



TESTIMONY ON HB 3400 -9, -13

JOINT COMMITTEE ON IMPLEMENTING MEASURE 91

June 10, 2015

Co-Chairs Lininger and Burdick and Members of the Committee:

Thank you for the continued opportunity to comment on HB 3400. We are writing to provide comments on the -9 and -13 amendments to HB 3400. The Oregon Farm Bureau and the Oregon Association of Nurseries have an interest in ensuring that all members of Oregon's agriculture community operate using long-established farming practices and with consistent regulation, particularly as it relates to marijuana cultivation and propagation in farm zones.

With this background in mind, OFB and OAN submit the following comments on the -9 and -13 amendments to HB 3400:

Best Practices for Marijuana Cultivation: Section 131a of the -9 amendments provides for the creation of the "Task Force on Cannabis Environmental Best Practices." One of the charges of this task force is to make suggestions regarding environmental best practices, including agricultural practices, for cannabis propagation, production, and harvest.

As with any crop, the practices used in the propagation, production, and harvest will vary by type of grow (residential, greenhouse, or outdoor), location in the state, and preferred practices of the individual grower. State-mandated agricultural best practices are not appropriate for any commodity in Oregon, including marijuana production. The creation of state-imposed best practices will limit the ability of growers to respond to changing conditions, seek innovative solutions, and modify their practices to continue to increase efficiency while reducing the costs and impacts of their practices. This concern is heightened by the makeup of the task force, which does not include significant industry representation or citizen representatives of the broader agricultural community.

Many issues that the task force is directed to evaluate appear to stem from concerns that are covered by existing law. Marijuana growers – like all other Oregonians – must educate themselves on existing laws which they are obligated to follow, including laws regarding water quality, water quantity, land use, business operations, and agricultural operations. There are significant resources available to new farmers to help them learn their trade, including resources available through the Oregon Department of Agriculture, Oregon State University, and the Oregon Farm Bureau.

OFB and OAN strongly oppose the creation of state-imposed best practices for any agricultural industry, including cannabis production. Decisions regarding the best practices for each individual farmer are best left to the farmers themselves, who understand and can account for the unique features of their operations, their property, and their communities. OFB and OAN encourage the legislature to leave farming to the farmers, and not impose state-mandated practices on cannabis farmers in Oregon.

Land Use: We appreciate the committee's significant work on the land use sections of this bill. However, Section 33 of the -9 amendments includes several land use provisions that OFB and OAN feels would benefit from additional clarification:

- *County regulations:* We would recommend clarifying explicitly that uses which currently require a conditional use permit would still require a permit, and that, with the exception of the few uses called out in the bill, permitting requirements apply to marijuana growers in the same manner that they apply to growers of any other crops.
- *New Dwellings:* We would also appreciate clarification that the provisions regarding new dwellings used in conjunction with a marijuana crop would allow construction of a new dwelling on land used to farm marijuana, so long as the marijuana crop is not used to meet the required income threshold. For example, a farmer could have 80 acres in corn and 10 acres in marijuana, and would be allowed to construct a dwelling on the property so long as the income requirement is met without the marijuana crop.
- *Farm Stands:* Finally, it would be good to clarify that while a marijuana grower cannot sell marijuana at a farm stand, they can still sell any other crops they produce at their farm at a farm stand.

Please contact Jenny Dresler with the Oregon Farm Bureau or Elizabeth Remley with Oregon Association of Nurseries with any questions.