

FILED
APR 30 2015
TASSI O'NEIL
COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Amending an Ordinance)
Declaring a Moratorium on Medical) AMENDED
Marijuana Facilities and Declaring an) ORDINANCE #76
Emergency)

The Board of Commissioners for Tillamook County ORDAINS as follows:

FINDINGS

- A. On April 16, 2014, the Board of Commissioners enacted Ordinance #76 in the above captioned matter.
- B. Medical marijuana is governed by the Oregon Medical Marijuana Act (OMMA) as amended by House Bill 3460 and Senate Bill 1531. Under the act, medical marijuana is to be regulated by the Oregon Health Authority (OHA). Although OHA regulations provide for the registration of dispensaries and set some restrictions on the location of dispensaries, the ultimate authorization for the siting of a dispensary rests with local government. The OMMA restricts marijuana dispensaries to areas zoned for commercial, industrial or mixed use agricultural land and more than 1000 feet from a school, but OHA does not substantially review this; and, it's rules clearly state that registration is not a guarantee that the dispensary will be permitted by the local government.
- C. Recreational marijuana was recently approved by Oregon voters through Measure 91 in November 2014. In general, Measure 91 will go into effect in two stages: (1) on July 1, 2015 for personal use and growing; and (2) in January 2016 for licensing to produce and sell. The Oregon Liquor Control Commission is currently developing rules to implement Measure 91, and those rules will likely be adopted before January 4, 2016.
- D. Through an extension of the existing moratorium the County seeks to avoid duplication of efforts. Although the County could consider adopting zoning regulations by May 1, 2015 for medical marijuana land uses, with the OLCC's adoption of recreational marijuana regulations approximately 6 months later, the County anticipates adopting new regulations for recreational marijuana and would likely revise any established regulations on medical marijuana. Furthermore, the State Legislature is currently considering several bills which may further affect the implementation of both medical and recreational marijuana programs. Therefore, although the two programs currently operate under different statutes and under different state agencies, their land use impacts will be similar and it makes sense to consider them together. The County's goal is to adopt one comprehensive ordinance for both medical and recreational marijuana, which is consistent with state law and regulations, and to do it at one time.

NOW THEREFORE, BASED ON THE FOREGOING, THE BOARD OF COMMISSIONERS FOR TILLAMOOK COUNTY ORDAINS AS FOLLOWS:

Section 1. Title

This ordinance shall be known as the Tillamook County Moratorium on Medical Marijuana Facilities Ordinance.

Section 2. Moratorium Declared

The County of Tillamook hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the County of Tillamook. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

Section 3. Duration of Moratorium

The moratorium imposed by this ordinance shall be effective until January 31, 2016 unless rescinded sooner.

Section 4. Remedies Not Exclusive

The remedies available under Tillamook County Code Enforcement Ordinance No. 35 for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law. It is within the discretion of the County of Tillamook to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

Section 5. Severability

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

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Section 6. Emergency

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Date of First Reading: April 15, 2015

Date of Second Reading: April 29, 2015

ADOPTED this 29th day of April 2015.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Tim Josi
Tim Josi, Chair

Aye	Nay	Abstain/Absent
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mark Labhart
Mark Labhart, Vice Chair

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Bill Baertlein
Bill Baertlein, Commissioner

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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ATTEST: Tassi O'Neil,
County clerk

APPROVED AS TO FORM:

BY: Susan L. Beecraft
Special Deputy

William K. Sargent
William K. Sargent, County Counsel

