



Deschutes County Board of Commissioners
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AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of August 1, 2016

DATE: July 28, 2016

FROM: David Doyle Legal Department 388-6625

TITLE OF AGENDA ITEM:
Ordinance No. 2016-012.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:

The BOCC has considered issues surrounding regulation of the land use impacts associated with marijuana businesses for the past year. Tremendous amounts of resources have been committed to studying the issues and drafting regulations that will foster good neighbor relations among businesses and their rural neighbors. In order to allow the MJ businesses to utilize and operate under the recently adopted county regulations and to proceed with Oregon Health Authority registration and/or Oregon Liquor Control Commission licensing, it is necessary for the BOCC to repeal the Opt Out ordinance that was enacted in December 2015.

FISCAL IMPLICATIONS:

Unknown.

RECOMMENDATION & ACTION REQUESTED:

If the BOCC is so inclined, move adoption by emergency (with effective date of September 1, 2016) of Ordinance 2016-012 which will repeal previous Ordinance 2015-009.

ATTENDANCE: CDD, Legal

DISTRIBUTION OF DOCUMENTS:

Original to BOCC
Copies to CDD, Legal

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Repealing Deschutes County
Ordinance No. 2015-009; Declaring an
Emergency.

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ORDINANCE NO. 2016-012

WHEREAS, on December 21, 2015, the Board of County Commissioners, as authorized by section 134, chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400), enacted Ordinance No. 2015-009 which prohibited (subject to referral to the electors of Deschutes County at the next General Election) in the unincorporated area subject to the jurisdiction of Deschutes County, the following businesses:

- (a) Marijuana processing sites registered under section 85 of HB3400A (2015);
- (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; and

WHEREAS, subsequent to the enactment of Ordinance No. 2015-009, the Oregon Legislature did pass into law Senate Bill 1598 which provided that the authority of local jurisdictions to implement reasonable regulations on the operations of marijuana businesses was not prohibited by Oregon's Right to Farm law(s); and

WHEREAS, following extensive study and recommendations by county staff, the Planning Commission and an appointed citizen marijuana advisory committee the Board of County Commissioners held public hearings, work sessions and public deliberations on how best to regulate operations associated with marijuana businesses; and

WHEREAS, the Board of County Commissioners has now enacted county code provisions to regulate the impacts associated with the operation of marijuana businesses within the unincorporated area subject to the jurisdiction of Deschutes County, now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. In accordance with section 30 of Enrolled House Bill 4014 (2016), and ORS Chapter 203, Deschutes County Ordinance No. 2015-009 is repealed.

Section 2. The text of this ordinance shall be provided to (a) the Oregon Health Authority; and (b) the Oregon Liquor Control Commission.

Section 3. EMERGENCY. This Ordinance being necessary for the preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on September 1, 2016.

Dated this _____ of _____, 2016

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ALAN UNGER, Chair

TAMMY BANEY, Vice Chair

ATTEST:

Recording Secretary

ANTHONY DEBONE, Commissioner

Date of 1st Reading: _____ day of _____, 2016.

Date of 2nd Reading: _____ day of _____, 2016.

	Record of Adoption Vote			
Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	_____	_____	_____	_____
Alan Unger	_____	_____	_____	_____
Tammy Baney	_____	_____	_____	_____

Effective date: _____ day of _____, 2016.