

WORK SESSION MINUTES

January 23, 2014

9:00 a.m.

Commissioners' Office Conference Room

PRESENT: Commissioners Mary P. Stern, Allen Springer, and Kathy George

STAFF: Laura Tschabold, Christian Boenisch, Todd Sadlo, Brad Berry, Jack Crabtree, and Ken Friday

GUESTS: Nathalie Hardy, News-Register; Arlene Bryant, 1553 SW Shirley Ann Dr, McMinnville; Jim Galba, 2283 NE Bunn Rd, McMinnville; and Neal Lockhart, 945 E Main, Carlton.

TOPIC: Medical Marijuana Dispensaries

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

Mary stated that she would like to get input from the group about medical marijuana dispensaries in Yamhill County before she attends the panel discussion on the subject on January 30.

Jack Crabtree stated that he had served on the Rules Advisory Committee (RAC) to advise the director of the Oregon Health Authority (OHA) on how to set up implementation rules for dispensaries under HB 3460, which was passed into law. He said that there are problems with the law, however, that limit what can be done to make it a good program. He stated that the governor has called for extraordinarily vigorous enforcement of dispensaries, but the law so severely limits the revenue that can be collected for the program that only about 70 dispensaries in the state could be effectively monitored. He said that he is concerned about the safety of both dispensary workers and customers. He stated that edible products laced with THC, such as caramel popcorn, ice cream bars, candy, and soft drinks, are being marketed to youth, and there is no way to protect the children with the law as it is currently written. He stated that there is currently a push to allow dispensary workers to be under the influence of marijuana while on the job, and that is irresponsible.

He said that he and other RAC members had compiled a list of changes that need to be made to the law, but it is unlikely that the issues will be addressed by the legislature before the law goes into effect, and it will be much more difficult to go back and fix the law after it's gone into effect. He said that he does not believe the county is ready for this, and it is up to the Board to decide whether it wants to make efforts to limit or curtail dispensaries in the rural county.

Brad Berry agreed that the proposed revisions would not likely even get a hearing during the February legislative session, so the Board has to consider the law as it is now. He said that having dispensaries will not change the backdrop of the illegal trade that is currently going on. He encouraged the commissioners to listen to a presentation by Dr. Kevin Sabet, researcher, on the myths regarding marijuana. He said that research on the effects of marijuana was prohibited by the federal government for years, but according to studies now coming out, most conditions argued to be benefitted by marijuana are not, and all of the studies show harmful effects. He said that there

are far more restrictions on the use of tobacco than there will be on marijuana, and the total lack of regulations on dispensaries is irresponsible.

Christian Boenisch stated that the legislative counsel's opinion is that any ordinances passed by local jurisdictions to limit or ban dispensaries would be preempted by state law if challenges were filed against them. He said that the less restricting the ordinance, the more defensible it would be. Todd Sadlo said that the county could attempt to restrict dispensaries either under a nuisance ordinance or through zoning restrictions.

Ken Friday discussed current zoning restrictions and said that the Neighborhood Commercial zone is the only zone that could support a "similar use" application for dispensaries, and that would require the applicant to show that the proposed use is similar in character and scope to a use already permitted in the zone. He expressed concern that dispensary applications could be approved by OHA without the county even knowing where they are. He said that he would like to see a system that requires the county to sign off on applications, similar to the system used by the Oregon Liquor Control Commission (OLCC) for winery applications.

Allen stated that he is sympathetic to some of the benefits of marijuana, but from the business and legal side of it, he wants to see the process ironed out before the county gets involved in allowing dispensaries. He agreed that there needs to be similar regulations to what OLCC has in place for liquor control.

Mary agreed that there are serious issues regarding safety and marketing to youth, but pointed out that the county may be on the forefront of legal challenges if it doesn't comply with the law.

Kathy said that if the county doesn't do something to slow this down, she expects that there will be an initiative brought by the people to stop it, followed by lawsuits against the county. She said if the county is going to face potential legal challenges either way, she would rather defend a decision to slow down the process and protect the public while waiting for input from citizens and lawmakers. Brad agreed, stating that crafting an ordinance would give the Board more control over the language than waiting for a voter initiative.

Mary suggested holding a public hearing to gather citizen input on the issue before making a decision. Kathy agreed.

The meeting adjourned at 10:03 a.m.

Anne Britt
Secretary