

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW
COUNTY ZONING ORDINANCE ARTICLE 1
SECTION 1.030 DEFINITIONS AND ARTICLE
3 SECTION 3.060 GENERAL COMMERCIAL
IN RESPONSE TO STATE LEGISLATION
CONCERNED WITH MEDICAL MARIJUANA
DISPENSARIES.

COUNTY ORDINANCE

ORD-2015-1

NO. _____

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the County over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, the Oregon State Legislature passed bills in both 2013 and 2014 to authorize medical marijuana facilities and to allow local governments to enact local moratoriums to establish land use regulations; and

WHEREAS, Morrow County did adopt a medical marijuana moratorium on April 23, 2014 as Ordinance ORD-2014-2 with a sunset date of May 1, 2015; and

WHEREAS, a task force was formed to discuss how Morrow County and the communities within Morrow County would address medical marijuana facilities and agreed that strict land use measures should be put into place; and

WHEREAS, the Morrow County Planning Commission and the County Court did hold a joint work session on December 9, 2014 to consider draft land use regulations deciding to move the action to public hearing; and

WHEREAS, the Morrow County Planning Commission held a public hearing to review the proposal on January 27, 2015, at the Heppner City Hall in Heppner, Oregon; and

WHEREAS, the Morrow County Planning Commission considered the request, heard testimony from residents of Morrow County, and after considerable deliberation changed the recommendation of staff unanimously recommended approval of the amended request and adopted Planning Commission Final Findings of Fact; and

WHEREAS, the Morrow County Court held a public hearing to consider the recommendation of the Morrow County Planning Commission on February 18, 2015, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court heard further testimony in support of the Planning Commission recommendation; and

WHEREAS, the Morrow County Court accepted the Planning Commission recommendation and incorporated into the record the Planning Commission Final Findings of Fact, written testimony of Jerry Rietmann, and the draft Planning Commission January 27, 2015 meeting minutes. The motion of the County Court made one final change to the Planning Commission recommendation, made the action final on April 30 to be in place at the point in time the moratorium expires, and instructed staff to declare an emergency in the adopting documents.

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the 2015 Medical Marijuana Facilities Zoning Ordinance amendment.

Section 2 Affected Documents:

Morrow County Zoning Ordinance Article 1 Section 1.030 Definitions: Add definitions for pharmacy, drug store liquor store, medical marijuana facility or dispensary, and medical marijuana grow facility. See attached Article 1.

Morrow County Zoning Ordinance Article 3 Section 3.060 General Commercial Zone: Clarify the Uses Permitted Outright by adding 'pharmacy or liquor store' to the already listed 'drug store.' See attached Article 3 Section 3.060.

Section 3 Attached Documents:

Morrow County Zoning Ordinance Article 1

Morrow County Zoning Ordinance Article 3 Section 3.060

Morrow County Planning Commission Final Findings of Fact with attachment

Morrow County Planning Commission draft minutes January 27, 2015

Comment Letter from Jerry Rietmann dated February 8, 2015

Section 4 Findings of the County Court:

The Morrow County Court adopts the following, portions coming from the Planning Commission Findings of Fact:

- Both Irrigon and Lone, the communities where Morrow County's general commercial property exists, residents provided testimony to their concerns that such medical marijuana uses would be near schools and parks, be too available to the general public and children, and that the general nuisance that could come of these uses was not desired.
- The Planning Commission determined that the ability for an individual with a medical condition that warranted the use of medical marijuana could still obtain medical marijuana through the current card holder program. Or stated differently, medical marijuana is available to Morrow County residents who have met the necessary requirements of the Medical Marijuana program managed by the Oregon Health Authority. No additional access needs to be made available.
- Several concerns identified by the Port of Morrow Commission, including but not limited to, conflict with federal laws related to trucking industries and the need to hold a commercial driver's license, and the focus of the Port of Morrow on industries and not service oriented business more appropriate in commercial zones, were agreed to by the Planning Commission. It was agreed that it would not be appropriate to allow dispensaries, grow sites or laboratories on land zoned for industrial purposes in Morrow County.
- The risk to children, impacts to public gathering locations, and the general nuisance caused by medical marijuana dispensaries are of concern to the residents of Morrow County and their concerns are greater than any identified need for or benefit from a medical marijuana facility.

Section 5 Effective Date

The Morrow County Court declares an emergency as the Medical Marijuana Moratorium adopted by Ordinance ORD-2014-2 will expire on May 1, 2015. The effective date for this Ordinance shall be April 30, 2015 to be in place at the time the Moratorium expires.

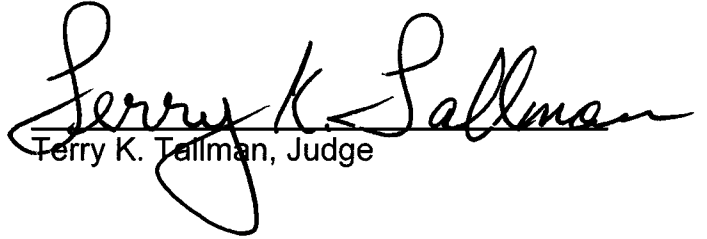
Date of First Reading: February 25, 2015

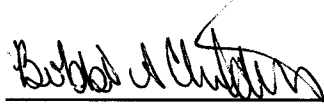
Date of Second Reading: March 4, 2015

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 4th DAY OF MARCH, 2015

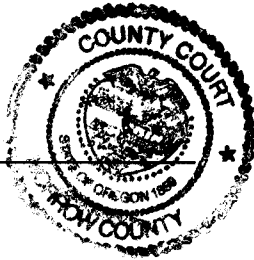
MORROW COUNTY COURT:

ATTEST:


Terry K. Tallman, Judge



Bobbi Childers
County Clerk





Leann Rea, Commissioner



Don Russell, Commissioner

MORROW COUNTY, OREGON **CJ2015-0013**
Commissioners' Journal 03/06/2015 9:10:56 AM



2015-0013

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk