisioned, but how much higher remains to be seen.

Q: How many licenses can I have?

A: A licensee may hold multiple licenses and multiple license types.

Q: Can an out-of-state resident hold an Oregon recreational marijuana license?

A: Measure 91 does not specifically address this question. However, the issue of residency could be addressed through legislation or by the OLCC through the rule-making process.

Q: Who will be eligible for a marijuana license?

A: Anyone over 21 years of age and older will be eligible for a recreational marijuana license if they meet certain conditions outlined in section 29 of Measure 91. Under those conditions, the OLCC may refuse a license if it believes the applicant:

- Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.
- Has made false statements to the commission.
- Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.
- Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.
- Has maintained an insanitary establishment.
- Is not of good repute and moral character.
- Did not have a good record of compliance with sections 3 to 70 of this Act or any rule of the commission adopted pursuant thereto.
- Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.
- Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

- Is unable to understand the laws of Oregon relating to marijuana or the rules of the commission.

Q: What if my city/county wants to go “dry?”

A: Measure 91 states that local governments may not prohibit licenses in their jurisdiction except with a vote at a general election. Measure 91 allows local governments to adopt reasonable time, place and manner restrictions to regulate public nuisance. The Oregon Legislature created an additional provision that allows certain local governments to opt out of the program depending on how the jurisdiction voted on Measure 91.

Q: What kinds of testing will OLCC require?

A: Undetermined at this point. Under Measure 91, the OLCC has the authority to set testing requirements, but this is a policy question that will be determined during the rule-making process.

RETAIL STORES

Q: When will retail recreational marijuana stores be open?

A: The exact date is up in the air, but the most likely time is during the third quarter of 2016.

Q: Will the OLCC distribute marijuana out of a central warehouse?

A: No. Marijuana will be distributed by those who hold an OLCC recreational marijuana license.

Q: Will there be a quota for how many retail outlets will be allowed?

A: The measure does not specifically address the number of retail outlets allowed. Specifics for licensing retail outlets will be part of the rule-making process that is currently underway.

Q: What will OLCC be doing to get ready for marijuana-related businesses?

A: The OLCC has held listening sessions throughout the state to gain a better understanding of what Oregonians expect in the implementation of Measure 91. In addition to getting legislative approval of the marijuana budget for 2015-17 and preparing to hire staff for the program, the OLCC has also selected a vendor to build the online application process and selecting a second vendor for the traceability (seed-to-sale) system to track recreational marijuana. The OLCC has appointed an advisory committee to help write the rules necessary to implement Measure 91 and several subgroups to address specific issues. The goal is have the rules adopted by October or November of this year, after which the agency will hold seminars around the state to familiarize people with the application process in advance of accepting applications on January 4, 2016.

TAXES

Q: How much are the taxes on recreational marijuana?

A: When recreational marijuana is sold in recreational stores, the taxes will range from 17 to 20 percent. The legislature set the base tax rate at 17 percent, however, they made provisions under certain circumstances for cities and counties to add up to an additional 3 percent tax. The retailer can retain 2 percent of the tax to cover their expenses. The tax will be 25 percent for the limited time that recreational marijuana will be sold in medical dispensaries. Recreational sales in medical dispensaries are slated to start on October 1, 2015, and end on December 31, 2016. The tax will be imposed on sales after January 4, 2016.

Q: How much money will marijuana bring in taxes?

A: The OLCC estimates \$10.7 million in revenue for the 2015-2017 biennium.

Q: Where will the tax money go?

A: Measure 91 provides distribution of revenue after costs to the following:

- 40 percent to Common School Fund
- 20 percent to Mental Health Alcoholism and Drug Services
- 15 percent to State Police
- 10 percent to Cities for enforcement of the measure
- 10 percent to Counties for enforcement of the measure
- 5 percent to Oregon Health Authority for alcohol and drug abuse prevention

Senate Members

Sen. Ginny Burdick, Co-Chair
Sen. Ted Ferrioli, Vice-Chair
Sen. Floyd Prozanski, Vice-Chair
Sen. Lee Beyer
Sen. Jeff Kruse

Members:

Rep. Ann Lininger, Co-Chair
Rep. Carl Wilson, Vice-Chair
Rep. Peter Buckley
Rep. Ken Helm
Rep. Andy Olson

Staff:

Adam Crawford, Committee Administrator
Zoe Larmer, Committee Assistant



78th LEGISLATIVE ASSEMBLY
JOINT COMMITTEE ON MARIJUANA LEGALIZATION

State Capitol
900 Court St. NE, Rm. 354
Salem, OR 97301
503-986-1539
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This document is intended to provide information for Oregon cities and counties interested in determining:

- If their jurisdiction can tax marijuana;
- If their jurisdiction can expect payouts from the Oregon Marijuana Account;
- What their payout would be based on.

Can my city or county tax marijuana?

Your jurisdiction can tax marijuana if your jurisdiction allows recreational marijuana retailers or both medical marijuana dispensaries and recreational marijuana retailers. However, only recreational marijuana sales can be taxed, and the sales tax limit is 3%.¹ Your jurisdiction can't tax marijuana if it allows only medical dispensaries or allows no recreational marijuana retailers.

Can my city or county receive payouts from the Oregon Marijuana Account (the account where all marijuana taxes collected statewide are deposited prior to distribution)?

If your jurisdiction allows the siting of medical and recreational marijuana producers, processors, wholesalers and retailers, you will receive payouts from the account. If your jurisdiction prohibits any of the above types of establishments, you will not receive payouts.²

If my jurisdiction does receive payouts from the Oregon Marijuana Account, what will be the payout based on?

Before July 1, 2017: The payout is based on population.³

After July 1, 2017: The payout will be based on two factors:⁴

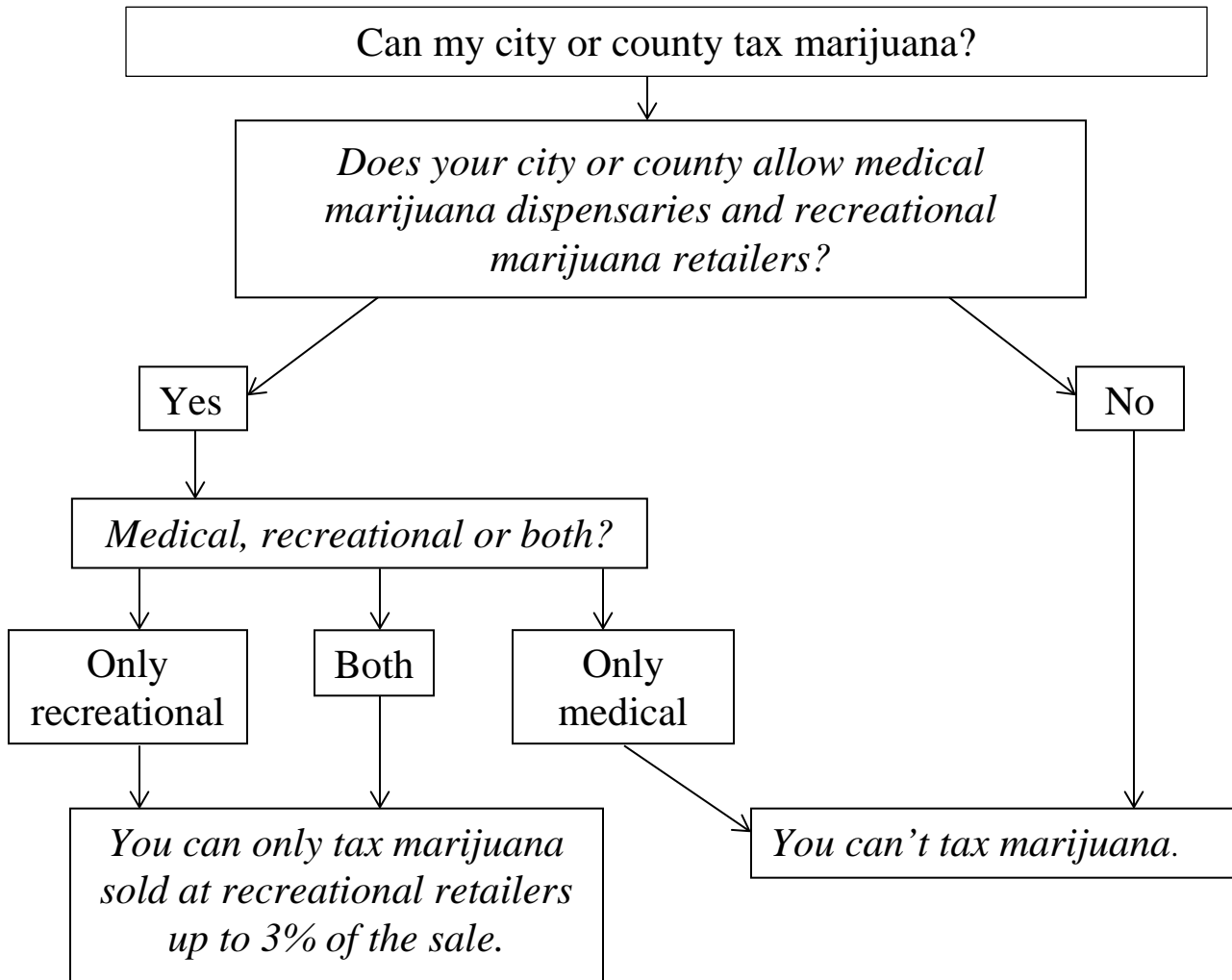
- The number of recreational producer, processor and wholesaler licenses in your jurisdiction compared to the number of those licenses issued statewide and
- The number of recreational retailer licenses issued in your jurisdiction compared to the number of those licenses issued statewide.

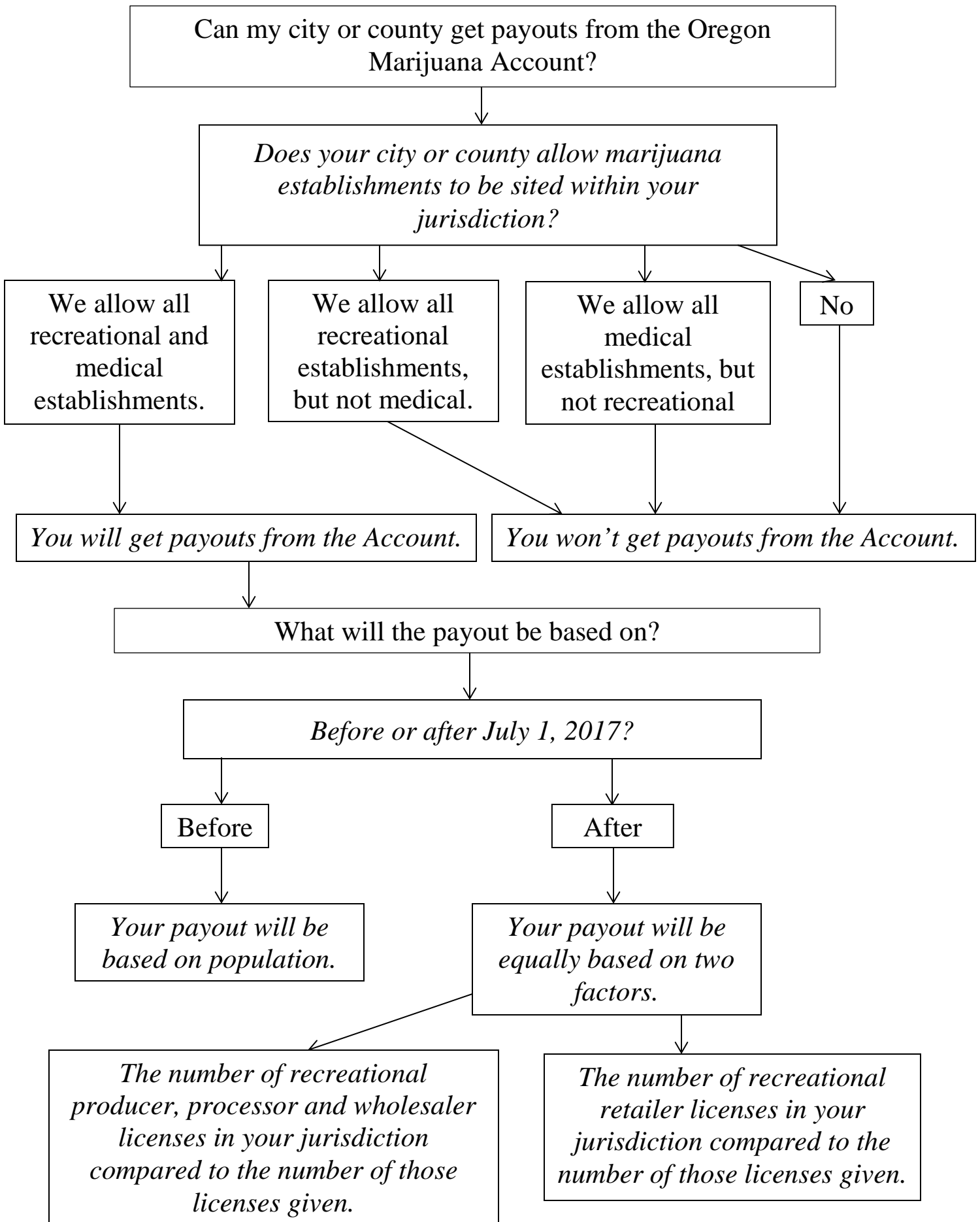
¹ [House Bill 3400 A \(2015\), Sec. 34a \(4\)](#)

² [House Bill 2041 A \(2015\), Sec. 14 \(4\)](#)

³ [House Bill 2041 A \(2015\), Sec. 14 \(3\)](#)

⁴ [House Bill 2041 A \(2015\), Sec. 14 \(3\)](#)





Brief Summary of 2015 Oregon Marijuana Legislation

As of June 30, 2015

1. House Bill 3400A (Omnibus Bill)

A. Local Option (Sections 133 to 136)

- Provides two paths for local opt out of any one or more category of marijuana businesses. There are four retail categories (producer, processor, wholesaler, retailer) and two medical categories (processor and dispensary):
 - 1. Opt out by action of the county or city governing body for counties, and cities in counties, that voted against Measure 91 by at least 55 percent (Baker, Crook, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler).
 - Opt out must be done within 180 days of the effective date of HB 3400A.
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process.
 - If a county or city opts out of any category, local option tax (*see below*) is prohibited, as well as disqualification for shared state tax revenue (*see below*).
 - 2. Opt out by local vote referred by any county or city governing body.
 - Temporary moratorium until election.
 - Election must be held at the next general election (November of even-numbered year).
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process.
 - If a county or city opts out of any category, local option tax (*see below*) is prohibited, as well as disqualification for shared state tax revenue (*see below*).

B. Local Time, Place and Manner Regulations (Sections 33 and 89)

- Clarifies reasonable time, place and manner regulatory authority over marijuana businesses.

C. Land Use (Section 34)

- Marijuana given status as a farm crop.
- In EFU zones, prohibits farm stands, farm commercial activities, and new farm dwellings based on marijuana crops.
- Allows counties to permit marijuana crops in farm and forest zones, similar to EFU.
- Requires a completed Land Use Compatibility Statement (LUCS) from local government prior to issuance of marijuana business license by OLCC.

D. Local Option Tax (Section 34a)

- Allows local tax on sale of retail marijuana items, if approved by local voters at a general election, not to exceed 3 percent.
- Prohibits local option tax if city or county prohibits any category of marijuana business.

E. OLCC

- Expands powers and duties relating to regulation, investigation, and enforcement with regard to OLCC licensed marijuana businesses.
- Requires handler permit for employees of retail marijuana businesses that handle marijuana.
- Requires a seed-to-sale tracking system.
- Allows OLCC to require age verification scanners for licensed retail stores.
- Provides for state licensed testing laboratories to test all retail marijuana products.
- Provides for packaging, labeling, and dosage standards.
- Provides for state certified public and private research facilities.
- Allows medical marijuana growers to opt-in to the retail marijuana supply chain to sell excess medical marijuana, subject to licensing and regulation by OLCC.

F. OMMA

Tracking

- Requires registration and tracking of all grow sites, processing sites, and dispensaries in an OHA database.
- Requires designated growers, processors, and dispensaries to submit monthly information to the database regarding amounts possessed and transferred.
- Permits law enforcement, and city and county regulatory agencies, to access database, except for transaction information, which requires a subpoena.

Growers and Processors

- Requires registration of designated grow sites and processing sites.
- Prohibits persons convicted of certain drug crimes from being the designated person responsible for a site.

- Authorizes OHA to inspect sites, and records related to those sites.
- Authorizes OHA to revoke the registration of a site for violation of the OMMA, or local time, place, and manner ordinances.
- Limits the number of plants that may be grown at a single address:
 - 12 mature plants in residential zone in city, with up to 24 for grandfathered sites.
 - 48 mature plants in all other zones, with up to 96 for grandfathered sites.
- Allows designated grower to possess usable marijuana at the rate of 12 pounds per mature outdoor plant, and 6 pounds per mature indoor plant.
- Allows cardholder to assign a portion of the cardholder's possession rights to their designated grower.
- Prohibits marijuana extract processing sites in residential zones.

Dispensaries

- Authorizes OHA to revoke the registration of a dispensary for violation of the OMMA, or local time, place, and manner ordinances.
- Prohibits dispensaries in residential zones.
- Allows dispensary to remain registered if a school opens within 1,000 feet of the dispensary after the dispensary is already operating.

Products and Testing

- Provides for testing of all marijuana items, and requires testing laboratories to be licensed by OHA.
- Provides OHA with regulatory authority over testing, and the production of edibles, extracts, concentrates, and other products.
- Imposes requirements for labeling and packaging.

G. Further Reduction in Marijuana Offense Levels (*see* separate pamphlet)

2. Senate Bill 460A ("Early Start")

- Allows medical marijuana dispensaries to sell limited marijuana retail products, beginning October 1, 2015
 - Seeds.
 - Dried leaves and flowers.
 - Plants that are not flowering.
- Limits amount that can be sold to each customer.
- Allows cities and counties to prohibit these retail sales by ordinance.

3. House Bill 2041A (Retail Taxation)

- State tax on sale of retail products, in lieu of Measure 91 tax on grower products:
 - 17% tax rate (but see "Early Start" special rate below).
- Retains net distribution formula from Measure 91
 - 40% to the Common School Fund.
 - 25% to substance abuse treatment and prevention.
 - 15% to the Oregon State Police.
 - 10% to cities, and 10% to counties, to assist with enforcing Measure 91.
- Disqualifies a city or county from receiving any distribution if the city or county prohibits any one or more of the six categories of marijuana business licensees.
- "Early Start" special tax rate:
 - 25% tax rate, beginning January 4, 2016.

4. Senate Bill 844A (Miscellaneous)

- Research task force
- Reduces expunction waiting period from three years to one year for person adjudicated or convicted of marijuana offenses when they were under 21.
- Changes OMMA "agitation incident to Alzheimer's disease" qualifying condition to "a degenerative or pervasive neurological condition."
- Allows certain medical organizations to be a designated OMMA caregiver.
- Prohibits transplant hospitals from discriminating against OMMA cardholders.

5. House Bill 2668B (Hemp)

- No growing within 1,000 feet of a school
- Hemp growers to allow research by DOA/OSU
- DOA Rules Advisory Committee (RAC)
- No more hemp licenses until March 1, 2017

Selected Provisions of 2015 Oregon Marijuana Legislation

1. House Bill 3400A (Omnibus Bill)

A. Local Option (Sections 133 to 136)

**LOCAL OPTION
EFFECTIVE ON PASSAGE**

SECTION 133. (1) As used in this section, “qualifying city or county” means a county, or a city located in a county, in which not less than 55 percent of votes cast in the county during the statewide general election held on November 4, 2014, on Ballot Measure 91 (chapter 1, Oregon Laws 2015) were in opposition to the ballot measure.

(2)(a) The governing body of a qualifying city or county may adopt ordinances that prohibit the establishment of any one or more of the following in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of the county:

- (A) Marijuana processing sites registered under section 85 of this 2015 Act;
- (B) Medical marijuana dispensaries registered under ORS 475.314;
- (C) Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015;
- (D) Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015;
- (E) Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015;
- (F) Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015; or
- (G) Any combination of the entities described in this subsection.

(b) The governing body of a qualifying city or county may not adopt an ordinance under this section later than 180 days after the effective date of this 2015 Act.

(3) If the governing body of a qualifying city or county adopts an ordinance under this section, the governing body must provide the text of the ordinance:

(a) To the Oregon Health Authority, in a form and manner prescribed by the authority, if the ordinance concerns a medical marijuana dispensary registered under ORS 475.314 or a marijuana processing site registered under section 85 of this 2015 Act; or

(b) To the Oregon Liquor Control Commission, if the ordinance concerns a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

(4)(a) Upon receiving notice of a prohibition under subsection (3) of this section, the authority shall discontinue registering those entities to which the prohibition applies.

(b) Upon receiving notice of a prohibition under subsection (3) of this section, the commission shall discontinue licensing those premises to which the prohibition applies.

(5) Notwithstanding any other provisions of law, a qualifying city or county that adopts an ordinance under this section may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

(6) Notwithstanding subsection (2) of this section, a medical marijuana dispensary is not subject to an ordinance adopted under this section if the medical marijuana dispensary:

(a) Is registered under ORS 475.314 on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process.

(7) Notwithstanding subsection (2) of this section, a marijuana processing site is not subject to an ordinance adopted under this section if the marijuana processing site:

- (a) Is registered under section 85 of this 2015 Act on or before the date on which the governing body adopts the ordinance; and
- (b) Has successfully completed a city or county land use application process.

SECTION 134. (1) The governing body of a city or county may adopt ordinances to be referred to the electors of the city or county as described in subsection (2) of this section that prohibit or allow the establishment of any one or more of the following in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of the county:

- (a) Marijuana processing sites registered under section 85 of this 2015 Act;
- (b) Medical marijuana dispensaries registered under ORS 475.314;
- (c) Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015;
- (d) Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015;
- (e) Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015;
- (f) Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015; or
- (g) Any combination of the entities described in this subsection.

(2) If the governing body of a city or county adopts an ordinance under this section, the governing body shall submit the measure of the ordinance to the electors of the city or county for approval at the next statewide general election.

(3) If the governing body of a city or county adopts an ordinance under this section, the governing body must provide the text of the ordinance:

(a) To the Oregon Health Authority, in a form and manner prescribed by the authority, if the ordinance concerns a medical marijuana dispensary registered under ORS 475.314 or a marijuana processing site registered under section 85 of this 2015 Act; or

(b) To the Oregon Liquor Control Commission, if the ordinance concerns a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

(4)(a) Upon receiving notice of a prohibition under subsection (3) of this section, the authority shall discontinue registering those entities to which the prohibition applies until the date of the next statewide general election.

(b) Upon receiving notice of a prohibition under subsection (3) of this section, the commission shall discontinue licensing those premises to which the prohibition applies until the date of the next statewide general election.

(5) Notwithstanding any other provisions of law, a city or county that adopts an ordinance under this section that prohibits the establishment of an entity described in subsection (1) of this section may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

(6) Notwithstanding subsection (1) of this section, a medical marijuana dispensary is not subject to an ordinance adopted under this section if the medical marijuana dispensary:

(a) Is registered under ORS 475.314 on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process.

(7) Notwithstanding subsection (1) of this section, a marijuana processing site is not subject to an ordinance adopted under this section if the marijuana processing site:

(a) Is registered under section 85 of this 2015 Act on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process.

SECTION 135. (1) Notwithstanding sections 133 and 134 of this 2015 Act, a medical marijuana dispensary is not subject to an ordinance adopted pursuant to section 133 or 134 of this 2015 Act if the medical marijuana dispensary:

(a) Was registered under ORS 475.314, or has applied to be registered under ORS 475.314, on or before July 1, 2015; and

(b) Has successfully completed a city or county land use application process.

(2) This section does not apply to a medical marijuana dispensary if the Oregon Health Authority revokes the registration of the medical marijuana dispensary.

SECTION 136. (1) Notwithstanding sections 133 and 134 of this 2015 Act, a marijuana processing site is not subject to an ordinance adopted pursuant to section 133 or 134 of this 2015 Act if the person responsible for the marijuana processing site or applying to be the person responsible for the marijuana processing site:

(a) Was registered under ORS 475.300 to 475.346 on or before July 1, 2015;

(b) Was processing usable marijuana as described in section 85 (1) of this 2015 Act on or before July 1, 2015; and

(c) Has successfully completed a city or county land use application process.

(2) This section does not apply to a marijuana processing site if the Oregon Health Authority revokes the registration of the marijuana processing site.

B. Local Time, Place and Manner Regulations (Sections 33 and 89)

SECTION 33. (1) For purposes of this section, “reasonable regulations” includes:

(a) Reasonable conditions on the manner in which a marijuana producer licensed under section 19, chapter 1, Oregon Laws 2015, may produce marijuana;

(b) Reasonable conditions on the manner in which a marijuana processor licensed under section 20, chapter 1, Oregon Laws 2015, may process marijuana;

(c) Reasonable conditions on the manner in which a marijuana wholesaler licensed under section 21, chapter 1, Oregon Laws 2015, may sell marijuana at wholesale;

(d) Reasonable limitations on the hours during which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may operate;

(e) Reasonable conditions on the manner in which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may sell marijuana items;

(f) Reasonable requirements related to the public’s access to a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; and

(g) Reasonable limitations on where a premises for which a license may be issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, may be located.

(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015, from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015.

(3) Regulations adopted under this section must be consistent with city and county comprehensive plans and zoning ordinances and applicable provisions of public health and safety laws.

SECTION 89. (1) For purposes of this section, “reasonable regulations” includes:

(a) Reasonable limitations on the hours during which the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may operate;

(b) Reasonable conditions on the manner in which a marijuana processing site or medical marijuana dispensary may transfer usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;

(c) Reasonable requirements related to the public’s access to the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary; and

(d) Reasonable limitations on where the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may be located.

(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of marijuana grow sites of persons designated to produce marijuana by registry identification cardholders, marijuana processing sites and medical marijuana dispensaries that are located in the area subject to the jurisdiction of the city or county.

C. Land Use (Section 34)

SECTION 34. (1) Notwithstanding any other provision of law, marijuana is:

(a) A crop for the purposes of “farm use” as defined in ORS 215.203;

(b) A crop for purposes of a “farm” and “farming practice,” both as defined in ORS 30.930;

(c) A product of farm use as described in ORS 308A.062; and

(d) The product of an agricultural activity for purposes of ORS 568.909.

(2) Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses on land designated for exclusive farm use:

(a) A new dwelling used in conjunction with a marijuana crop;

(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a marijuana crop; and

(c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop.

(3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones under this section and ORS 215.213 and 215.283.

(4)(a) Prior to the issuance of a license under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, the Oregon Liquor Control Commission shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. The commission may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

(b) A city or county that receives a request for a land use compatibility statement under this subsection must act on that request within 21 days of:

(A) Receipt of the request, if the land use is allowable as an outright permitted use; or

(B) Final local permit approval, if the land use is allowable as a conditional use.

(c) A city or county action concerning a land use compatibility statement under this subsection is not a land use decision for purposes of ORS chapter 195, 196, 197 or 215.

D. Local Option Tax (Section 34a)

SECTION 34a. (1)(a) Except as expressly authorized by this section, the authority to impose a tax or fee on the production, processing or sale of marijuana items in this state is vested solely in the Legislative Assembly.

(b) Except as expressly authorized by this section, a county, city or other municipal corporation or district may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items in this state.

(2) Subject to subsection (4) of this section, the governing body of a city or county may adopt an ordinance to be referred to the electors of the city or county as described in subsection (3) of this section that imposes a tax or a fee on the sale of marijuana items that are sold in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of a county by a person that holds a license under section 22, chapter 1, Oregon Laws 2015.

(3) If the governing body of a city or county adopts an ordinance under this section, the governing body shall refer the measure of the ordinance to the electors of the city or county for approval at the next statewide general election.

(4) An ordinance adopted under this section may not impose a tax or fee in excess of 3 percent.

2. Senate Bill 460A ("Early Start")

SECTION 2. (1) As used in this section:

(a) "Limited marijuana retail product" means:

- (A) The seeds of marijuana;
- (B) The dried leaves and flowers of marijuana; and
- (C) A marijuana plant that is not flowering.

(b) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(c) "Medical marijuana dispensary" means an entity registered with the Oregon Health Authority under ORS 475.314.

(2) Notwithstanding any other provision of law, on and after October 1, 2015, a medical marijuana dispensary may sell limited marijuana retail product to a person who is 21 years of age or older if:

(a) The person presents proof of age to the medical marijuana dispensary before entering into the medical marijuana dispensary;

(b) The medical marijuana dispensary verifies that the person is 21 years of age or older at the time of the sale;

(c) The medical marijuana dispensary sells no more than one-quarter ounce of limited marijuana retail product to the person per day if the person is purchasing the dried leaves and flowers of marijuana; and

(d) The medical marijuana dispensary sells no more than four units of limited marijuana retail product to the person if the person is purchasing a marijuana plant that is not flowering.

(3) A city or county may adopt ordinances prohibiting the sale of limited marijuana retail product as described in this section in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of the county.

(4) The authority shall adopt rules to implement this section, including rules that:

(a) Are necessary to ensure the public health and safety; and

(b) Ensure that a medical marijuana dispensary complies with this section.

(5) The authority may prohibit a medical marijuana dispensary from selling limited marijuana retail product as described in this section if the medical marijuana dispensary violates this section.

SECTION 3. Section 2 of this 2015 Act is repealed on December 31, 2016.

September 18, 2015

Wasco County Commissioners

Re: Moratorium on Marijuana growing

I am a medical marijuana patient and grower in Tygh Valley. I grow for my wife Kathy and four other OMMP patients. Our average age is 68 and we benefit greatly from the medicinal properties of marijuana. A large number of Medical Marijuana patients are not able to grow for themselves nor can they afford to pay the price at the dispensers. We have been members of OMMP for twelve years and during this time we have provided a large number of other patients with marijuana rubs, tinctures and buds at no cost.

Medical growers are now allowed to sell tested excess marijuana and marijuana products to a dispensary. This will allow us to start a legal business that is taxed and controlled by the OLCC, and avoid the black market. We would also be able to continue providing medicine to people who can not afford it otherwise. There are many other growers in Wasco County that fit my description. I am afraid that a moratorium would discourage investments that could be a big asset for the County.

We attended the meeting you held in Dufur. Mike Davis and Chris Schanno are respected rancher/businessmen and they both were against a moratorium. As Mr. Schanno pointed out the water really isn't an issue, it is already controlled. If you don't have the proper water rights you can't grow anything.

For seventy plus years billions of dollars have been spent on a "reefer madness" mentality. Some people are having a hard time adjusting to the reality of legal marijuana. History tells us the same thing happened after the prohibition of alcohol, but over time things were worked out.

Please don't put a moratorium on Marijuana growing in Wasco County. The possibility of increased employment and new taxable revenue plus the loss of tax revenue if you augment the moratorium should help with your decision.

Sincerely,


Dick Janz


P.S. If you want to visit Canna Pax Farm give me a call.

Wasco County Board of Commissioners

Appearance Record

	NAME	ADDRESS	CITY	STATE
X	Cole Griffiths		Mosier	OR
X	Owen Papworth		Mosier	OR
X	JEREMY PLUMB		PORTLAND	OR
	Phillip Sisson		Mosier	OR
X	Jim Wilson		Mosier	OR
	Jan Leiminger		"	"
	Linda Oram		"	"
X	Laurea Coblentz		Wasco County	
X	ROBERT LARSELL		Wasco County	
	John Pearson		Mosier	
X	Bernie Murray		The Dalles	OR
	Arlene Burns		Mosier	OR
X	Debby Jones		The Dalles	OR
	Richard Jantz		Tygh Valley	OR
X	Carl Anonymus		Hood River	OR
X	Sandy Burbank		The Dalles	OR
X	Chuck Barker		The Dalles	OR
X	Bob Brownbech		Hood River	OR
X	Corry Collins			
X	John Frederick			

DATE: 9.21.15

Appearance Record

[illegible]

DATE: 9.21.15