

**February 1, 2016**

**Submitted as public testimony regarding HB4014**

To Measure 91 Joint Committee:

Due to the fact that the public hearing for HB4014 is being held on February 2, merely a few days after being announced on January 27, I will not be able to attend this meeting in person. I am subsequently submitting my public testimony as follows:

1. I request that State Legislators remove the definition in HB3400 that marijuana is a agricultural farm crop.
2. I am opposed to removing the two year residency requirement in HB4014

Dear Measure 91 Committee:

**“A Picture Is Worth A Thousand Words!”**



This is certainly the case when it comes to the Measure 91 Committee and the way they have rolled out the welcome wagon for the marijuana industry. The above picture perfectly captures the preferential treatment that has been afforded to the marijuana industry by our elected officials. Ms. Burdick is awarded a special hand made bong valued at \$400! How special. A little gift from the marijuana industry for smoothing their way through regulation and awarding them every thing the asked for! What a sad day it is for Oregon citizens when once again they find their rights discarded and abandoned in favor of yet another special interest group.

A Quick Reminder:

**Ballot Measure 91:**

In 2014 the voters of Oregon passed Measure 91 with the intent of making marijuana legal to use in our state. However, **nowhere** in measure 91 and its 86 sections does it indicate that marijuana would be redefined as an agricultural crop and grown in all of our exclusive farm use areas without any neighbor notification or conditional use permits.

Complete lack of transparency:

**HB3400 Section 34:**

It was the aforementioned Ms. Burdick and her fellow sponsors Lininger, Beyer, Olson, Ferrioli, Kruse, Prozanski, Steiner, Hayward and Clem who decided to redefine marijuana as an agricultural crop and they did this without giving the people who will be most impacted by this decision the opportunity to vote on the issue. (Rep Brian Clem was the only one who raised any concerns about characterizing marijuana as “just another farm product” given the fact that it is still an illegal drug under federal law. Unfortunately he eventually caved to his peers.) By

granting the marijuana industry the status of a crop our Salem officials have guaranteed that marijuana growers will now be protected by Oregon's "right to farm" rule and will be able to operate with a completely hands off approach when it comes to regulation if they are located on EFU zoned land. This was a very clever strategy that was carefully planned and successfully executed by the marijuana industry's highly paid lawyers and you lawmakers in Salem fell for it.

### **Crop Status:**

Let's be honest here marijuana is not a traditional crop and it should never have been given a crop status. Affording marijuana a crop status is a short sighted cash grab by our elected officials who have bought the marijuana industry's propaganda and have been influenced by wealthy out of state special interest groups. Rather than taking into account the valuable lessons that could be learned from Colorado on "what not to do" with regard to marijuana, Salem appears to have given away the store and granted marijuana proponents everything they asked for. Furthermore if marijuana is a "crop" why is it going to be regulated by the OLCC and not by the Department of Agriculture? Could it be that the OLCC has a demonstrated history of pro marijuana bias?

### **OLCC:**

The previous head of the OLCC was fired for "leaking" a draft document to a marijuana industry lawyer. How can the State of Oregon and the public entrust this organization with monitoring what is still considered a dangerous drug by the Federal Government. Surely it is not a lucky coincidence that the marijuana grower whose lawyer was privy to the "leaked" OLCC draft document suddenly decided to have a real estate investor acquire 84 EFU acres in Tumalo, **prior** to any official rulings being made, even though this same company had previously submitted a proposal to a County Commissioner stating that marijuana should NOT be grown in a rural area or near residential properties? How can we the public be assured that there will be anything in the way of real oversight and enforcement from such an organization.

The marijuana industry spent approximately \$5.3 million dollars using an out of State Campaign that touted tax and regulate without revealing that marijuana would be redefined as an agricultural crop. It was a calculated misleading campaign that was strategically designed to pull the wool over the eyes of the average voter. **Once again, it was the legislature who redefined marijuana as an agricultural crop and they did this without giving the people who will be most impacted by this decision the opportunity to vote on the issue.** This is not democracy at work.

### **What about our kids?**

One of the OLCC rulings states that no marijuana should be permitted to be located within 1000 feet from a school, however, it is apparently okay to locate it merely a couple of hundred feet from a rural homeowner's child. Are the health and welfare of rural children less important to our legislators?

### **Rural Lives Matter:**

***Initiative Petition #53 "Control, Regulation and Taxation of Marijuana and Industrial Hemp Act: Section 1:***

(2) The People of the State of Oregon intend that the provisions of this Act, together with the other provisions of existing state law, will:

(g) Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands.

The above statement appears to be a direct acknowledgement by our State officials that marijuana does indeed impose a potential danger to both the public and the environment, but

apparently these same officials are okay with shoving it into rural communities as long as it's not on public land. What complete hypocrisy!

**The Rural Lifestyle:**



When one acquires property in a rural community it is in order to be able to enjoy a different lifestyle. Many of us purchased our dream homes with our life savings, earned by a lifetime of working. We choose to live outside of towns and cities in order to be able to enjoy the green pastures, general beauty and peace and quiet of these communities. In Deschutes County we are particularly blessed with glorious mountain views and wide open spaces. We have lived by the rules and done the right thing all our lives, many of us have had to make sacrifices in order to be able to call this special place home. We did NOT purchase our homes next to “feedlots” or large industrial complexes and were assured by the adjoining properties agricultural zoning that no housing developments or noisy commercial enterprises could be built next door to us



Now with the stroke of a pen you have potentially caused our way of life to be forever changed. As a crop on EFU zoned land these marijuana producers will be allowed to virtually do anything they please. As per the OLCC ruling they will be permitted to sublease their properties to

multiple growers. Perhaps you reside in the city so it is hard for you to comprehend but try to picture a large 50 acre lot packed fence line to fence line with multiple large (10,000 sq ft) metal or plastic greenhouses with huge noisy industrial sized fans running 24/7. These structures will have grow lights that are blazing all night long, and although the OLCC has put some minor “reasonable” rules in place that are supposed to require that the lights be covered in order to protect our night sky ordinance, it is doubtful that these growers will spend the necessary money to make sure no light leaks out. Instead they are more likely to try to use some cheap blackout material that will not be at all effective. Oh but wait a minute...these growers won't have to cover lights, or screen their ugly greenhouses because they will be located on EFU property and won't have to comply with **ANY** regulation because you legislators have granted them Oregon's coveted “right to farm” protection!



And then there is the dead skunk odor...



#### **Dead Skunk Odor:**

Ask anyone who currently lives next door to a grow site what this is like. The most often used term is “it’s like living next door to a bunch of dead skunks!” Now imagine living next to a large industrial marijuana grow site that has multiple greenhouses with thousands of marijuana plants, AND also several large outdoor grows! Even if there wasn’t the right to farm protection associated with EFU zoned property, there is no way to mitigate the smell of a 40,000 sq ft outdoor grow. How would any of you like to wake up tomorrow and find out that a large out of State/County speculator is planning to build a huge industrial sized marijuana complex next to your home? How do you think this will impact your family’s quality of life and your property values? Do you think these types of operations make for good neighbors? Who will buy this property now, would you?

One question that deserves to be answered is whether any of you legislators have actually taken the time to visit an indoor **and** outdoor grow site to experience firsthand what it would be like to live next door to such a foul, pervasive nuisance?

#### **Outdoor Grows:**

Colorado Rocky Mountain High Intensity Drug Trafficking Area, (HIDTA) Director, Mr. Thomas J. Gorman’s comments on why Colorado does not permit outdoor grows:

“You don’t want cultivation open to the public view, particularly youth. Tends to normalize, advertise and condone marijuana use.”

- Security problem: More subject to theft since high price “crop”, as well as theft by youth for both use and sale.
- Harder to control and regulate.
- Some concern with environmental impact; i.e., water usage.

It’s clear that Colorado had the foresight to actually consider the impact to their citizens of allowing outdoor grows. Why would Oregon’s elected officials be so naive and short sighted as to think these serious issues will not be a problem for Oregon’s rural neighborhoods? Or did you just not think about them at all?

### **“Right To Farm” Rule:**

The Right to Farm policy (see attached), adopted by Oregon’s legislature in 1973, protects farmland as a natural and economic asset, and preserves a maximum amount of large parcels of agricultural lands to **assure adequate, healthful and nutritious food**. The policy provides incentives and privileges to land owners in EFU areas because the zoning limits alternative land uses. Under RTF, ranchers are protected from lawsuits against noises, smells, dust, and other issues associated with farming. However, the policy also states:

Even though Right-to-Farm offers certain protections, it is in farmers’ and ranchers’ best interests to prevent and resolve conflicts where possible and maintain good relationships with neighbors. Below are some tips for conflict prevention and resolution, some of which are from an August, 2004 Oregon Association of Nurseries Digger Magazine article titled “Good-neighbor Policy”:

- Communicate early and often. Get to know your neighbors. Talk with them about what you do, what you grow, and what happens on your operation. Most will be interested. Friendships, if they can be developed, lead to easier conversations when concerns are expressed about nuisances.
- Explain the time period. Often the activities that sometimes “offend” are **short-lived**. Noise cannons or wind fans in orchards, harvesting at night, or spraying may only take a **day or two or a couple weeks at most**. If they know the ending date, most people are more accepting or tolerant of the situation.

Oregon’s Right To Farm policy was put in place to protect farmers from nuisance complaints from neighbors resulting in “**temporary/short-lived**” offensive issues such as dust, harvesting at night and spraying. It was **not** intended to act as a loophole for marijuana producers so they could generate year round, offensive production practices of blazing lights, industrial sized fans running 24/7 and a continuous foul dead skunk odor!

Furthermore marijuana growers for the most part have shown themselves to be very far from “good neighbors.” Just take the time to review the amount of complaints that are currently waiting to be processed in Oregon’s various counties, and then ask yourself if you would like to live next door to this grow operation:



Undoubtedly there are some marijuana growers who want to be good neighbors and who are respectful of their surroundings. Unfortunately, there are too many documented cases of growers who have no respect for anyone or anything, and who think nothing of blaring loud music all day long, or utilizing our precious water sources for their own profit. They employ migrant workers who camp on their properties in illegal structures and have demonstrated no respect for their neighbor's right to the quiet enjoyment of their homes. They throw frequent parties that go on all night long and their own operations are often to be found full of litter and discarded junk. These are not the farmers that the RTF policy was created for, these are pure speculators who care nothing about the environment or our rural communities.

### **The End of the Marijuana Black Market:**

Perhaps of all the myths that has been put out by the pro marijuana industry this one is the most egregious in its pure lack of validity. The Arizona Chamber of Commerce recently did a study that stated the following:

**Black market consumption.** When projecting tax revenues, economists overestimated the number of people who would opt out of the black market. To the contrary, states where marijuana is legal have thriving black markets. The Marijuana Policy Group, a national marijuana advocacy organization, estimates that in fact only **60%** of Colorado consumers purchase marijuana through legal channels. This is partly because black market marijuana is significantly cheaper than that purchased in legal dispensaries, where it is taxed at more than 27%. Resale of the otherwise legal purchase or use—either from patients who purchase medical marijuana legally and resell it, or individuals who legally grow marijuana for themselves and then resell it—has also driven down tax revenues.

### **Denver Police Department sees nearly 1,000% increase in marijuana seizures since 2011**

BY: Lindsay Watts  
POSTED: 2:40 PM, Mar 9, 2015  
UPDATED: 3:32 PM, Mar 9, 2015  
TAG: denver | marijuana | southeast grow



### **Overstated Economic Benefits:**

**Overly optimistic revenue forecasts.** Legalization opponents maintain that the anticipated economic benefits of legalizing marijuana in the form of criminal justice savings and increased tax revenue are often overstated. As to tax revenues, experience in other states has shown that tax revenue from legal recreational marijuana may be far less than anticipated. In Colorado,

for example, tax revenues from the first year of legal marijuana sales were anticipated to be \$70 million, with the first \$40 million designated for the rebuilding of Colorado's schools. In reality, Colorado collected only \$44 million—a mere drop in Colorado's \$20.5 billion state budget for 2014. Even if Colorado had taken in the full \$70 million it expected, that would only have represented .34% of that year's budget. A recent study also determined that the high-water mark for tax revenue would be in the initial years, because as the “wow” factor of legal recreational marijuana wears off, use—and tax revenue—is anticipated to decline.

### **Increased Risk of Crime in Rural Neighborhoods:**

#### ***Drug and cash businesses are targets for crime.***

Rural homes will be subject to increased thefts due to the attraction of large marijuana operations and outdoor grows. This will put added strain on our County's law enforcement which are already stretched too thin.

While marijuana proponents argue that Oregon will derive net economic benefits from legalization, there is real evidence to indicate those benefits are often overstated, and there are a number of significant adverse consequences that cannot be discounted.

### **New Job Creation:**



Source Oregon State Police

#### **High paying Jobs with great benefits!**

Increased seasonal job creation with no healthcare benefits will also have additional negative impacts for full time Oregon residents. Greater burden on Counties already stressed “affordable” housing, schools and emergency services. Increased potential for more home break ins and crime particularly in rural neighborhoods.

### **In Conclusion:**

The legislators of Oregon have put our local County officials in a very difficult position. By awarding the marijuana industry the coveted “crop” status and RTF protection that is afforded to EFU land, you have made it virtually impossible for any real regulation to be implemented or enforced. Why were you so hell bent in giving the marijuana lawyers everything they asked for? Why didn't you just follow Colorado's example and classify marijuana as a “commercial activity” whose production should be restricted to industrial zones? This would have been the democratic and fair thing to do for ALL of your citizens.

Finally, when I find myself discussing all this mess with people who reside out of state, I am frequently asked why our Oregon legislators would do something that makes so little sense. Residents from other states find it almost impossible to believe that any government would bend over so far to accommodate the needs of so few individuals at the expense of so many. I would like to ask the same question. Why would you our own elected representatives be so willing to cause such potential damage to the very citizens you are elected to serve?

I am opposed to removing the 2 year residency requirement and ask our legislators to remove marijuana as an agricultural crop status.

Respectfully,

Paula Hawes  
Oregon Rural Resident