

**FILED
WASCO COUNTY**

2016 JAN 15 PM 3 43

**LISA GAMBEE
COUNTY CLERK**

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF WASCO COUNTY, OREGON

IN THE MATTER OF THE WASCO COUNTY PLANNING)
DEPARTMENT'S REQUEST TO APPROVE THE PROPOSED)
LEGISLATIVE AMENDMENTS CONTAINED IN PLALEG-15-11-0001)
TO UPDATE THE LAND USE AND DEVELOPMENT ORDINANCE) **ORDINANCE NO. 16-001**
RELATED TO THE TIME, PLACE, AND MANNER OF THE)
PRODUCTION, PROCESSING, WHOLESALING, AND RETAILING)
OF RECREATIONAL AND MEDICAL MARIJUANA,)
PURSUANT TO OREGON HOUSE BILL 3400)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and all of the Wasco County Board of Commissioners being present; and

WHEREAS, the following areas have been identified to be amended to regulate the time, place, and manner of the production, processing, wholesaling, and retailing of recreational and medical marijuana in the Wasco County Land Use & Development Ordinance: the addition of Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing) and changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation).

WHEREAS, the Wasco County Board of Commissioners held publically noticed town hall meetings to receive and consider public input on the marijuana businesses and authorities provided by

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House Bill 3400. The town hall meetings occurred on September 17, 2015 in Dufur, Oregon and September 21, 2015 in Mosier, Oregon.

WHEREAS, on October 21, 2015, the Wasco County Board of Commissioners directed the Wasco County Planning Department to initiate text amendments to the Ordinance related to the above matter pursuant to Chapter 9, Section A of the Wasco County Land Use & Development Ordinance.

WHEREAS, the Wasco County Planning Department sent notification to Department of Land and Conservation and Development (DLCD) pursuant to ORS 197.610 on November 11, 2015 and all affected property owners pursuant to ORS 215.503 (M56) on November 24, 2015; and

WHEREAS, the Wasco County Board of Commissioners appointed the Wasco County Planning Commission to host public work sessions on the subject. The four work sessions were open to the public and notified for public participation (occurred November 3, 9, and 23, 2015 and December 1, 2015).

WHEREAS, on December 16, 2015 and December 21, 2015 tow noticed public hearings before the Planning Commission were held in Wasco County to receive and consider public input specific to the staff proposal resulting from the work sessions. The Planning Commission reviewed the recommendations by staff, background information, and received public testimony. On December 21, 2015 the Planning Commission voted to elevate the request for legislative text amendments to the Wasco County Land Use & Development Ordinance with a recommendation of approval to the Wasco County Board of Commissioners with additional amendments (vote: 4 yes, 0 no, 1 abstained); and

WHEREAS, on December 28, 2015 the Wasco County Board of Commissioners met to conduct the first of two legally notified public hearings on the above matter. The Wasco County Board of Commissioners reviewed recommendations by the Wasco County Planning Commission, staff and received testimony from the public. The hearing was continued to January 11, 2016 pursuant to Chapter 9 timeline requirements for legislative text amendments to the Ordinance; and

WHEREAS, on January 11, 2016 the Wasco County Board of Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners again reviewed background information and received additional public testimony. The Commissioners deliberated, and on a vote of 3 – 0 approved the recommendation by the Wasco County Planning Commission on the above matter and as contained in the attachment titled *Wasco County File PLALEG-15-11-0001 Proposed Zoning and Development Ordinance Amendments*, dated December 22, 2015.

THE BOARD OF COUNTY COMMISSIONERS OF WASCO COUNTY, OREGON, ORDAINS as follows:

Section 1. The amendments to Chapters 1, 3, 11, 12 and 20 of the Wasco County Land Use and Development Ordinance are approved in light of the applicable criteria and findings presented in the Staff Report to Board of Commissioners dated December 22, 2015.

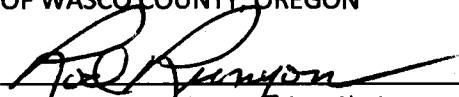
Section 2. The amendments contained in the attachment titled *Wasco County File PLALEG-15-11-0001 Proposed Zoning and Development Ordinance Amendments*, dated December 22, 2015, are ADOPTED and by reference made part of this Ordinance.

Section 3. 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 on January 11, 2016.

Section 4. Severability: If any provision of this ordinance is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other provision of the Ordinance. The Ordinance shall be construed as if such invalid provision had never been included.

Dated this 11th day of January, 2016

BOARD OF COUNTY COMMISSIONERS
OF WASCO COUNTY, OREGON



ROD RUNYON, Commission Chair

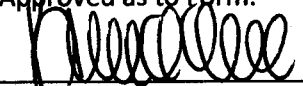


STEVE KRAMER, County Commissioner



SCOTT HEGE, County Commissioner

Approved as to Form:



Kristen Campbell, County Counsel