

# TO: MEASURE 91 JOINT COMMITTEE

I am unable to attend the public hearing for SB936 and SB844-I therefore am submitting my public testimony

## REGARDING: CLACKAMAS COUNTY UNWANTED MARIJUANA GROWS

As our representatives in the legislature, I would like to convey that many citizens throughout Clackamas County are seriously concerned with the impacts that marijuana is having to our public safety, quality of life and property values such as; robberies, burglaries, hash oil explosions, fires, distribution to minors, diversion to other states, public consumption, and driving while impaired.

1. I support the beginning steps of SB936 with notations that there are numerous loopholes that need to be clarified and addressed
2. I support the beginning steps of SB844 with notations that there are numerous loopholes that need to be clarified and addressed
3. I am opposed to HB3400 in its entirety

I have attached important and descriptive documents that convey recommendations with shocking and illustrative photographs and bar charts, related to unwanted marijuana grows.

I have provided a brief summary below of the contents of the documents attached.

### ATTACHMENT FILE NAME

#### 1. Marijuana Clackamas County - Why should we care what is happening in Clackamas County

- a. According to the Oregon Health Authority there are over **46,570** medical marijuana growers in Oregon, over **3,448** of those growers are in Clackamas County. This document will show a **bar chart by zip code** the number of medical marijuana growers and the number of cardholders they are growing for in each zip code area within Clackamas County.

### OREGON MEDICAL MARIJUANA

- b. **SB936** is a bill before the M91 committee intended to makes changes to the requirements of operating a medical marijuana grow site under Oregon's Medical Marijuana Program. Comments, recommendations and photographs are included in the attachments.
  - i. SB 936 does not clarify if the now existing **46,570** medical marijuana growers will be required to comply with SB936 upon its effective date
  - ii. Does not restrict the maximum number of marijuana plant grows equally in both residential areas within the City and within the County (SB 936 excludes counties)

- iii. Local jurisdictions, both City and County should have full and complete authority to establish their own zoning and ordinances in relation medical marijuana grows.
- iv. 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.
- v. 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.
- vi. 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 dispensaries, as many cities and counties have business license rules that require businesses to abide by both state and federal laws and Oregon is a home rule State that allows local jurisdictions to establish their own jurisdictional authorities.
- vii. 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 school development and medical marijuana facilities investing in those businesses should keep in mind the risks that might follow.

## RECREATIONAL MARIJUANA

- c. **SB844** is a Bill before the M91 Joint Committee intended to make technical changes to **Measure 91 Recreational Marijuana** to allow OLCC greater clarity when making rules and provides amendments. Comments, recommendations and photographs are included in the attachment.
  - i. 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 clarify and 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 in many city and county ordinances will be required to operate by the same set of standards that has been defined for medical marijuana dispensaries in that city or county all of which vary across the State.

- ii. Prohibits OLCC from licensing a marijuana grower, processor, wholesaler or retailer within 1000' of each other, but does not clarify and require that OLCC be prohibited from licensing a marijuana grower, processor, wholesaler or retailer within 1000' of a medical marijuana dispensary.
- iii. 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.
- iv. 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 distributor site, or inside a retailer with no exceptions.
- v. SB844 should require that OLCC support city and counties ordinances that are developed to regulate the 21 year old and older in-home grows, in terms of zoning restrictions around required growing enclosures, youth safety access, fire hazard and electrical restrictions, property line setbacks, and required odor controls.
- vi. SB844 should allow OLCC to define and licensing a maximum number of marijuana growers, processors, wholesale distributors and retailers within the State or as allowed by each City and County ordinance guidelines.
- vii. 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.

## 2. Marijuana Clackamas County Citizens for Public Safety, Quality of Life, Property Values

- a. Impactful photo's which show the enormous size of marijuana plants today, noting that some plants are the size of a tree and can be 15' to 22' high and yield from 10lbs to 12lbs of marijuana per plant, many requiring to be cut down with chainsaws, also noting that 1lb of marijuana in Oregon sells for \$1500 per pound and \$2500 per pound out-of-state, depending on the State.
- b. An **IMPACTFUL** Clackamas County public safety, quality of life, and property value story with photos that shows the Mt. Hood Equestrian Center in Boring located on 15 acres on a major Highway 26 route. The center over the years has stabled horses and provided an arena for horse shows. It has been recently purchased and is being used as a medical marijuana grow site. This Equestrian center is bordered by many smaller lots that are County rural residential

homes and is within 500' of a large church that has a legally registered academic school for children.

There should be no compromises when it comes to the Public Safety, Quality of Life, and Property Values of the citizens of Oregon.

Respectfully,

A handwritten signature in cursive script, appearing to read "Shirley Morgan".

P. O. Box 1351  
Welches, Oregon

CC:

- Clackamas County Chair John Ludlow, and Commissioners Tootie Smith, Martha Schrader, Jim Bernard, & Paul Savas,
- Sheriff Craig Roberts
- District Attorney John Foote
- Clackamas County Administrator Don Krupp
- Strategic Policy Administrator Dan Chandler
- County Council Nathan Boderman
- Planning and Zoning Director Mike McCallister
- Director of Public Affairs Gary Schmidt
- Oregon Sheriff's Association
- Oregon District Attorney's Association
- Oregon Association of Chiefs of Police
- US Attorney's Office Acting US Attorney Bill Williams