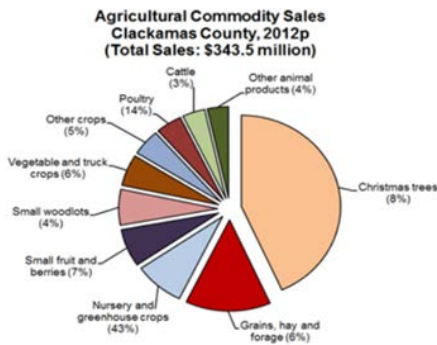


# WHY SHOULD WE CARE WHAT IS HAPPENING IN CLACKAMAS COUNTY?

**CLACKAMAS COUNTY REPRESENTS EVERYTHING WE WANT CLACKAMAS COUNTY TO BE:**

Rural living with spectacular views and breathable space to raise families & produce safe agricultural products



Source: Extension Economic Information Office, OSU, April 13, 2013

**Clackamas County sets high standards for Public Safety, Quality of Life, and Property Values**



It's a unique County and we are proud that Clackamas County always stands up and pushes back when neighboring invaders or state laws that break federal laws try and breach our borders

Clackamas County has different views than our **BORDERING** liberal county

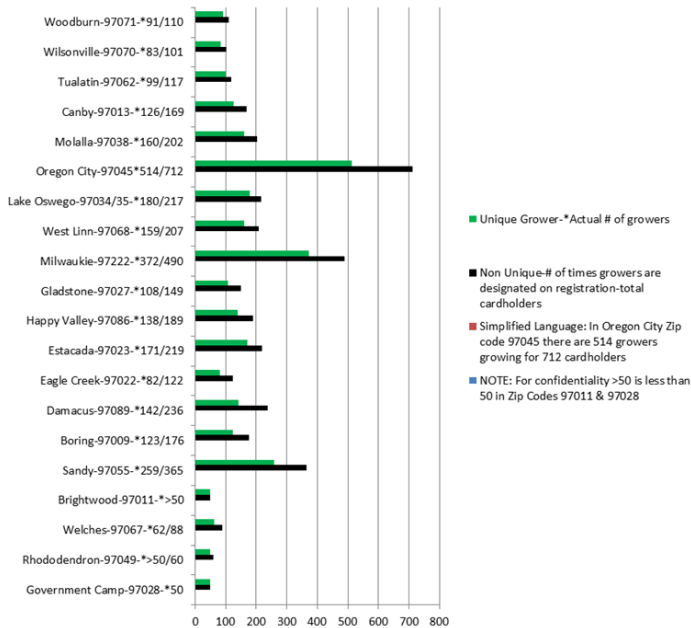


- There are currently **46,570** federally illegal marijuana growers throughout the State of Oregon growing marijuana for over 70,000 cardholders under Oregon’s Medical Marijuana program.
- **3,448** of those growers are in Clackamas County and are growing marijuana for over **3,109** cardholders
- **2,001** individual cardholders are growing marijuana for themselves making the total number of cardholders in the county at **5,020**.

Below is a graph of the number of marijuana growers and the number of marijuana cardholders they are growing for in each zip code area of Clackamas County.

**CLACKAMAS COUNTY ZIP CODES**

\* Actual # of Marijuana Growers/Total cardholders



This is outrageous, dangerous, and irresponsible to let our county be taken over by the production of a federally illegal drug without any conditional use permit requirements or redefined zoning and ordinance setback requirements for outdoor, in-door, and in-home marijuana grows. Even the 1500 real grass seed farmers in the State are guided by requirements and regulations.

The marijuana legalization scheme might look tempting in theory, but it's a whole different story in practice and though 51.9% of Clackamas County voters said yes to marijuana legalization, 99.9% will say not in my backyard!

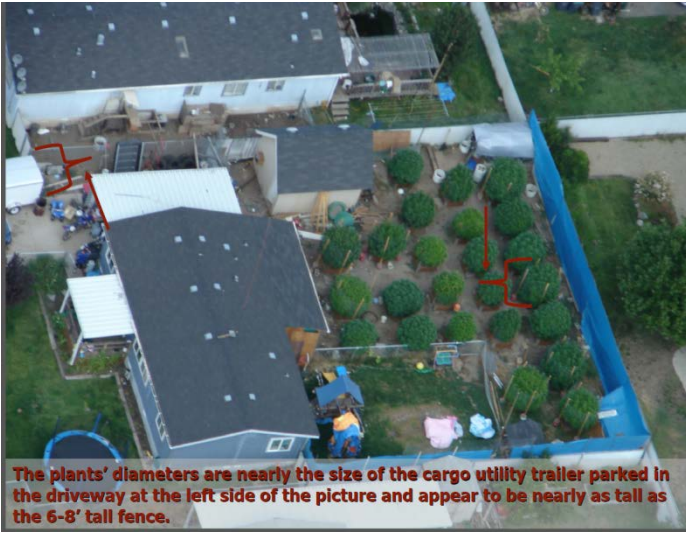
The measure 91 marijuana legalization legislative joint committee and the Oregon liquor license commission-OLCC should strive to set very high standards when it comes to public safety, quality of life and property values as they set the new rules for Oregon's medical marijuana program and the marijuana recreational program which includes rules for marijuana growers, processors, wholesale distributors and retail outlets and should include some restrictions on the quantity allowed for over 21 in-home growers.

## **OREGON MEDICAL MARIJUANA PROGRAM**

We appreciate that **Senate Bill 936** has been introduced in relation to OMMA and in reviewing its content; it is a beginning, however:

### **MARIJUANA GROWERS**

- SB936 is unclear as to whether all of the existing 46,570 marijuana grows in the state will be required to come into compliance with the new rules of SB936 when it goes into effect or is the language of SB936 saying that beginning on the effective date any new growers will be required to abide by the new laws? Will the State be grandfathering in all of the existing grows?
- This is similar to what has happened with HB3460 the dispensary bill, which in essence created a storefront dispensary model in which dispensary owners are required to be licensed, and cardholders are required to designate that their growers be identified and regulated if they want to sell marijuana to a local marijuana dispensary. HB3460 did not require or mandate that all of the 46,570 growers come into compliance and be registered. There are thousands of unregulated and untaxed medical marijuana growers growing for cardholders who do not deliver their marijuana to a state licensed dispensary, therefore allowing the continuation of overgrow abuse into the out-of-state black market.
- SB936 limits marijuana plant grows to 12 mature plants at one site in residential areas inside a City limits, yet allows 24 mature plants in rural residential areas within the County. **Is there a difference?** Rural residential neighborhoods are the same whether they are inside the City limits or outside the City limits. SB936 needs to restrict allowing 24-plant grows in all residential areas both City and rural County residential.



This house has a 24 mature plant marijuana grow in its backyard; can you tell if it is located in a residential area in the City or a residential area in the County? In either case when a neighbor fills their backyard with 12 or 24 mature marijuana plants the size of a tree, the impact to public safety, quality of life, and property values of other residents living in the area is simply unacceptable.

We must ask, has any of our legislators or measure 91 joint committee members lived next to one of these types of marijuana grower homes? If not then put yourself in that place for just a moment and think about what it might be like if your neighbor began growing 24 mature marijuana plants in their backyard without any restrictions requiring growing enclosures, setbacks, children protection safety access, fire and electrical controls, and odor restriction controls? Then ponder the thought on how this may affect your public safety, quality of life, and property values?

- Local jurisdictions, both city and county should have full and complete authority to establish their own zoning and ordinances in relation marijuana grows.
- SB936 does not identify the maximum number of cardholders allowed at each address, therefore card stacking continues at the cardholder level, potentially having 5 cardholders at one address growing their own allotted amount of 6 mature plants and 18 immature leading to a total of 30 mature plants at one location or address
- In Section 14 of SB936 it indicates that OHA shall develop and maintain a database of information related to the production of marijuana by persons responsible for a marijuana grow site and the processing for marijuana, but avoids any discussion about law enforcements ability to quickly access this information through LEDS, OCIN, or any other device. Setting up blockades for those in law enforcement who are responsible for investigating the criminal aspects, will only lead to the abusive continuation of the program.

- In Section 48 of SB936 it gives the governing body of a city or county time, manner, and place authority, but provides no avenue for cities and counties to opt out or prohibit medical marijuana facilities, as many cities and counties have business license rules that require businesses to abide by both state and federal laws and Oregon is home rule State that allows local jurisdictions to establish their own authorities.

Oregon’s Medical Marijuana Program-**Growers** and **Cardholders** should:

## GROWERS

1. Be restricted to growing for only four cardholders of which SB936 has addressed
2. Growers should not be allowed to do multiple collective grow sites at one location
3. Should be required to obtain a conditional use permit with setbacks and marijuana grows regulations and restrictions that require grow enclosures, kids safety access protection, and odor controls as permitted through each county & city zoning ordinances



This is a 60 plant grow



This one has 55 plants

By Oregon’s medical marijuana laws these types of grows are required to be fenced and in not in view of the public, as you can see neither of these large grows are fenced. The size of both of these grows indicate that these growers are card stacking and growing for at least 11 cardholders, hence the importance of SB936. Growers that are large in nature both out door and many indoor have the greatest impacts on public safety, quality of life and property values of the surrounding community and impact the environment through the use of pesticides, consumption of electricity, consumption of water resources, and emits the drifting skunk smell odor of marijuana for miles, which is not an acceptable practice.

## CARDHOLDERS

1. Cardholders should be Oregon residents of which SB936 has addressed. According to OMMP statistics out-of-state cardholders grew by 40% during 2012.

Physical Addresses			
Patients / Caregivers / Growers			
		Patients	Caregivers
Oregon Address	2011	55,134	27,972
	2012	52,640	26,587
Outside OR	2011	592	196
	2012	793	309
			Growers
			39,703
			40,145
			227
			324

\*\*Out of state card holders grew 40% during 2012\*\*

Source: OMMP March 2013

2. The language of SB936 focuses on grower maximum limits but says nothing about the number of cardholders that are allowed to reside at one address or location. Hence, 5 people living at one address or location could be allowed 6 mature and 18 immature plants as well as 24 ounces of dried each, totaling 30 mature plants and 90 immature plants.



This location in Clackamas County is either:

- two cardholders residing at the same location and growing for themselves with 6 mature plants each with a total of 12 mature plants
- or a grower growing for two cardholders each allowed 6 mature plants or 12 mature plants total
- or one cardholder growing for themselves and they are out of compliance

How do you tell the difference, when SB936 only sets limits and compliance checks for marijuana caregivers/growers only and not cardholders?

### So the challenges with SB936 are:

1. Does not clarify if the existing 46,570 marijuana growers will be required to comply with the new SB936 law when it goes into effect
2. Does not restrict the minimum marijuana plant grows equally in both residential areas within the City and rural residential areas within the County
3. Does not establish City and County zoning authority in regards to conditional use permits, setbacks, enclosure restrictions, fire and electrical restrictions and odor ordinance controls
4. Does not identify the maximum number of individual cardholders growing for themselves allowed at each address, therefore card stacking appears to continue at the cardholder level.
5. Section 23 of SB936 notes that if a school is established within 1000' of a medical marijuana facility registered under 475.314, the medical marijuana facility may remain at its current location unless the medical marijuana facility is removed from the registry. Since marijuana remains a federally illegal drug and access and norming by youth are a high criteria of the federal government, registered medical marijuana facilities should have no trumping powers over local jurisdictional properties that may need to access land for local schools and those investing in those businesses should keep in mind the risks that might follow.

## Oregon's Recreational Marijuana Growers and retailers

We appreciate that **Senate Bill 844** has been introduced in relation to identifying OLCC powers with Recreational Marijuana and in reviewing its content, it is a beginning, however there are some areas that we were concerned that did not seem to be identified in this bill possibly because it might be identified in another area of the Committee discussions in terms of policy verses OLCC power changes.

It is important to remember when trying to compare marijuana to the alcohol division of OLCC, that all rules for alcohol cannot be overlaid to the marijuana industry as marijuana is still a federally illegal drug and brings with it a number of very alarming risks for our communities.

1. Prohibits OLCC from licensing a marijuana grower, processor, wholesaler or retailer within 1,000 feet of a school, which is the same standard for some medical marijuana dispensaries operating under the HB3460 State law, but does not require OLCC to abide by city and county regulations that have already been set under SB1531 in each city and county which allows the governing city or county to adopt their own reasonable regulations of time, manner and place for medical marijuana facilities, and recreational marijuana growers, processors, and retailers should be required to operate by the same set of standards that has been defined in that city or county.
2. Prohibits OLCC from licensing a marijuana grower, processor, wholesaler or retailer within 1000' of each other, but does not require that OLCC be prohibited from licensing a marijuana grower, processor, wholesaler or retailer within 1000' of a medical marijuana dispensary.
3. OLCC should be prohibited from licensing marijuana growers, processors, and wholesalers in areas not defined by local city and county jurisdictions. Growers, processors, and wholesalers should only be allowed in EFU Exclusive Farm use areas only, even though the Department of Agriculture does not define marijuana as a farm crop as marijuana is still a federally illegal drug being produced for the sole purpose of an intoxicating high which brings many public safety, quality of life, and property value risks to the communities they may be located in. Marijuana grows also bring significant environmental impacts ranging from the heavy use of pesticides, water and electricity. Conditional use permits should be required along with regulations for public safety security, fire safety, youth access protection, and odor controls.
4. SB844 should give OLCC the authority to prohibit anyone under the age of 21 to be in the area of a licensed marijuana grow site, a processing site, a wholesaler site, or inside a retail facility.

5. SB844 should require that OLCC give City and Counties the authority to regulate the 21 year old and older in-home grows, in terms of restrictions around required growing enclosures, youth safety access, fire hazard and electrical restrictions, setbacks, and required odor controls and reduce the quantity amounts being allowed.
6. SB844 should allow OLCC to define and license a maximum number of marijuana growers, processors, wholesale distributors and retailers within the State or as allowed by each City and County zoning and guideline ordinances.
7. SB844 should allow OLCC to define the maximum number of marijuana plants that can be grown by licensed growers that is processed and wholesale distributed to licensed retailers.

## Measure 91 Joint Committee Contacts below

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