

From: Norm Rice

Sent: Wednesday, June 03, 2015 12:06 AM

To: Crawford Adam

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Subject: Opposed to HB3400 Amend -8 Preemption of City and Counties Right to Ban, In Home Marijuana processing, No In-home regulations, No defined limits on grows, processors, wholesalers or retailers

To: Measure 91 Joint Committee

I am unable to attend the public hearing for HB3400 -8. I therefore am submitting public testimony.

Please accept the written testimony of Shirley Morgan below as a reflection of my opinion and concerns with the amendments to HB3400 She has stated my concerns quite well. As an immediate neighbor to a large grow site in a rural residential neighborhood of Boring, (*once the largest equestrian center in the NW - the Mt Hood Equestrian Center*) my quality of life, my personal safety and my property value has been dramatically and negatively impacted as well as has been costly. This large grow site, with its current use of 10,000 square feet designated for growing marijuana is not only less than 100 feet from living room, it is also less than 600 feet from a Church school.

Today I was asked by a politician if I had ever toured and seen the operation of a commercial sized Marijuana grow site.

I ask you - have you personally visited someone who is directly and daily impacted by having a marijuana grow site as an immediate neighbor? Please accept this testimony as a personal invitation to visit to our Boring home. Over some light refreshments experience our view.

I look forward to your email acceptance of this serious invitation.

Thank you for taking seriously your responsibility to represent all Oregonians and ours concerns for protecting our Quality of Life, Property Values and Public Safety.

Sincerely,

Norm Rice
Boring, Oregon

TO: Measure 91 Joint Committee

I am unable to attend the public hearing for HB3400 -8. I therefore am submitting public testimony. PDF of testimony attached.

ALERT:

1. Residency requirement dropped from 4 years, to 2 years, and now to 1 year
2. Sec. 35, 58 Preemption of County and City Rights
3. Sec. 35 allowing in-home marijuana processing outside of the urban growth boundary
4. Sec 35 defines marijuana as a farm use or agricultural use and allows the growing of marijuana in any agricultural zone or rural residential zone
5. HB3400 -8 Ignores regulation for in-home grows
6. HB3400 -8 does not limit the number of marijuana manufacturing, processing, wholesaling and retail sites
7. Sec 21 Bonds and Liability: Both of these sections notes that OLCC *may*, rather than *shall* require bonds and liability insurance
8. HB3400-8 does not specify the requirements by producers, processors, and wholesalers when it comes allowing those under the age of 21 at these sites
9. We appreciated the discussion of allowing only 1 ounce of marijuana to be purchased at a retail site, but we did not hear any discussion on how to control multiple store purchases

DETAILS:

1. We are concerned that the **residency requirement** which was original set at 4 years was dropped to 2 years, and now 1 year. It is particularly concerning that this opens up the door for a floodgate of cartel money to enter Oregon to start-up businesses, which they have seen in Colorado. We encourage the Joint committee to re-establish a 4 year residency requirement.
2. **Preempting counties and cities** right to ban measure 91 manufacturing, processing, wholesaling and retailing of marijuana knowing that marijuana is a federally illegal drug calls into question the issue surrounding Home Rule Authority. Oregon's laws have long allowed a city or county the power to adopt ordinances on any matter, and we the voters of each city and county support this right. Highly funded out-of-state ballot initiatives that seek to require a State law to abandon its responsibility to federal law requirements should not be allowed. The many potential public safety, quality of life, and property value risks involved in seeking such a requirement will not set well with citizens across the State of Oregon and I believe that the recent impasse with SB844 is a reflection of that feeling.
3. We also find it alarming that section 35 proposes the idea that counties if consistent with their zoning may allow marijuana processing through a **home occupation permit**. What is alarming is the total unawareness of the destruction that marijuana is bringing to both our cities and rural county communities throughout Oregon. According to the Oregon Health Authority, there are already over 46,570 medical marijuana growers in the State, all of which are unregulated, untaxed, and unlicensed and measure 91's attempt to simply layer another federally illegal process over the top of an already non-working one is simply just another corrupt legality.

Topics that address requirements for the recreational producers, processors, and wholesalers are also void in HB3400-8, in terms of required management of these facilities from required setbacks from neighboring properties, appropriate security system requirements, odor controls, fencing that keeps these grows from public view as required in the Oregon medical marijuana program, and most of all regulations that keep in mind the neighboring properties that these facilities will be operating around.

4. Section 35 of HB3400 -8 may define marijuana as a farm and agricultural crop, but today, according to the Department of Agriculture marijuana is not defined as a farm crop and marijuana is still a federally illegal drug, which brings with them numerous and dangerous risks to our communities.

It is very alarming that HB3400 -8 allows the recreational production and growing of marijuana in any agricultural zone or **rural residential zone**. Agricultural zones are often large acres which allow for plenty of set-backs, but to allow the **growing of recreational marijuana in our rural residential areas** which are varied in size in Clackamas County as an example, is simply outrageous. Clackamas County has many rural residentially defined zones and those lot sizes can range from a 100' x 60' foot lot to have a 2 or 5 acre lot next door. There is no difference between a residential area in the city and a rural residential area. It is extremely important that the Joint committee continue their discussion regarding the allowing of recreational marijuana to be grown in our rural residential areas. Below are the rural residential maps for the Mt. Hood area of Clackamas County. As you can see the lot sizes vary and what HB3400-8 is doing is basically leaving the small property owners without any recourse, again devaluing their property values by the allowing of a federally illegal drug to be grown in the rural residential zones.

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<image039.jpg> <image040.jpg>

5. M91 touts that kids will have less access to marijuana, but we can all see through the cloud of smoke, that kids will not only have access, but easy access to marijuana. M91 allows any individual **21 years and older to have an enormous amount of unregulated marijuana in their homes**. Under the proposal, anyone over 21 is permitted to have in their home a half pound (8 ounces) of dried marijuana, 4 unregulated-unlicensed-untaxed plants (*of which can yield from 1 ounce to 10 pounds depending on the growing climate*), an ounce of concentrates which can include 95%-100% pure THC, pound of edibles, and a six-pack of tinctures (72 ounces), all of which will be impossible to enforce by law enforcement. The Joint committee should take action to see that these in-home grows are regulated and that these grows may not be located within 1000' of a elementary, secondary, private, or parochial school. The committee should also consider addressing the quantity amount allowed in terms of 8 oz of dried along with harvesting an additional 4 plants of which will quickly put anyone out of compliance and in Colorado this over amount is going to the underage and out-of-state market.

HB3400 -8 does nothing to require safety for all in-home grows when it comes to growing regulations and setbacks from neighboring property lines, easy access by children, containment for security and odor controls that will impact local communities. According the August 2014

impacts of marijuana Colorado HIDTA report, related exposures for children ages 0-5 on average have increased 268% from 2006-2009 to 2010-2013. (1)

6. HB3400 -8 has no maximum restrictions on the number and locations for marijuana manufacturing, processing, wholesaling and retailing sites. Other than a 1000' distance from schools for retailers, (public, secondary, private, parochial elementary or secondary), this leaves neighborhoods and areas near daycare's, preschools, libraries, churches, parks and shopping centers all vulnerable to increased exposure to illegal marijuana activity. Oregon's so-called unregulated and untaxed medical marijuana program has already caused public safety concerns to communities throughout Oregon, with violent and dangerous in-home invasions, armed murders and robberies, electrical fires, and in-home butane Hash Oil marijuana extraction explosions and will continue to be seen in the recreational market as well, as there is no difference.
7. HB3400 -8 Section 21 notes that OLCC *may* require bonds and liability insurance rather than shall. Like all businesses in Oregon, these businesses which are still federally illegal with very strict rules and guidelines based on the Cole Memo should leave no room for error and the wording should rather read that OLCC **shall** require proof of bonds and liability insurance.
8. HB3400-8 does not specify the requirements by producers, processors, and wholesalers when it comes **allowing those under the age of 21 at these sites**, again providing easy access by those under the age of 21. Anyone under the age of 21 should not under any circumstances be allowed at any of these sites, and if there is co-location of a recreational site and medical marijuana site, it should be a mandatory rule that children are not allowed. Allowing children into cash only businesses where armed robberies and fatal shootings randomly occur should be enough warning.
9. We appreciated the discussion of allowing only 1 ounce of marijuana to be purchased at a retail site, but we did not hear any discussion on how to control **multiple store purchases** both in the medical marijuana retail and the recreational retail sites, especially since there is a temporary plan to co-locate both of these entities at the same site. Colorado has had numerous issues and problems with those going from site to another site purchasing, then selling the extra to the underage and out-of-state market. There are numerous other stores as well that should alarm us. Below is an example from Colorado's 2013 impact report. (2)

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We would encourage the Measure 91 Joint committee to keep public safety, quality of life, and protection of property as top priority when determining rules for federally illegal businesses. These facilities are not like other businesses who abide by both Federal and State laws.

Most marijuana businesses and practices have not set good examples as being good neighbors and in fact are often bad neighbors. They emit pungent, foul odors, attract undesirable visitors,

increase criminal activity, increase traffic, in many of the current Oregon medical marijuana properties they have removed large numbers of trees hoping to set up for large recreational grow sites, avoided getting the proper local permits for land excavation, diverted water and electricity illegally, set up their security systems and directed them in ways to intimidate and intrude upon local neighbors privacy, and they drive down property values as local citizens across the state are already experiencing. Would you buy a new home if you knew a large pot grow was located next door? No! Neither would I.

There should be no compromises when it comes to trying to regulate a federally illegal drug and Public Safety, Quality of Life, and Property Values of the citizens of Oregon should be top priority.

Respectfully,

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

References:

1. The Legalization of Marijuana in Colorado (1)
Volume 2 August 2014
2. The legalization of marijuana in Colorado-The Impact
Vol.1/August 2013

PREEMPTS COUNTY AND CITY RIGHTS TO BAN MARIJUANA RETAIL OUTLETS Sec 33, Sec 34

<image012.jpg><image014.jpg>
<image020.jpg> <image021.jpg>

EXCLUSIVE FARM USE LAND Sec. 35 ALLOWS THE PROCESSING OF MARIJUANA OUTSIDE OF THE URBAN GROWTH AS A HOME OCCUPATION Sec. 35; (4)

<image022.jpg>

<image023.jpg>

BONDS AND LIABILITY

1. OLCC **may** require a licensee to maintain a bond with a corporate surety and must be acceptable and the amount OLCC requires
 2. OLCC **may** require a person to maintain general liability insurance in an amount that the commission determines reasonable
- <image045.jpg><image046.jpg>

LAND USE ALERT **see land use issues below**

1. Cities and counties may adopt reasonable time, place, manner regulation of the nuisance aspects
2. The authority granted to cities/counties is in addition to, and not in lieu of the authority granted to a city/county under its charter and the statutes and Constitution of this State.
3. Reasonable regulations includes: reasonable conditions may produce, process, retailer, sell, public access, where a premises may be located
4. Be consistent with city/county comprehensive plans, zoning ordinance and applicable provisions of public health and safety laws.

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SECTION 35 LAND USE

Section 35: Allowing Marijuana as a crop for the purposes of “farm use, a product of farm, a new dwelling used in the conjunction w/ a pot crop is not permitted use on land designated for exclusive farm use,

1. A county may allow production of pot **as a farm use or agricultural use in any agricultural zone or rural residential zone** in the same manner as the production of pot is allow in exclusive farm use zones under
2. **For the purposes of processing pot on lands outside urban growth boundaries, a county may allow pot processing through a home occupation permit that is consistent with the county’s zoning ordinances.**
3. Prior to the issuance of any license OLCC shall request a land use compatibility statement from the city/county that authorizes the land use.

<image050.jpg> <image051.jpg>

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<Citizens for Public Safety, Quality of Life, Property Values HB3400 -8 Testimony Shirley Morgan.pdf>