

February 12, 2016

TO: Joint Committee on Marijuana Legalization

RE: Clarification on Reasonable Regulations on Marijuana Production in Exclusive Farm Use

Dear Chair Burdick and Committee Members:

I live in southeast Gresham and am writing to ask the Legislature to clarify that last year's HB 3400, Section 33, Subsection 2 allows local jurisdictions to impose reasonable regulations on marijuana businesses in all zonings, including marijuana production in Exclusive Farm Use.

This is very important because we have EFU directly abutting Gresham neighborhoods and abutting or near our schools outside the UGB. Measure 91 and House Bill 3400 are both explicit about keeping minors away from marijuana exposure, and local jurisdictions should be allowed to adopt reasonable restrictions for all zonings to accomplish that.

Marijuana is different from other crops and doesn't fit with two of the premises of Oregon's right-to-farm law. First, unlike other crops, marijuana is not "critical to the economic welfare of this state" [ORS 30.933(1)(a)]. Marijuana is illegal under federal law and cannot be exported out of the state. Measure 91 was meant to bring regulation to an existing underground marijuana market, but the neither the State of Oregon nor any local jurisdiction encourages expanding that market. In fact, marijuana is required to be kept away from minors, unlike other farm products. Second, while "persons who locate on or near an area zoned for farm or forest use must accept the conditions commonly associated with living in that particular setting" [ORS 9.9333((2)(c))], most of them never expected to have to live with a large marijuana grow at their property line. This is certainly true of the Gresham neighborhood of 5000 sq.ft. lots with 15-ft. minimum backyard setbacks which was built in the early 2000's on residentially zoned land abutting EFU. It's also true for Sam Barlow High School built 50 years ago on land abutting EFU and for the even older East Orient Elementary and West Orient Middle Schools.

I urge you to clarify that Section 33 of HB 3400 applies to all marijuana businesses in all zonings.

Thank you for your consideration.

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