

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR JOSEPHINE COUNTY**

ORDINANCE NO. 2014-002

AN ORDINANCE DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES

WHEREAS, the 2013 Oregon Legislature enacted House Bill 3460 which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities; and

WHEREAS, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution; and

WHEREAS, the determination of whether a certain type of business should operate within a local government's jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction; and

WHEREAS, the 2014 Oregon Legislature enacted Senate Bill 1531, which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and

WHEREAS, the Josephine County Board of Commissioners believes it is in the best interests of the health, safety and welfare of the citizens of Josephine County to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Josephine County;

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County ordains as follows:

SECTION 1.00 TITLE

This Ordinance shall be known as the Josephine County Medical Marijuana Moratorium Ordinance.

SECTION 2.00 PURPOSE AND INTENT

The purpose of this Ordinance is to protect the interests of the health, safety and welfare of the citizens of Josephine County by enacting a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Josephine County.

SECTION 3.00 MORATORIUM DECLARED

The operation of any medical marijuana facility within Josephine County and outside the incorporated cities of Grants Pass and Cave Junction is hereby prohibited. 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 4.00 DURATION OF MORATORIUM

The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.

SECTION 5.00 ENFORCEMENT

The Sheriff of Josephine County is charged with enforcement of this moratorium.

SECTION 6.00 REMEDIES NOT EXCLUSIVE

The remedies available under Senate Bill 1531 (2014) 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 Josephine County Board of Commissioners to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

SECTION 7.00 SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held by any Court of competent jurisdiction to be invalid, then the invalidity shall 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.

SECTION 8.00 EFFECTIVE DATE

First reading by the Board of County Commissioners this 2nd day of April, 2014.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 16th day of April, 2014. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

**JOSEPHINE COUNTY
BOARD OF COMMISSIONERS**

Absent at Signing

Cheryl Walker, Chair

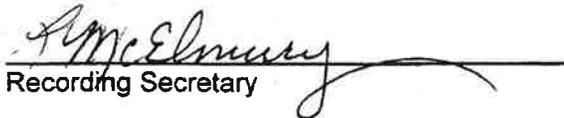


K. O. Heck, Vice Chair



Simon G. Hare, Commissioner

ATTEST:


Recording Secretary

APPROVED AS TO FORM:


Steven E. Rich, Legal Counsel

**BEFORE THE BOARD OF COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON**

In the Matter of Establishing a Policy to Encourage }
Entrepreneurs and Economic Development by }
Allowing Marijuana Processing in the }
Commercial Zones of Josephine County }

ORDER NO. 2016-003

Whereas, at the November 4, 2014 election, the voters of the State of Oregon passed Measure 91 to legalize recreational marijuana, which came into effect July 1, 2015; and

Whereas, less than 55 per cent of the voters of Josephine County voted against Measure 91, Josephine County did not "opt out" as allowed by House Bill 3400; and

Whereas, House Bill 3400 allows a county to impose reasonable policies and regulations on marijuana operations licensed by the Oregon Liquor Control Commission; and

Whereas, the Board of Commissioners intends to maximize the economic development opportunities for legal marijuana and affiliated business operations in Josephine County; and

Whereas, The Josephine County Rural Land Development Code (RLDC), Section (§) 60.060.A permits the County to rule that an unlisted use is allowed within a given zone if (1) the proposed use is not listed, and (2) the use is similar to one or more listed uses in that their general activities are alike and the resulting impacts are similar in type and intensity; and

Whereas, the Board of Commissioners finds that:

- (1) Marijuana processing, as described by OAR 845-025-1015(28), is not a listed use in the Commercial zones of Josephine County; and
- (2) Marijuana processing is similar to meat processing and packing as listed in RLDC §62.020.C.33; and
- (3) Per RLDC §100.040, unless specifically modified, all uses allowed in the county are also allowed in the Community Commercial (CC) zone within the Merlin-North Valley Unincorporated Community.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

Marijuana processing operations shall be ruled a similar use to meat packing in the Commercial zones in Josephine County (RC, CC) subject to all applicable provisions of the Josephine County Rural Land Development Code.

DATED this 3rd day of February, 2016

JOSEPHINE COUNTY BOARD OF COMMISSIONERS



Cheryl Walker, Chair



K.O. Heck, Vice-Chair



Simon Hare, Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON

In the Matter of Authorizing the Josephine)
County Planning Director to Initiate a Land)
Use Application to Amend the Rural Land)
Development Code to allow Agricultural Uses) RESOLUTION No. 2016-031
in Industrial Zones.)

WHEREAS, the Board of Commissioners has considered the impact of allowing agricultural uses, including the production of marijuana, in industrial zones in Josephine County; and

WHEREAS, the Board has determined that allowing agricultural uses in industrial zones offers an additional development option for such zones, and that such options may contribute to economic growth in Josephine County; and

WHEREAS, the Josephine County Rural Land Development Code (RLDC) currently does not specifically allow agricultural uses in industrial zones; and

WHEREAS, the Board directed the Planning Director to prepare a draft text amendment to the RLDC and to initiate a land use application, pursuant to RLDC Article 31.030.D and Article 46.030, to consider and adopt amendments to the RLDC as provided by the county's comprehensive plan; now, therefore,

IT IS HEREBY RESOLVED that the Planning Director is authorized to initiate an application for review of the proposed text amendment to allow agricultural uses in industrial zones, consistent with the requirements of the county's comprehensive plan, and

IT IS FURTHER RESOLVED that the Planning Director is authorized to schedule the matter for a hearing before the Josephine County Planning Commission to present the amendments for consideration in a public hearing.

DATED THIS 20th day of April, 2016.

JOSEPHINE COUNTY BOARD OF
COUNTY COMMISSIONERS


Cheryl Walker, Chair

Absent at Signing

K.O. Heck, Vice Chair


Simon G. Hare, Commissioner

APPROVED AS TO FORM:


M. Wally Hicks, Legal Counsel

In the Matter of an Ordinance for a Text Amendment of the Josephine County Rural Land Development Code (Ord. 85-11 as Amended) to add a permitted use at Article 63 (Rural Industrial Zone); at Article 101.3 (Merlin-North Valley Community Light Industrial Park Zone); and at Article 101.4 (Merlin-North Valley Community Industrial Zone).

Text Amendment to Add the Following Permitted Use to the Josephine County Rural Land Development Code:

ARTICLE 63 – RURAL INDUSTRIAL ZONE

63.020 – PERMITTED USES

- F. Industrial – Agricultural Enterprise, Commercial [see definition in Section 11.030]
 - 1. Agricultural, farming and farm use.

ARTICLE 101.3 – COMMUNITY LIGHT INDUSTRIAL PARK ZONE

101.320 – PERMITTED USES

- G. Agricultural, farming and farm use.

ARTICLE 101.4 COMMUNITY INDUSTRIAL ZONE

101.420 PERMITTED USES

- G. Agricultural, farming and farm use.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON**

In the Matter of Authorizing the Josephine)
County Planning Director to Initiate a Land)
Use Application to Amend the Rural Land)
Development Code to Provide for) **RESOLUTION No. 2016-042**
Regulation of Marijuana Production in)
Rural Residential Zones)

WHEREAS, the Board of Commissioners has considered the impact of marijuana production in Rural Residential zones in Josephine County; and

WHEREAS, the Josephine County Rural Land Development Code (RLDC) currently does not provide for regulation of Marijuana production in Rural Residential zones; and

WHEREAS, the Board has determined that it is in the best interest of the citizens of Josephine County to review and examine options for potential regulation of marijuana production in rural residential zones in the County; and

WHEREAS, the Board may direct the Planning Director to prepare draft text amendments to the RLDC and to initiate a land use application, pursuant to RLDC Article 31.030D and Article 46.030, to consider and adopt amendments to the RLDC as provided by the county's comprehensive plan; now, therefore,

IT IS HEREBY RESOLVED that the Planning Director is authorized to initiate an application for review of proposed text amendments that provide for regulation of marijuana production in Rural Residential zones, which shall include, but not be limited to, setback and fence height requirements.

IT IS FURTHER RESOLVED that the Planning Director is authorized and directed to schedule the matter for a hearing before the Josephine County Planning Commission to present the amendments for consideration in a public hearing.

DATED THIS ____ day of _____, 2016.

**JOSEPHINE COUNTY BOARD OF
COUNTY COMMISSIONERS**

Cherryl Walker, Chair

K.O. Heck, Vice Chair

Simon G. Hare, Commissioner

APPROVED AS TO FORM:

M. Wally Hicks, Legal Counsel

ARTICLE 61 - RURAL RESIDENTIAL ZONES

61.010 - PURPOSE

The purpose of this zone is to preserve the rural character of Josephine County while providing areas for rural residential living. This zone provides a classification for lands already committed to residential development, or for lands which have been excepted from the statewide planning goals on agriculture and forest lands. Densities established by this zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality.

61.020 - PERMITTED USES

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22). All uses shall also meet the applicable development standards listed in Section 61.060 of this Article. In all cases, a Development Permit (Article 41) is required as final permit approval.

- A. Accessory buildings, including private garage or carport, guest house, greenhouse, stable, barn, pen, coop, or other similar buildings normally required in connection with a use specified in Section 61.020 and subject to the provisions of Sections 61.060 and 72.060
- B. Agriculture, farming and farm use as defined in Section 11.030, subject to the standards provided in Section 61.060, and also subject to the further limitations that all products must be produced on the property and commercial feed lots are prohibited
- C. Family day care dwelling for fewer than 13 children, including children of the care provider, regardless of full-time or part-time status
- D. Farm and forest products stands limited to products produced on the land
- E. Forest management, production and harvesting of timber resources, as defined in Section 11.030
- F. Public road and highway construction and reconstruction projects, to include temporary detours and temporary maintenance and material yards during projects, and permanent weigh stations and rest areas (road and highway projects may include the placement of utility facilities)
- G. Residential care home
- H. Residential care facility
- I. Single-family dwelling or manufactured dwelling
- J. Single-family dwelling for a farm worker and the farm worker's immediate family