

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE TO OPT OUT OF MARIJUANA ACTIVITIES INCLUDING BOTH MEDICAL AND RECREATIONAL OPERATIONS AS ALLOWED UNDER SECTION 133(2), CHAPTER 614, OREGON LAWS 2015 (ENROLLED HOUSE BILL 3400).

COUNTY ORDINANCE

ORD- 2015-4

WHEREAS, Oregon Revised Statute (ORS) 203.035 authorizes Morrow County to exercise authority within the County over matters of County concern; 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 Marijuana 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 Court took such action and adopted land use regulations defining Medical Marijuana Dispensaries and Facilities, but did not allow them in any Morrow County Use Zone; and

WHEREAS the Morrow County Court put those regulations into effect on April 30, 2015, to be in place at the point in time the moratorium expired; and

WHEREAS the Marijuana Task Force resumed activity at the conclusion of the 2015 Legislative session and recommends that Morrow County and the communities within Morrow County take advantage of the Opt Out provisions provided within HB 3400; and

WHEREAS Morrow County is a "qualifying city or county" as defined in Section 133(1), chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400), being 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;

WHEREAS the Morrow County Court did hold a Public Hearing on Wednesday, August 19, at 11:00 a.m. at the Heppner City Hall in Heppner, Oregon, receiving testimony in support of the complete 'opt out' as well as testimony to allow a medical dispensary, and based on that testimony did continue the Public Hearing to the following Wednesday, August 26, also at 11:00 a.m. at the SAGE Center in Boardman, Oregon, to further consider medical dispensaries; and

WHEREAS based on the testimony received and the deliberations of the County Court the Morrow County Court desires to prohibit the operation of medical marijuana processing sites, medical marijuana dispensaries, retail marijuana producers, retail marijuana processors, retail marijuana wholesalers, and retail marijuana retailers.

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 Marijuana Opt Out Ordinance.

Section 2 Effect of Ordinance:

In accordance with section 133(2), chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400), the following are prohibited in the area subject to the jurisdiction of Morrow County:

- a. Marijuana processing sites registered under section 85, chapter 614, Oregon Laws 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.

The text of this ordinance shall be provided:

- a. To the Oregon Health Authority, in the form and manner prescribed by the authority; and
- b. To the Oregon Liquor Control Commission, in the form and manner prescribed by the commission.

Section 3 Findings of the County Court:

- The Morrow County Court has heard residents provide testimony to their concerns that marijuana activities near schools and parks, and availability to the general public and children, is not desired.
- The Planning Commission previously 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.
- Based on testimony received during the Public Hearing the Morrow County Court indicated, based on sufficient Oregon Administrative Rules adequately regulating the Medical Marijuana Dispensary Program, that they may reconsider the 'opt out' of component 'b' above restricting medical marijuana dispensaries.
- The Port of Morrow Commission identified concerns with the availability of marijuana, 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. 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. Additionally the Port of Morrow Commission was opposed to retail marijuana activities.

- The risk to children, impacts to public gathering locations, and the general nuisance caused by marijuana are of concern to the residents of Morrow County and their concerns are greater than any identified need for or benefit from marijuana activities.
- Morrow County is a "qualifying city or county" and defeated the 2014 Ballot Measure 91 by 66 percent.

Section 4 Effective Date

The Morrow County Court declares the effective date for this Ordinance to be 90 days after its Second Reading, or December 21, 2015.

Date of First Reading: September 9, 2015


Date of Second Reading: September 23, 2015

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 23<sup>rd</sup> DAY OF SEPTEMBER, 2015

MORROW COUNTY COURT:

  
Terry K. Tallman, Judge

ATTEST:

  
Bobbi Childers Deputy  
County Clerk Clerk



  
Leann Rea, Commissioner

  
Don Russell, Commissioner

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MORROW COUNTY, OREGON **CJ2015-0083**  
Commissioners' Journal **09/24/2015 11:06:01 AM**



2015-0083

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

