

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 19, 2014

9:00 a.m.

Commissioners' Board Room
1115 Commercial Street NE
Salem, OR 97301

PRESENT: Commissioner Sam Brentano, Commissioner Patti Milne, and Commissioner Janet Carlson. Also present were John Lattimer as chief administrative officer, Gloria Roy as county counsel and Kim Hulett as recorder.

Commissioner Brentano called the meeting to order at 9:00 a.m.

PUBLIC COMMENT

Summary of comments:

Dr. Bud Pierce, Salem

- Oncologist in the area;
- There are times when medical marijuana is appropriate for some patients;
- Listed qualifying medical conditions to use medical marijuana;
- Strict controls need to be implemented;
- Could follow same path for abuse as prescription pain medicine;
- Levels of Tetrahydrocannabinol (THC) have greatly increased over the years:
 - Creates risk for misuse, inappropriate use, and has the potential to ruin lives.

Dick Withnell, Salem

- Concerned about livability of Marion County;
- Still fighting methamphetamine its affects;
- As an employer concerned about difference between marijuana and alcohol:
 - Marijuana stays in system longer and affects the workplace.
- Ironic allowing marijuana smoke, but fighting/banning cigarette smoke;
- Addictiveness of marijuana:
 - Affects will cascade into livability of community; and
 - Affects employers.

Larry Rathman, Silverton,

- Medical marijuana dispensaries need to be available to patients and veterans;
- Has benefited from medical marijuana;
- Worked with Law Enforcement Against Prohibition (LEAP) in 2005;
- People should not have to go to the black market to get medication;
- Patients should receive their medical marijuana medication for free; and
- Federal government should control it.

Robert Anthony Sivelich, Salem, OR

- House Bill eliminates pathogen, pestilent infected cannabis medicine;
- Rezoning will create an influx in the black market;
- Read Separation of Powers: Federal and State, and submitted a copy for the record;
- People need safe access;
- State law will trump county law;
- County is combining state and federal law; and
- Board of Commissioners should focus on things that matter.

Leland Berger, Portland, OR

- Attorney appearing on behalf of the Salem Cannabis Industry Association;
- Approximately 10,000 licensed physicians in Oregon and approximately 3,000 have signed up patients;
- Post-Traumatic Stress Disorder added to list of debilitating medical conditions;
- People passed Oregon Medical Marijuana Act 16 years ago;
- Marijuana Schedule II drug in Oregon;
- Facilities address a public safety problem and health concern;
- Received clarification that the intent of the zoning ordinance is to ban facilities in unincorporated areas of Marion County unless the permit is issued under this ordinance;
- County has no authority to ban facilities;
- Requested county clarify land use language so that the permit in the land use ordinance is the permit procedure in the other ordinance;
- Salem Cannabis Industry Association objects to the following items in the ordinance the board is considering that would regulate medical marijuana facilities with a permit process:
 - State law pre-empts the county from regulating facilities;
 - County is not complying with state law;
 - House Bill 3460 permits facilities on state farm land. County cannot prohibit;
 - Permit holder not responsible for county's losing federal grants;
 - Waiving liability including for arrest;
 - To obtain ban exemption permit must comply with all federal laws;
 - Sections 8(C), (H), (I), and
 - Draft findings. No positive conflict between the statute that creates medical marijuana facilities and the Controlled Substances Act.
- Allows people safe access in regulated marketplace.

Amy Zimmerman, Salem

- Thanked board for listening to comments;
- Salem Cannabis Industry Association implemented first newsletter;
- Invited commissioners to visit facility;
- Disappointed with presentation by BioMed representative; and
- Family member needs medical marijuana in order to eat.

Ernie Lucas, Turner, OR

- Owner of Bad Girls Coffee Company;
- Medical marijuana patient;
- Ordinance is not what Salem's population wants; and

- Voting next year.

Willie Santana, Keizer, OR

- Medical marijuana patient;
- Most medications negatively affect his health;
- Eases pain and able to eat and sleep;
- Not fair to kick out dispensaries already in place;
- Will be difficult for patients to get medicine legally;
- Increase black market;
- New program that tests cannabis for safety beneficial; and
- One strain of marijuana does not work for every patient.

Christopher Oss, Salem, OR

- Distributed pamphlet with photographs of medical marijuana dispensary he operates and letters of support from neighborhood daycare, produce store, and food truck;
- Oregon legislature unanimously approved Senate Bill 1531;
- County has no legal right to ban medical marijuana facilities;
- Daycare clause has no legal definition of reasonable;
- State approved daycare license is only \$45; and
- Reviewed sections of the proposed ordinance he views are illegal/unreasonable.

Margo Lucas,

- Medical marijuana patient;
- Business owner;
- Resident of Polk County;
- Operates medical marijuana doctor clinic;
- Presented printed materials on cannabidiol (CBD) strains of marijuana;
- Presented statements from marijuana clinic's doctors listing standards for approving medical marijuana cards;
- Concerned about minors and medical marijuana;
- Requested commissioners work with medical marijuana industry;
- Dispensaries will bring jobs and future revenues;
- Member of Oregon Cannabis Industry Association and Salem Cannabis Industry Association; and
- Supports law enforcement.

CONSENT

DISTRICT ATTORNEY

Approve amendment #1 to receive \$125,000 additional funds from Oregon Department of Human Services for child welfare proceedings.

SHERIFF

Approve amendment #6 to receive \$34,854 in additional funds from the Bureau of Indian Affairs - Chemawa Indian School to provide law enforcement services.

Approve receipt of \$200,000 from the Oregon Parks and Recreation Department to provide patrol services for Silver Falls State Park and Detroit Lake recreation area through June 30, 2019.

MOTION: Commissioner Carlson moved approval of the consent calendar. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

ACTION

Video Time (00:49:19)

PUBLIC WORKS – PLANNING

1. Consider amendments to the Marion County Code, Title 16 Urban Zone Code and Title 17 Rural Zone Code. – Joe Fennimore

Summary of presentation:

- Board adopted resolution initiating revisions to Marion County Urban and Rural Zone Codes January 8, 2014;
- Purpose of revisions was to clarify uses that maybe in violation of state or federal laws;
- Public hearing held on February 12, 2014, board closed hearing and left written record open until 4:00 p.m. on February 18, 2014:
 - Written information submitted included:
 - Letter opposing the regulation of medical marijuana with no specific comments about the zone code update;
 - Included in file because it was mailed to the Planning Division and did not specify which case it was for;
 - Document submitted by the Salem Cannabis Industry Association. Letter argues that county cannot rely on federal law to avoid complying with state law; and
 - Letter of memorandum submitted by Marion County Legal Counsel regarding “Facial” versus “as applied” challenge to the ordinance language.
 - Clarified both the urban and rural code should contain the proposed change:
 - “All land uses shall be conducted in full compliance with any other county ordinance, code and requirement of state and federal laws. Failure to conform to other applicable laws may be grounds for revocation of any permits and enforcement action, including but not limited to a citation, in accordance with Chapter 1.25 of the Marion County Code.”
 - Provides the board flexibility.

Board discussion:

- Commissioner Carlson confirmed quasi-judicial proceeding;
- County Counsel Gloria Roy provided brief description of quasi-judicial proceeding versus legislative proceeding;
- Action item documents delivered to Board of Commissioners’ Office yesterday; however, commissioners did not receive materials until this morning’s board session;
- Land use proceeding requires county to comply with local, state or federal law;
- Medical marijuana dispensaries is not only situation where the county must comply with federal law:
 - Federal Emergency Management Administration (FEMA) Floodplain regulations;
 - Endangered Species Act; and
 - Department of Environmental Quality (DEQ) pollution standards.

Commissioner Brentano recessed the meeting for a short break at 9:59 a.m.
Commissioner Brentano reconvened the meeting at 10:10 a.m.

Board discussion:

- Impacts to land use action/building permit applicants:
 - Must comply with federal law:
 - Federal Aviation Administration (FAA) if building near airport;
 - FEMA Floodplain regulations; and
 - Notice from federal government of ongoing problem.
- Reviewed land use application/appeal process;
- Board can approve proposed amendments and direct staff to prepare an ordinance for adoption at a future board session:
 - On consent calendar notify that board is going to adopt an ordinance on a certain date; then
 - Adopt ordinance. No public hearing or additional evidence.

MOTION: Commissioner Milne moved to approve the proposed amendments to the Marion County Code, Title 16 Urban Zone Code and Title 17, Rural Zone Code and direct staff to return with an ordinance with the changes. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Video Time (01:09:40)

BOARD OF COMMISSIONERS

2. Consider adoption of an ordinance in the matter of regulating medical marijuana dispensary facilities in the unincorporated area of Marion County and establishing a permit process, by emergency procedure. – Gloria Roy, Scott Norris

Commissioner Milne said she received written comments of support from Marion County Economic Advisory Board Chair Bill Cummins, Sherry and Bill Crocker, and Gene Pfeifer.

Summary of presentation:

- Board under its legislative authority to address issues in the unincorporated area of Marion County:
 - Only applies outside city boundaries.
- Federal law specific prohibits marijuana;
- State law allows medical marijuana program:
 - Voter approval of a medical marijuana program; and
 - Legislative approval of dispensaries.
- Commissioners take an oath to comply with both state and federal law;
- United States Department of Justice (DOJ) stated it will not enforce federal law; however two years ago DOJ said it would enforce federal law;
- February 14, 2014, United States Treasury Department and DOJ state they will not enforce treasury laws;
- Until Federal laws are changed no security/confidence federal government will not attempt enforcement;

- House Bill 3640:
 - State moving into regulating businesses, land use and zoning from a healthcare perspective under the medical marijuana program;
 - Significantly impedes local government's abilities to carry out its other responsibilities.
 - Oregon Health Authority (OHA) will not disclose location of a facility or person responsible for facility:
 - Confusion between medical privacy/confidentiality of cardholders' medical information and business information; and
 - Leads to impossibilities of county carrying out its other responsibilities for public health and safety.
 - Purports to allow a medical marijuana dispensary on agricultural land:
 - Violates state laws regarding land use zoning;
 - Commercial storefront operation in exclusive farm use (EFU) zone is contrary to state law; and
 - Oregon Department of Land Conservation and Development is also of the opinion that this would not be a proper use on EFU land.
- Will require a court determination on whether federal law pre-empts the state law or whether state law pre-empts local law;
 - Legislative counsel's opinion specifically states House Bill 3640 does not completely pre-empt local governments' regulations. County could make minor regulations as long as they do not impact the program.
- Senate Bill 1531 may include some limitations/regulations related to time, place, and manner;
 - Draft ordinance regulates place and manner. Not appropriate on agricultural land.
- There will be other restrictions to the extent that it is allowed in Marion County, but protective of public health and safety;
- Reviewed indemnification provision in draft ordinance; and
- Reviewed draft ordinance (Attachment A).

Board discussion:

- Oregon Health Authority (OHA) developed/implements Oregon Medical Marijuana Program (OMMP);
- Draft Ordinance:
 - Section 8 Ban Exemption Permit Regulations:
 - Unless minor is a cardholder;
 - Accompanied by parent/guardian;
 - No age limit for medical marijuana; and
 - Similar to Oregon Liquor Control Commission (OLCC) facility where minor has to be accompanied by parent/guardian.
 - Non-permitted use in EFU:
 - County is only banning medical marijuana dispensaries in EFU zone;
 - County bans other uses in EFU zone under existing law;
 - Code does not specifically address medical marijuana dispensaries. Similar to pharmacy and pharmacy standards would be applied:
 - Pharmacy not allowed in residential zone, commercial office zone or EFU zone.

- Home occupancy:
 - Business conducted out of a home;
 - Different standards apply to a home business;
 - Almost exclusively in residential zone or farm zone;
 - Special use allowed under special circumstances;
 - General one person or family member with cap; and
 - Medical marijuana dispensary does not meet definition of a home business.
- Section 8(C) No consumption of medical marijuana on business premises:
 - Narrowly reference provision in ORS chapter 475 that refers to employee exception.
- Section 8(E) Felony DUI:
 - Specific crimes listed in Section 8(E) were looked at in terms of ORS criminal code for Oregon;
 - Each had a strong and direct nexus between that Oregon conviction and the federal priorities listed in the announcement by the attorney general;
 - Felony DUI requires prior convictions; and
 - First and second time DUI is misdemeanors, repetitive convictions felony.
- Section 12(A) Appeal Procedure:
 - Appeal fee for opponent or applicant \$250;
 - County would need to set up non-refundable appeal fee; and
 - Fees to be presented to board in next week or two.
- Language consistent with Oregon childcare regulations; and
- Ban exemption permit versus facilities permit in sections 5 and 6.

MOTION: Commissioner Carlson moved to have the chair read the ordinance by title only twice. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano read the ordinance by title only twice.

MOTION: Commissioner Carlson moved adoption of an ordinance in the matter of regulating medical marijuana dispensary facilities in the unincorporated area of Marion County and establishing a permit process, by emergency procedure and adding the following changes: adding the clarification of a daycare; no minors allowed on premises unless the minor is a cardholder and accompanied by a parent or guardian; and, no consumption of medical marijuana is allowed on the business premises unless otherwise allowed for employees as specified in ORS Chapter 475. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Board comments:

- Ban exemption permit versus facilities permit in sections 5 and 6;
- Confirmed county counsel recommends indemnification provision in Section 6;
- Conflict between federal and state law;
- Commissioners oath to uphold federal and state law;
- Commissioners' regulate, oversee, and enforce what happens in communities/businesses relative to land use;
- Provides a clear path for law enforcement;

- Conflicting studies on the use of medical marijuana;
- Transparency of process;
- Draft Finding and importance of indemnification language;
- Example of federal government conflicting itself and enforcing marijuana laws:
 - Client using a Section 8 Housing Choice Voucher was denied housing in Marion County because the federal government is enforcing marijuana laws for new admissions.
- Allowing dispensaries in agricultural lands conflicts with state law and land use codes. Must be in conjunction with the farm use;
- Disagree with process and limit availability to medical marijuana in Marion County;
- Addictiveness of marijuana;
- Use of marijuana as medicine; and
- Elected to represent and protect Marion County.

Commissioner Brentano recessed the meeting for a short break at 11:55 a.m.
 Commissioner Brentano reconvened the meeting at 12:00 p.m.

Video Time (02:42:40)

3. Consider approval of the 2014 Federal Agenda. – Barb Young, Marion County; Joel Rubin and Julie Crockett, CFM Strategic Communications

Summary of presentation:

- 2014 Federal Agenda PowerPoint presentation (Attachment B);
- Secured \$11.5 million in grant and earmark funding since 2007;
- Marion County’s reentry program world renowned and recognized in Washington DC as one of top programs in county;
- Opportunity to receive some of the \$15 million requested for North Canyon Economic Distress Plan; and
- Oregon in good position in terms of leadership since 1995.

Board discussion:

- Thanked CFM Strategic Communications for presentation, partnership, and assistance with preventing pending ban on night flights at Aurora State Airport; and
- Thanked Government Relations Manager Barb Young for her work.

MOTION: Commissioner Milne moved approval of the 2014 Federal Agenda.
 Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Video Time (03:07:00)

4. Consider approving a ten-year lease agreement with Dorothy Rush Nolan and Aleta Marie Stier, Co-Trustees of the Alford Robert Nolan Jr., Credit Shelter Trust, and Dorothy Rush Nolan and Aleta Marie Stiers, Co-Trustees of the Dorothy Rush Nolan Living Trust for office space at 4660 Portland Road, N.E. for operation of the Marion County Justice Court. – John Lattimer, Bruce Armstrong

Summary of presentation:

- 10-year lease agreement for Justice Court at 4660 Portland Road NE;
- Worked with Terri Frohnmayer to find property;

- Lease approved by county's legal counsel and landlord's attorney; and
- Monthly rent \$5,822.00. Substantial savings from previous facility's lease;

Board discussion:

- Additional parking;
- \$1 per square foot;
- County responsible for maintenance and janitorial of internal premises;
- Landlord responsible for structural maintenance and building systems;
- Previous property county considered on Portland Road .89 cents per square foot;
- Requires more tenant improvements than other Portland Road property;
- Court security most expensive part of operation. May be done in steps;
- Two ADA bathrooms will need to be built;
- Tenant improvements design to be completed and then sent out for bid;
- Approximately \$240,000 budgeted;
- Landlord contributing \$88,000;
- Lease agreement requires tenant improvement be completed by June 1, 2014;
- Requested briefing on project;
- Concern expressed with process;
- 10-year lease:
 - Better lease rate;
 - Secures long-term location; and
 - Two renewal options at 5-years.
- Tenant improvements may not be completed by June 1, 2014, deadline if contract delayed; and
- Schedule meeting to discuss project budget.

MOTION: Commissioner Carlson moved approval of a ten-year lease agreement with Dorothy Rush Nolan and Aleta Marie Stier, Co-Trustees of the Alford Robert Nolan Jr., Credit Shelter Trust, and Dorothy Rush Nolan and Aleta Marie Stiers, Co-Trustees of the Dorothy Rush Nolan Living Trust for office space at 4660 Portland Road, NE, for operation of the Marion County Justice Court. Seconded by Commissioner Brentano; motion carried. A voice vote was two for; one against (Commissioner Milne voted against).

Video Time (03:29:37)

HEALTH

5. Consider approval of the annual update of the Public Health Services Plan. – Rod Calkins, Pam Hutchinson

Summary of presentation:

- Board of Commissioner are local public health authority;
- Public Health Plan is required to receive funding from Oregon Public Health Division for public health services;
- Allows county to improve and promote the health of individuals in community;
- Previously discussed at Management Update meeting on the February 10, 2014;

Board discussion:

- Three-Year Health Plan now separated into four documents:
 - Executive Summary and Approval;
 - Community Health Assessment;
 - Strategic Plan for Public Health Services; and
 - Quality Action Plan.
- Community Health Improvement Project:
 - Involves entire county,
 - Working to prevent adult obesity;
 - Increase family healthy activity and foods;
 - Identified priority issues in 2011:
 - 10-key indicators included in the Community Health Assessment.
- Board of Commissioners and Health Department to work together on future community forum to gather community input;
- Health Department brochures good resource for community;
- Importance of promoting good health; and
- Concern about children having access to products/healthcare without parental consent.

MOTION: Commissioner Carlson moved approval of the annual update of the Public Health Services Plan. Seconded by Commissioner Brentano; motion carried. A voice vote was two for; one against (Commissioner Milne voted against).


**PUBLIC HEARING
9:30 A.M.**

None.

Commissioner Brentano read the calendar.

Commissioner Brentano adjourned the meeting at 12:12 p.m.

Attachments: (A) Draft ordinance
(B) 2014 Federal Agenda PowerPoint presentation



CHAIR



COMMISSIONER

Board Session can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7I78>.

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BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

In the Matter of Regulating Medical)
Marijuana Dispensary Facilities in the)
Unincorporated Area of Marion County,)
Establishing a Permit Process, and)
Declaring an Emergency)

ORDINANCE NO. _____

WHEREAS, on February 5, 2014, the Marion County Board of Commissioners, Marion County Sheriff, and Marion County District Attorney adopted Resolution No. '14R-4 opposing the legalization of marijuana and finding that allowing the operation of medical marijuana facilities to be contrary to their oaths to support the Constitution of the United States of America and the Constitution of the State of Oregon and the laws thereof, and detrimental to public peace, health and safety; and

WHEREAS, the public policy of Marion County is against legalization of marijuana; marijuana is illegal under federal law; federal law enforcement authorities by policy will not enforce federal law if state laws meet the eight federal priorities; state law has set up a conflict of laws by allowing medical marijuana and medical marijuana facilities without assurance that the state program meets these federal priorities, as well as inappropriately designating agricultural land as an allowable location for a medical marijuana facility, as more fully discussed in the findings attached as Exhibit A;

NOW THEREFORE,

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

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SECTION 1. TITLE

This ordinance adopts a new chapter to the county code and shall be known as the medical marijuana dispensary facilities ban and ban exemption permit ordinance of Marion County.

SECTION 2. FINDINGS AND PURPOSE

A. The board adopts the findings attached to this ordinance as findings to support this chapter.

B. The purpose of this ordinance is to enact a new chapter of the Marion County Code on the subject of medical marijuana dispensary facilities, which explicitly prohibits medical marijuana dispensary facilities in the unincorporated area of Marion County, particularly in farm and forest zones, and provides for a ban exemption permit for medical marijuana dispensary facilities in commercial, industrial or mixed use zones. This prohibition will be enforced until such time as the manufacture, distribution, and possession of medical marijuana is not prohibited under federal law.

C. This chapter is not intended to regulate the possession, cultivation or use of medical marijuana at a registered marijuana grow site or by anyone who is a registry identification cardholder.

SECTION 3. PROHIBITED ACTIVITIES

A. It is unlawful to operate, use or allow the operation of a medical marijuana dispensary facility in the unincorporated area of Marion County without having a current ban exemption permit under this chapter.

B. It is unlawful to lease, rent or otherwise allow any medical marijuana dispensary facility in any building, structure, premises, location or land in the

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unincorporated area of Marion County unless the medical marijuana dispensary facility business has a current ban exemption permit.

SECTION 4. USE NOT PERMITTED IN ANY FARM OR FOREST ZONE

The use of any building, structure, location, premises or land for a medical marijuana dispensary facility is not allowed in any farm or forest zone.

SECTION 5. BAN EXEMPTION PERMIT REQUIRED

A. Commercial or industrial zoned land. A medical marijuana dispensary facility may be located in commercial or industrial zones in the unincorporated area of Marion County only if the business has first obtained a ban exemption permit.

B. Mixed use zoned land. A medical marijuana dispensary facility may be located in a mixed use zone in the unincorporated area of Marion County only if the nature of the mixed use zone is not primarily residential, farm or forest uses, and if the business has first obtained a ban exemption permit.

SECTION 6. APPLICATION FOR BAN EXEMPTION PERMIT

A. After March 1, 2014, a person or entity seeking a ban exemption permit shall submit an application to the county on forms provided by the county. At the time of application, applicant shall pay a nonrefundable application fee to cover the costs incurred by the county in processing the application.

B. The applicant shall be the individual to whom the Oregon Health Authority ("OHA") has granted a permit pursuant to Chapter 726, Oregon Laws 2013 and the corresponding administrative rules.

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C. The applicant shall submit a separate application and pay a separate application fee for each physical location for which the applicant seeks a ban exemption permit.

D. The applicant shall provide the following information on the application form and other required information in support of the application:

1. Name of the business and business location;
2. Name of the business owner and manager (if different);
3. Copy of OHA permit for the business;
4. Confirmation of passing a criminal background check performed by the sheriff pursuant to ORS 181.533 and OAR 257-010-0025(1)(a) for all owners, employees, or volunteers that will work at the location identified in subsection 1 above;
5. Written authorization for OHA to disclose information to Marion County about the business and the applicant in conjunction with the OHA permit;
6. The permit holder shall save harmless, indemnify, and defend Marion County and any of its elected officials, officers, employees or agents for any and all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of or resulting from county liability to agencies of the federal government pursuant to contracts or grants from those federal agencies occurring due to the issuance of a ban exemption permit to the permit holder;
7. The permit holder shall waive liability against Marion County and any of its elected officials, officers, employees or agents for any claims arising out of the revocation of or refusal to grant a permit; for any claims alleging a taking or inverse condemnation due to revocation of or refusal to permit a particular location or relocation

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of a permitted facility for failing to satisfy all the requirements of a permit; or for any actions taken or not taken by Marion County pursuant to a permit;

8. The permit holder shall waive liability against Marion County and any of its elected officials, officers, employees or agents for any claims for any lawful arrest or prosecution of the applicant or any employees, clients or customers for a violation of federal or state criminal laws.

SECTION 7. TERM AND RENEWAL OF BAN EXEMPTION PERMIT

A. A ban exemption permit is effective upon the date of its issuance and expires at the end of the 365th day (one year) following its issuance.

B. In order to renew a ban exemption permit, the applicant shall submit an application to the county on forms provided by the county no more than ninety and at least sixty days prior to the expiration of the existing ban exemption permit. A renewal application shall contain all of the information and documentation required of an original application pursuant to subsection D of section 6 of this chapter.

C. At the time of filing a renewal application, applicant shall pay a nonrefundable application fee to cover the costs incurred by the county in processing the renewal application.

D. If a specific location that is the subject of a renewal application has a documented history of law enforcement contacts during the time that the specific location has been permitted under this chapter, the Sheriff may recommend denial of a renewal application. In the event that the Sheriff recommends denial of a renewal application, the Sheriff shall forward the recommendation to the planning division. The planning division may issue a notice of denial based upon the Sheriff's recommendation. Denial

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of a renewal application based upon the Sheriff's recommendation may be reviewed by the hearings officer pursuant to section 12 of this chapter.

SECTION 8. BAN EXEMPTION PERMIT REGULATIONS

A person or entity having or required to obtain a ban exemption permit for a medical marijuana dispensary business shall comply with the following regulations:

A. The person or entity shall comply with all building code and zoning requirements applicable to the property on which the business is located.

B. The person or entity shall comply with all federal, state, and local laws applicable to the business.

C. The medical marijuana dispensary facility cannot be located within 1000 feet of any boundary of a property containing a pre-kindergarten, Head Start program, community learning center, or child care facility regulated pursuant to ORS chapters 329 or 329A, a relief nursery regulated pursuant to ORS chapter 417, a public park, or a location prohibited by OHA regulations, which currently include being located within 1000 feet of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors, or within 1000 feet of another medical marijuana dispensary facility.

D. The business shall comply with chapter 8.25 of the Marion County Code, the alarm system control ordinance.

E. All employees and volunteers of the business must submit to a criminal background check by the sheriff pursuant to ORS 181.533 and OAR 257-010-0025(1)(a). It shall be a violation of this ordinance if an employee or volunteer has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II within

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five years of the date of the criminal background check; has been convicted more than once of the manufacture or delivery of a controlled substance in Schedule I or Schedule II at any time; or has been convicted of any of the following crimes at any time: criminal mistreatment based upon the unlawful manufacture of a controlled substance, child neglect I, racketeering, use of minor in controlled substance offense, manufacture or delivery of hydrocodone within 1000 feet of a school, manufacture or delivery of a controlled substance within 1000 feet of a school, causing another to ingest a controlled substance, application of a controlled substance to the body of another person, or felony driving under the influence of intoxicants.

F. The person or entity shall keep all real and personal property tax accounts current for the business for which it is the taxpayer.

G. The business may not be operated as a home occupation in any zone.

H. No minors are allowed on the business premises.

I. No consumption of medical marijuana is allowed on the business premises. The business must comply with the Oregon indoor clean air act that prohibits indoor tobacco smoking. The business may not be co-located with a tobacco smoking lounge, or any kind of medical marijuana social club where medical marijuana is consumed.

SECTION 9. NO VESTED OR NONCONFORMING RIGHTS

This chapter prohibits medical marijuana dispensary facilities and other facilities for the storing or dispensing of marijuana in the unincorporated area of Marion County. Neither this chapter nor any other provision of the Marion County Code, or any action, failure to act, statement, representation, certificate, approval, or permit issued shall

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create, confer or convey any vested or nonconforming right or benefit regarding any medical marijuana business, medical marijuana dispensary facility or other facility that is prohibited by this chapter.

SECTION 10. VIOLATIONS

Any violations of this chapter may be enforced including but not limited to as set forth in the Enforcement Ordinance, and by seeking administrative, injunctive, or other judicial relief. In addition, violations of this chapter may be deemed a public nuisance and may be abated by the county as a public nuisance.

SECTION 11. DENIAL OR REVOCATION OF A PERMIT

A. An application may be denied unless the applicant satisfies all the application requirements and regulations set forth in this chapter.

B. A permit may be revoked if the person or entity issued the permit fails to satisfy all the application requirements and regulations set forth in this chapter at any time after issuance of the permit, and the unsatisfied application requirement or regulation cannot be remedied within the time specified in the notice of revocation sent to the person or entity.

C. A permit may be suspended if the person or entity issued the permit fails to satisfy an application requirement or regulation set forth in this chapter at any time after issuance of the permit, but the unsatisfied application requirement or regulation can be remedied within the time specified in the notice of suspension sent to the person or entity. Upon satisfaction of the application requirement or regulation, the notice of suspension will be withdrawn.

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SECTION 12. APPEAL PROCEDURE

A. If an application is denied or a permit is revoked or suspended, the applicant or permit holder may appeal the denial, revocation or suspension to the hearings officer. Appeals must be in writing and filed within 15 days after receipt of notice of the denial, revocation, or suspension. The appeal shall be filed in the office of the Marion County planning division, accompanied by a nonrefundable appeal fee to cover the costs incurred by the county in processing the appeal.

B. The appeal shall set forth the following:

1. The name and address of the applicant or permit holder;
2. The proposed (for a denial) or current (for a revocation or suspension) location of the facility in question;
3. Whether the decision being appealed is a denial, revocation, or suspension; and
4. The reason the decision is incorrect.

C. The hearings officer shall hear the appeal within a reasonable time of the receipt of the appeal. At least 10 days prior to the hearing, the county shall mail notice of the time and location of the hearing to the applicant or permit holder.

D. The hearings officer shall determine whether the applicant or permit holder satisfies all the application requirements and regulations set forth in this chapter on the basis of the appellant's written statement and any relevant additional evidence submitted. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The planning division may appear with or without counsel. The planning division may present testimony and oral argument personally or by counsel.

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The burden of proof shall be on the planning division by a preponderance of the evidence.

E. The hearings officer shall issue a written decision within a reasonable time of the hearing date. The written decision of the hearings officer is final. Appeal of the hearings officer's decision shall be only by writ of review under ORS Chapter 34.

SECTION 13. FEES

Fees specified in this chapter shall be set by board order.

SECTION 14. SEVERABILITY

Should any section of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction that decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

SECTION 15. DECLARATION OF EMERGENCY

This ordinance being necessary for the preservation of the health, safety, and welfare of the community, an emergency is declared to exist and this ordinance will take effect immediately upon passage.

Adopted this _____ day of _____, 2014, at Salem, Oregon.

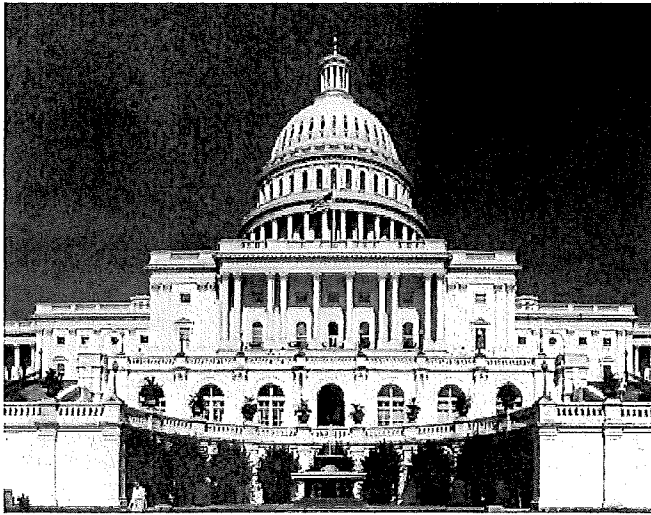
MARION COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

Marion County Board Update

CFM Federal Affairs

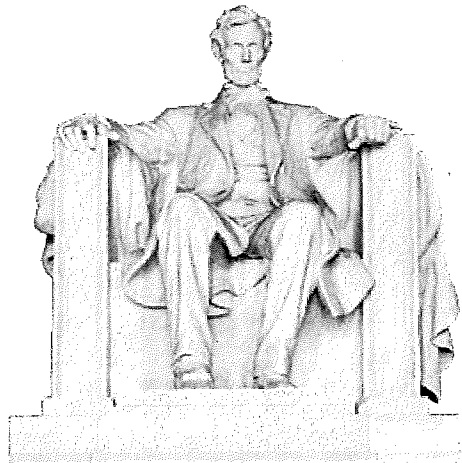


February 19, 2014

cfm
strategic communications, inc.

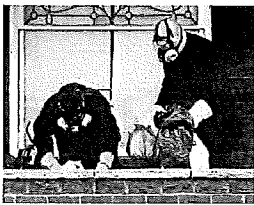
Introduction

- Project and Policy Successes
- Comprehensive Approach
- Budget Outlook
- 2014 Federal Agenda
- Legislative Outlook



Past Successes 2007 – 2012

- Meth lab surveillance, seizure and cleanup - \$1.2 million
- Kids First Anti-Meth Initiative - \$1.6 million
- Meth Crime Lab Enhancement - \$600,000
- Stimulus Transportation Funding - \$563,000
- Meth Treatment Support - \$450,000
- Second Chance Act Grant Funding - \$303,000
- Parole and Probation Laptop Computer - \$150,000
- Mental Health Transition Housing - \$150,000
- Parole and Probation/Crime Prevention Vehicle - \$90,000
- Marion County Reentry Initiative - \$296,000
- COPS Hiring – One Officer (3 years) - \$268,779
- Woodburn Interchange - \$3.34 million
- North Fork Road - \$802,600
- Marion County Reentry Initiative - \$800,000

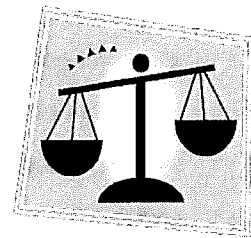


\$11.5 million in grant and earmark funding since 2007 (\$1.64 million/year)

2013 Successes

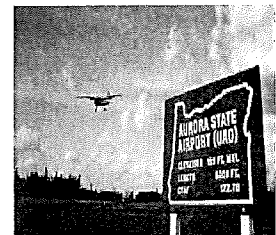
2013 Grant Awards

- Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorders : **\$599,963**
- Adult Drug Court Discretionary Grant Program: Implementation Veterans Treatment Docket: **\$348,435**



2013 Policy Successes

- Secured \$67.7 million for Second Chance Act Funding, 5.7% more than FY13
- Worked with Rep. Schrader, the FAA, Oregon Aviation Department, ODOT local users to prevent a pending ban on night flights at the Aurora Airport
- Extended Secure Rural Schools for 2014 – Approximately \$1.96 million for Marion County in FY13
- Maintained funding for important domestic discretionary programs - CDBG, BYRNE, COPS, AFG, TIGER, SCAAP, EPA Brownfield, EDA and USDA Rural Development
- Passage of House O&C Lands Proposal; Wyden Bill Introduced



Comprehensive Approach



- Specific and Broad Funding Advocacy
- Relationships with White House, Congress, DOT, DOJ, EDA, NACo, USDA, EPA
- Track, Monitor and Summarize legislation important to Marion County
- Grant Research, Notification, Advocacy and Follow Up
- DC and Marion County visits
- Regular Updates

2014 Federal Agenda

Grant Projects

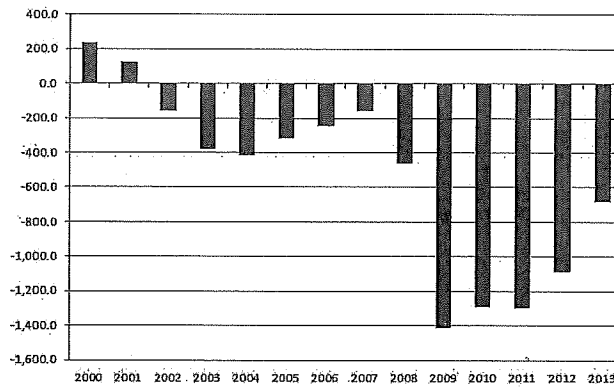
	<u>Request</u>
• Reentry Initiative	\$800,000
• North Canyon Economic Distress Plan	\$15 million
• Mental Health Courts Service Expansion	\$300,000
• Replacement of Jail Records Management System	\$1.5 million

Policy Initiatives

- Responsible, Sustainable Solutions for the O&C Lands
- Second Chance Act Funding and Reauthorization
- Secure Rural Schools Reauthorization
- Repeal Inmate Exception for Federal Health Benefits
- Support Robust Transportation Reauthorization Bill
- Support funding for COPS, CDBG, TIGER, EDA, EPA Brownfields and USDA Rural Development Community Facilities and Water Programs
- Waste-to-Energy- Development of a Clean Energy Standard and EPA Regulatory Concerns
- Protect Municipal Bonds

Federal Budget Picture

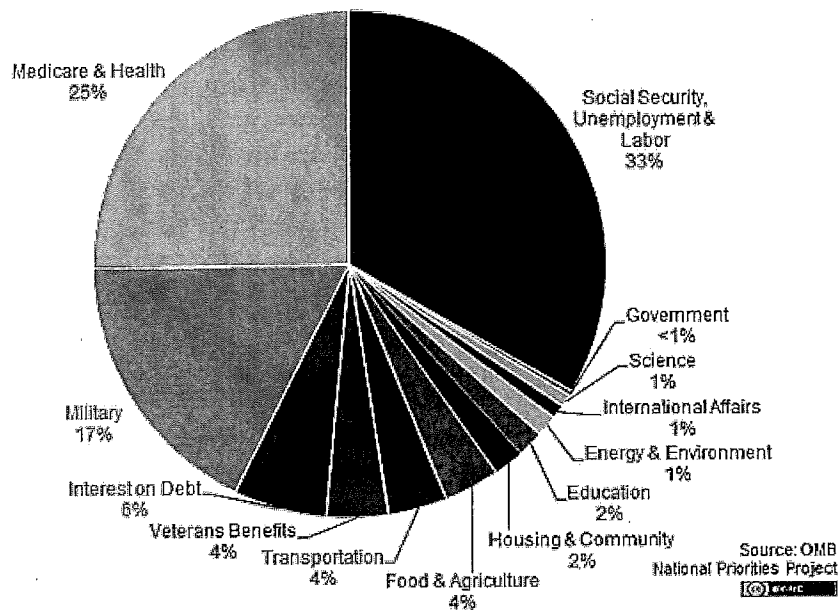
The U.S. government budget surplus/deficit, in billions



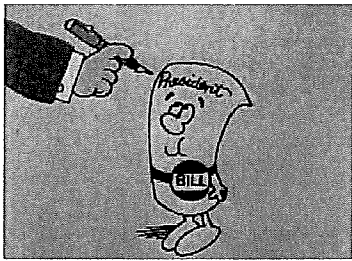
Year	Receipts	% of GDP	Outlays	% of GDP
2012	\$2.449 trillion	15.2%	\$3.538 trillion	22%
2013	<u>\$2.774 trillion</u>	<u>16.7%</u>	<u>\$3.454 trillion</u>	<u>20.8%</u>
Change	\$325 billion		\$84 billion	
Historical Avg		18.1%		20.1%

Federal Budget Picture

President's Proposed Total Spending (Fiscal Year 2014)



2014 Legislative Outlook



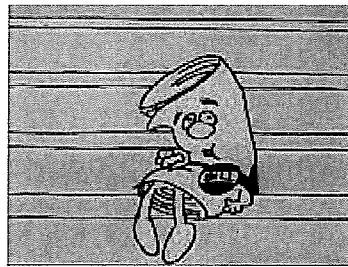
Action Complete, Likely or Possible

Complete

- FY14 Omnibus
 - Farm Bill
- Debt Limit Increase

Pending

- Water Resources Development
- Transportation Reauthorization
- XL Pipeline (Administrative Approval)

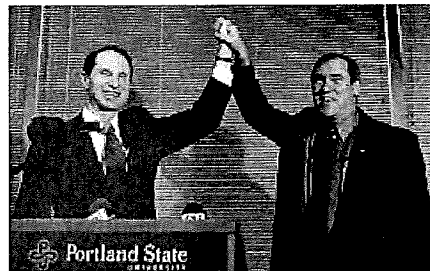
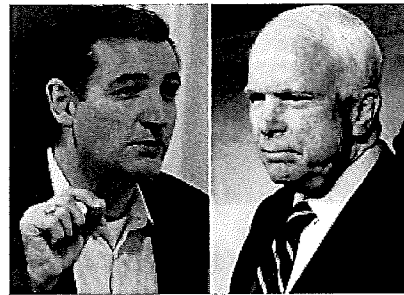


Congressional Gridlock

- Comprehensive Immigration Reform
- Gun Control
- Climate Change
- Comprehensive Tax Reform
- Long Term Deficit Reduction Plan

Showdown Politics

- Government Shutdown Calculus
- Obamacare
- Afghanistan/Iran
- Oregon Leadership
- Election Nov. 2014





Questions?

