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RE: HB 4014 2016 Changes to Marijuana Law OPPOSED

To: Measure 91 Joint Committee

I am unable to attend the public Hearing for HB4014 on Feb 2nd. I am therefore submitting written public testimony.

**1- I am strongly opposed to the proposed changes that modify the 2 year residency requirement in several areas of HB 4014 but especially in the case of producers and processors (sections 5 and 6)**

**2- I request that the legislators remove the definition in HB 3400 of marijuana as an agricultural farm 'CROP' as it is causing problems for Counties in developing reasonable rules for setbacks and other controls on siting production facilities.**

Dear Measure 91 Committee:

I currently live next to a Medical Marijuana Production Facility and have lived with the issues of sights, sounds and smells associated with those facilities for the past 2 seasons.

The particular grow site next to my grass hay farm is in Deschutes County and the property is owned by an **Out of State Trust from Ohio**. They sited their 4000sf greenhouse just 39 feet from my property line with a large doorway that faces directly toward my home. They knew full well when they sited this that the intensive use would generate activity, fan noise and odors and did it anyway even though they owned 38 acres and could easily have put more distance from me on the previously un-developed site !!!

Out of state investors can NEVER have the same consideration that Oregon residents do for their neighbors and the rural neighborhoods they are in. These production facilities can have a tremendous effect on the quality of life for those around them and non-resident investors and operators can easily forget this.

Would someone who lived in the area and actually cared about their neighbors and the neighborhood in general actually site a production facility this close to the neighbors ?? There are requirements that pot facilities are at least 1000 ft from schools yet my children and the children of my friends can '**look right down the throat**' of this greenhouse when plants are actively growing. (see attached pictures take with iPhone camera from fence line)



I respectfully ask the members of the Measure 91 Committee if you would like to have a marijuana production facility show up this close to your property or the property of any of your constituents whether or not they are for or against marijuana use. I think NOT.



**This brings me to my second point which is: to remove the definition of Marijuana in HB 3400 as an agricultural “crop”.**

THIS DESIGNATION as a “crop”, which was inserted into the legislative bill last year without hearing from property owners greatly affected by the issues of these large commercial grow operations, is causing innumerable issues.

Describing it as a ‘crop’ is allowing the pot producers to **TURN THE “RIGHT TO FARM LAW” ON IT’S HEAD.** The law was designed to keep encroaching urban development from causing problems for existing farmers, essentially protecting them from encroaching landowners who - in legal parlance were -“ **Coming to the Nuisance**”. It was designed to protect farmers from nuisance lawsuits and continue their farming operations in spite of growing urban areas. NOW the pot producers, with their large commercial operations, are encroaching on the existing farming residents of the rural areas and saying they can basically do whatever they want and create as much noise, light, and odors and existing residents can do nothing!!  
**The Nuisance is now Coming to the existing farming neighborhoods and pot producers want to hide behind a decades old law for which it was never intended.**

Currently many county governments (esp Deschutes County) are trying to adopt REASONABLE REGULATIONS regarding these grows to regulate items like setbacks, lighting, odor and other issues and are so frustrated by the potential for lawsuits on their efforts they are OPTING OUT.

I’m for **reasonable regulations** on producers and without deleting the designation as a ‘crop’ fear County Governments will never be able to adopt them. So we’ll revert to current rules. Under current rules —greenhouses can be sited 25 feet FROM PROPERTY LINES with virtually NO OTHER LAND USE RESTRICTIONS.

Please:

- 1- Do not reduce the 2 year minimum Oregon occupancy requirement  
and
- 2- Figure out a way to change the designation of marijuana as a ‘crop’ to allow for reasonable Land Use regulations by County Government to help to reduce conflict with adjacent landowners.

Sincerely,  
Jim Petsche  
Deschutes County Resident  
Bend, OR