

March 14, 2017

Deschutes County Board of County Commissioners
c/o Associate Planner Jacob Ripper
Community Development Department
P. O. Box 6005
Bend OR 97708-6005

Re: Appeal Determination Approving Marijuana Production Facility
247-16-000600-AD Rubio Real Estate Investments LLC, Owner
23105 Alfalfa Market Road, Deschutes County

Dear Deschutes County Commissioners:

We live off Bennett Road on Roland within a half mile from Alfalfa Market Road and have resided on our 20-acre property for 19 years raising pasture-fed cattle. We are part of a group of concerned neighbors appealing the approval of the subject property as a cannabis growing facility.

The decision to allow this facility was made by a county determination without a public hearing because apparently where a decision is “deemed to be simple” and does not impact other residents, the decision does not require legal interpretation or a public hearing.

We are contesting that decision because, in fact, it is anything BUT SIMPLE. A great many people are being impacted by this quickly-made approval decision. We believe the property is NOT suitable for the proposed facility and request that our appeal be upheld.

A public hearing was held on March 6. Mr. Rubio failed to fully explain the questions that were put to him and left us with even more questions and a less-than-clear picture of what he plans to do. We do have more questions than answers as this is a new development for us and for the county. A few of our concerns and questions not answered by either by Mr. Rubio or the Commissioners, are listed below:

1. WATER USAGE: The properties in this area, generally five to 20 acres, come with irrigation rights. It is our understanding

that marijuana requires a great deal of water. How will this impact our water usage? Mr. Rubio did not elaborate on how many plants he will be growing nor how much water they will need and how that water usage will impact neighbors. When Central Oregon Irrigation stops their water flow, we then use Avion water. Will he be recycling this enormous amount of gray water through a filtering system to be reused, or simply run out the water on the property? Does he plan on installing a septic system for the waste?

Has Avion, in fact, been apprised of this proposal and notified of the increased demand this will make on their ability to deliver? Avion is intended for human consumption, not large-scale marijuana production. As it stands, we are currently stretched at times during the summer to get our quota of water.

2. **WATER POLLUTION AND CONTAMINANTS:** It is our understanding that marijuana growers use chemical supplements, including genetically modified ones, to enhance growth. This is of particular concern from an environmental standpoint. Exactly what kind of supplemental nutrients are used and what is their impact on the soil and land? How is this kind of hazard regulated and enforced? Is this planned as an organic growing farm? In either case, will commercial sprayers be used? If so, how will they affect neighbors?

Additionally, there are neighbors on surrounding properties who grow organic food for their families. What will be the impact of the waste from this production facility on organic farming?

3. **NOISE POLLUTION:** There is concern over the level of noise that will emanate from continuous use of fans in a facility of the size proposed. This too poses an environmental concern and a definite negative lifestyle outcome for the neighbors.
4. **LIGHT POLLUTION:** We have been told by neighbors who live close to such a facility that lights are continuously on for both growth of the plants and for security at night. This would seriously impact those neighbors closest to the property and be a nuisance and degradation in lifestyle. Do Mr. Rubio's plans

include incorporating current restrictions and ordinances around lighting in Deschutes County?

5. **ELECTRICAL OUTPUT:** Since the hothouses would be running 24/7, Mr. Rubio will need to disclose the level of electrical output and whether Central Oregon Electric would be prepared to deal with this kind of operation and the considerable extra drain on their resources.
6. **ODOR POLLUTION:** There is strong and unacceptable odor that comes from the harvesting of marijuana which will negatively impact all the neighbors in the area as well as property values. This would result in property and home depreciation.
7. **PROPERTY VALUES:** Property values in the area will be severely impacted if this operation is allowed for all the reasons listed. Most of us have lived and tended our properties for many years and do not want the value of our homes and land to be undervalued because we have this facility in our midst.
8. **SAFETY:** This is of prime concern. There have been concerns reported about “non-reported surplus” of marijuana being trucked, flown, and otherwise shipped to non-growing states making Oregon a prime supplier of a drug that is illegal in most other states. This results in unauthorized people seeking access to facilities, especially at night, posing a very real hazard to neighbors. There are other reports of dogs being allowed to freely roam these type of properties and being used as guard dogs, again posing a potential threat to neighbors and livestock, not to mention a danger to drivers of loose dogs on Alfalfa Market Road.
9. **TRAFFIC:** A large number of people are required for harvesting. From the quantity of plants able to be grown from a facility the size of that proposed, how many dozens of employees will be hired to harvest? How often are the plants harvested? Is there parking away from neighbors to accommodate the number of laborers required?

10.ENFORCEMENT: Where is the Task Force and who serves on a Task Force to enforce codes? And are the Codes sufficient to maintain standards of living in Deschutes County? What about the criminal elements that are lured by this type of operation? Who do we call for assistance when we see unusual activity and what is in place and functioning to assure compliance with the law?

11.TAXATION AND FEES: How and who takes care of accounting for taxes and fees for such a project? If there is no task force in place for any regulation and enforcement, how can we be assured that those things will be accounted for?

12.DUE DILIGENCE: From what little we have learned directly from Mr. Rubio, our impression is that he has done very little research into this business and the impact it would have on the environment, the neighborhood or the lifestyle that most of us come to Bend and Deschutes County to enjoy.

We are asking for our County Commissioners to take a strong and assertive stance in upholding our appeal and denying Mr. Rubio's request to build this facility in such a populated area. The county will be setting a precedent for other landowners who will face these same issues in the future. We are fighting for the very lifestyle for which we have worked so hard – one free of the infestation of outside forces that require us all to be consistently hyper vigilant. We are appreciative of your studied and measured consideration to this matter that will ultimately impact not only the neighbors around the property in question but potentially all of the rural neighborhoods and neighbors in our county.

Sincerely,

Richard and Maria Wattier