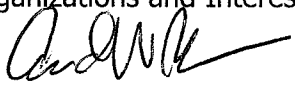




WASHINGTON COUNTY OREGON

March 26, 2014

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED ORDINANCE NO. 781**

Enclosed for your information is a copy of proposed Ordinance No. 781. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Section.

Ordinance Purpose and Summary

Consistent with Oregon Senate Bill 1531, Ordinance No. 781 proposes a moratorium, effective through May 1, 2015, prohibiting distribution of medical marijuana or its derivatives in unincorporated Washington County, including use of any building, structure, location, premises, or land for the business or sale of such products.

On March 7, 2014, the Oregon Senate adopted Senate Bill 1531, authorizing local jurisdictions to regulate medical marijuana dispensaries. The bill includes provisions allowing adoption of a moratorium effective through May 1, 2015.

Who is Affected?

Residents and property owners in urban and rural unincorporated areas of Washington County.

What Land is Affected?

All lands in urban and rural unincorporated areas of Washington County.

Key Provisions

- Temporarily prohibits distribution of medical marijuana and its derivatives;
- Temporarily prohibits use of any building, structure, location, premises, or land for the business or sale of such products;
- Applies throughout unincorporated Washington County, but not within incorporated areas.
- Will not require code or plan changes since provisions automatically terminate May 2, 2015 pursuant to Senate Bill 1531.

Initial Public Hearings

Time and Place

Planning Commission
7:00 pm
April 16, 2014

Board of Commissioners
6:30 pm
April 22, 2014

Department of Land Use & Transportation · Planning and Development Services
Long Range Planning

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072
phone: (503) 846-3519 · fax: (503) 846-4412 · www.co.washington.or.us

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon.

On April 22, 2014, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on April 22, it would become effective on May 22, 2014.

Rural/Natural Resource Plan Policies Amended ➤ NONE

Urban Comprehensive Plan Policies Amended ➤ NONE

Community Development Code Standards Amended ➤ NONE

2020 Transportation Plan Policies Amended ➤ NONE

Urban Community Plan(s) Amended ➤ NONE

How to Submit Comments

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Staff Contact

Anne Kelly, Associate Planner
155 North First Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3583 Fax: 503-846-4412
e-mail: anne_kelly@co.washington.or.us

Proposed Ordinance is available at the following locations:

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning
155 North First Ave., Suite 350
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE No. 781

An Ordinance Prohibiting Any Business or Sale of
Medical Marijuana

The Board of County Commissioners of Washington County, Oregon, ordains as follows:

SECTION 1

A. The Board of County Commissioners (“Board”) recognizes that 2013 Oregon House Bill 3460, the Oregon Medical Marijuana Act, authorized the Oregon Health Authority to implement the registration and operation of medical marijuana dispensaries. In 2014, the Legislature subsequently passed Oregon Senate Bill 1531, a measure that allows local jurisdictions to enact an ordinance which temporarily prohibits the operation of registered medical marijuana dispensaries so long as the ordinance is enacted by May 1, 2014. The moratorium is effective through May 1, 2015.

B. The purpose of this Ordinance is to adopt the provisions for a moratorium on the operation of registered medical marijuana dispensaries pursuant to SB 1531.

C. The Board finds that adoption of an ordinance prohibiting any business or sale of medical marijuana pursuant to 2014 Oregon Senate Bill 1531 will allow public discourse and due consideration by the Board concerning regulation of medical marijuana dispensaries within the County’s jurisdiction. This Ordinance will enhance the public health, safety, and welfare of Washington County and its citizens.

1 D. Under the provisions of Washington County Charter Chapter X, the Department
2 of Land Use and Transportation has carried out its responsibilities, including preparation of
3 notices, and the County Planning Commission has conducted one or more public hearings on
4 the proposed amendments and has submitted its recommendations to the Board. The Board
5 finds that this Ordinance is based on those recommendations and any modifications made by the
6 Board are a result of the public hearings process;

7 E. The Board finds and takes public notice that it is in receipt of all matters and
8 information necessary to consider this Ordinance in an adequate manner, and finds that this
9 Ordinance complies with the terms set forth in SB 1531, the standards for legislative plan
10 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
11 County Charter, the Washington County Community Development Code, and the Washington
12 County Comprehensive Plan.

13 F. Nothing herein is intended, nor shall it be construed, as amending, replacing or
14 otherwise being in conflict with any other ordinance of Washington County, the Community
15 Development Code, or any other code or statutory provision unless expressly so stated.

16 SECTION 2

17 The distribution of medical marijuana in dispensaries is restricted as follows:

- 18 (1) The use of any building, structure, location, premises, or land for the business or sale of
19 marijuana or any marijuana derivative is prohibited pursuant to SB 1531;
- 20 (2) The provisions of this Ordinance shall apply to unincorporated areas within Washington
21 County;
- 22 (3) The provisions of this Ordinance shall terminate on May 2, 2015;

1 (4) This Ordinance shall not be codified because the provisions herein are automatically
2 terminated by operation of law as directed by SB 1531.

3 SECTION 3

4 The Board, having received the recommendation of the County Planning Commission,
5 conducted a public hearing on this proposed Ordinance, and being fully informed thereon,
6 hereby adopts this Ordinance.

7 SECTION 4

8 If any section, clause, phrase, or word of this Ordinance, including its exhibits, shall for
9 any reason be declared invalid, unenforceable, or unconstitutional by an authority of competent
10 jurisdiction, the remainder of this Ordinance or its application shall not be affected thereby and
11 shall remain in full force and effect.

12 SECTION 5

13 The Office of County Counsel is authorized to make non-substantive changes, including
14 deleting and adding textual material and maps, renumbering pages or sections, and making any
15 technical changes not affecting the substance of this Ordinance as reasonably necessary to give
16 effect to this Ordinance.

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1 SECTION 6

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 22nd day of April, 2014, being the first reading and
4 first public hearing before the Board of County Commissioners of Washington County,
5 Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 *Andy Dwyer*
CHAIRMAN

10 *A. D. Noyola*
RECORDING SECRETARY

11
12 READING

PUBLIC HEARING

13
14 First April 22, 2014
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____

14 First April 22, 2014
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____

17 Dwyck,
18 VOTE: Aye: Malinowski, Rogers, Terry
Recording Secretary: Ana D. Noyola

Nay: Schauten
Date: 04-22-14