



JACKSON COUNTY

Oregon

Development Services

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Senator Jeff Golden, Chair – Senate Committee on Natural Resources and Wildfire Recovery
Re: Senate Bill 1564

Chair Golden and Committee Members,

Mr. Chair, Committee Members thank you for hearing my testimony this afternoon – for the Record I am Alicia Brown and I am the Division Manager of Jackson County Code Enforcement.

Jackson County is one of the top producing County's in the State for both marijuana and hemp and code enforcement has been regulating issues within those two industries since 2016.

Code Enforcement regulates and enforces local land use ordinances and state building codes related to many areas within cannabis industries and, we work closely with partner agencies to enforce issues outside of our jurisdiction.

This past year in 2021, Code Enforcement finished out the year with just under 1900 complaints investigated. Of those 1900 cases, nearly 60% we related to the illicit production of marijuana and hemp. For comparison – in 2016, which was the first growing season recreational marijuana was legal – Code Enforcement investigated just under 1200 complaints and just under 50% of those were related to cannabis production.

From February through October of this past year – Code Enforcement worked in the field alongside the Sheriff's Office and partner agencies investigating complaints, educating land owners and addressing the many illegal issues that are pervasive at these grow sites. Myself and my team conducted dozens of onsite visits throughout the growing season.

It became clear in early spring of last year that of the many grow sites we would visit throughout the season would be very similar in set up and we began encountering nearly identical issues at each new site.

Many workers were housed on site, generally between 60 – 125 individuals living on the properties – sometimes sleeping on cots or air mattresses inside of greenhouses, where temperatures routinely reach 100+ degrees in the Summer months, sometimes sleeping in tents outside of the growing areas, in sleeping bags on the ground in warehouses and even sleeping directly on the ground within growing areas with no shelter at all.

Kitchen spaces were make-shift – a propane camp stove with food stored in open containers and little or no space to keep foods cold. Running water or wash facilities were rarely noted and often food scraps and waste were discarded in open pits.

Bathrooms stalls where a small space with plastic sheeting surrounding a pallet sitting on the ground with hole dug beneath. Showers were similarly constructed with a wash bin used to bucket water on oneself while standing over a pallet.

Aside from the squalid living conditions – there were typically multiple violations occurring around the construction of greenhouses, unsafe and unpermitted electrical installations. Tapping into residential electrical panels of the houses on

site would power the green house lighting and water pumps used to pump water from above ground swimming pools brought in to store water. Open wiring, improperly buried live electrical lines and unsafe electrical installations were often discovered within the living, working and even sleeping areas on these sites. On many occasions, Code Enforcement worked with the local fire districts to have the power disconnected at the locations because the electrical violations posed such great risks to life and property.

In addition, at many of these sites the growers were utilizing unlawful water sources to irrigate the plants. The issue of unlawful water usage is under the jurisdiction of the OWRD and Code Enforcement works closely with the Southwest Region offices to address unlawful water usage violations found at these sites.

During our investigations in conjunction with law enforcement partners - approximately 90% of the growers interviewed disclosed they were growing hemp. When asked, the growers would typically provide some type of insufficient documentation to support their claims. During these investigations we were often provided with ODA Hemp Program application materials – in varying stages of completion and told the licenses were “in process” or pending due to long ODA processing times. Verification with ODA would later yield no application had been received by the Department leading us to believe the growers were simply using the documents to thwart enforcement.

While at these sites we were also often provided with ODA registrations listing other property addresses than the one under inspection or provided with expired registrations from different growing years.

At some sites, we were provided with what appeared to be valid ODA registrations which were later verified as active by the Department. Through the OLCC and ODA sponsored THC testing and enforcement effort Operation Table Rock, we learned that many of these sites flat out denied access for testing or were found to be growing cannabis with THC levels above lawful limits.

It did not take long for us to understand that growers were exploiting the ODA hemp program as a cover for the production of illicit marijuana and by consequence – exploiting our community.

The impacts of cannabis cultivation in the Rogue Valley over the past 12 months have been substantial. Not only for our community and those living in areas where cannabis cultivation is occurring but also the substantial strain on available resources. The volume of cannabis being grown in this valley is unlike anything we have seen before and simply outpaces our resources.

The County supports the concept of the -9 amendment. The County would respectfully request removal of the provision which requires the County to specifically outline the effects leading to the state of emergency – so as not to unintentionally prevent ODA the authority to deny licenses.

Additionally, we are continually concerned that licensees who were approved in prior years and would be excluded from the moratorium. Particularly in this amendment as it would allow growers licensed in 2020 or 2021 to be re-licensed even under a moratoria period.

Many of the bad actors will be allowed to continue into the 2022 growing cycle if prior year licensees are allowed exemption which could be an unintended consequence from the limitations in the language for who the moratorium applies to and who it doesn't.

Respectfully submitted,



Alicia Brown