

From: Matt [gentrymr@gmail.com]
Sent: Wednesday, November 18, 2015 5:18 PM
To: Gilevich, Shari; BCCMail; ZoningInfo
Subject: FF10 Marijuana Land Use

Clackamas County,

It is a nice step that the planning commission took in recommending reduced minimum setbacks on FF10, however I do not see the purpose of a conditional use with a setback that exceeds what the standard minimum setback is for buildings on an FF10 property. If an existing structure used for processing cannabis edibles is on a 10 acre piece of property in compliance with standard clackamas county code building setbacks that can demonstrate compliance with light, noise, and other conditions at the lot line, then it is of no use to have a setback that exceeds standard building code such as the proposed 50ft setback. Particularly a facility making edibles such as confectionary goods that with filtration literally produce almost no detectable sound, smell, or light at the lot line. Especially considering that a 10 acre lot may be sandwiched between other 10 acre lots where the nearest structures or neighboring dwellings are hundreds of feet off the lot lines. Let us demonstrate compliance with these conditional requirements WITHOUT an additional and unnecessary setback that exceeds standard structure setbacks. Most existing structures were built with those setbacks in mind, to change this setback for cannabis does nothing but unreasonably hinder the industry especially when compliance can be demonstrated at the lot line. We have an existing structure used for medical use located in an unincorporated are of Clackamas county on FF10 that has been operating without complaint for almost 2 years now, why shut us out or force us to spend a ton of money that we don't have when we can demonstrate compliance at the lot line?

Thank You,

-Matthew Gentry

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END-ANTISPAM-VOTING-LINKS

ZDO-254

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From: Jennings Lodge CPO [jenningslodgecpo@gmail.com]
Sent: Thursday, November 19, 2015 2:28 PM
To: BCCMail; Gilevich, Shari
Subject: Comments for November 23 Public Hearing on Proposed Marijuana Land Use Regulations

To: The Clackamas Board of County Commissioners
Cc: Shari Gilevich, Planning Division
Re: **Comments for November 23 Public Hearing on Proposed Marijuana Land Use Regulations**

Commissioners,
Clackamas County's proposed marijuana land use regulations was the main topic of the Jennings Lodge Community Planning Organization meeting on October 27. As these proposals were being revised after that, we have sent our email list the County's web link to the latest drafts, with information about the hearing, so they can respond individually in writing or at the hearing to the latest proposals.

Most of the discussion at the October Jennings Lodge CPO meeting was about a related subject – the “opt-out” provisions that cities and counties have regarding marijuana regulation and businesses. Two motions were proposed, the first one to support the Board of County Commissioners in now **opting out** of allowing commercial **marijuana growing** in unincorporated Clackamas County, and the second one to support the Board of County Commissioners in now **opting out** of allowing commercial **marijuana processing** in unincorporated Clackamas County. The majority of votes cast were in favor of both motions.

After the meeting, we received more information from Jennifer Hughes in the Planning Division about the language of the opt-out provisions, and see that the language of the motions would correspond to supporting opting out of **recreational marijuana production and processing**. The language of the “processing” motion at the Jennings Lodge CPO meeting was not worded in such a way that we know if the Jennings Lodge CPO voting members also meant to support opting out of **medical marijuana processing** (and we recognize that medical marijuana *production* is not included in the “opt-out” choices). Unfortunately, we won't have another CPO meeting until after the November 23 hearing at which we could confirm that.

Thank you for the opportunity to comment.
Karen Bjorklund, Chair

Jennings Lodge Community Planning Organization

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From: Yoder, Carolyn [yoderc@canby.k12.or.us]
Sent: Friday, November 20, 2015 2:59 PM
To: Gilevich, Shari
Subject: Land use regulations for EFU property

As a land owner in rural Clackamas County I have serious concerns about EFU land being used to grow recreational marijuana!

1- What are the limitations for the amount of marijuana that can be grown or processed? Any amount on any size parcel? What are these conditions as referred to below? When I read ZDO section 841 I don't see these listed.

*Conditions for production and processing are set for minimum lot size, minimum set-back from lot line, access, odor, noise, lighting, security cameras, water and secure disposal. Some of the standards may not apply to medical marijuana production and processing, but in that case indoor production and processing must maintain a larger lot line setback than would otherwise apply (details in ZDO Section 841).

2- What are the restrictions on a processing plant?

3- Who is going to enforce these regulations? Case in point: We recently (until Jan. of 2015) had renters who had a medical marijuana grow operation in the basement of our rental house (unbeknownst to us) that was clearly beyond the legal limit. When the Clackamas County Sheriff's department investigated they concurred that the operation was beyond the legal limitations however, they said that no judge in the county would prosecute this especially since Oregon had just legalized recreational marijuana.

4- What are the penalties for non-compliance?

5- This is a serious issue for property values! Who will want to buy property next to a marijuana grow operation?

6- Families will not want to buy property in the area of these operations!

Please restrict the location of these operations to one small area of the county so they can be easily supervised and regulated!

**Carolyn Yoder
Farm Owner in rural Clackamas County**

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Clackamas County Planning Commission Meeting
October 26, 2015

Comments submitted by Gerrik Latta
24142 S Schuebel School Road, Beavercreek, OR 97004

(Member of Clackamas County Marijuana Land Use Advisory Task Force Committee)

RE: Proposed Zoning and Development Ordinance Amendments
File ZDO-254
Submitted October 21, 2015

1. 841.01 Applicability

A clear distinction between medical and recreational marijuana criteria is needed. An example: Current laws allow a producer to grow medical marijuana for 8 patients with an approximate annual value of \$30,000 to be given away at no charge to these patients while a recreational producer may pay \$1,250 for an OLCC grow license and not provide any product for patients who need the medicine. Identical standards should NOT exist for the 12 to 48-plant medical marijuana grower as for the 30,000 square foot recreational plant grower. Medical marijuana growers cannot help patients under the recommended recreational standards.

2. 841.03A Minimum Yard Depth

For EFU zoned lands, I recommend a change in the distance from a marijuana production building or processing to 50 feet instead of 100 feet from any lot line. In addition, the distance requirements from any lot line should be to plants and NOT the building exterior. I suggest 10 feet setbacks for medical marijuana with no private viewing for both medical and recreational growing. Having a good neighbor policy with a binding mediation process to handle any neighbor disputes could be applied to medical marijuana cases without the above minimum yard depth restrictions.

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3. 841.03C Security Cameras

It seems recording your own property and public rights-of-way is a given. Also, in cases where neighbors give easements for private road access, security camera coverage should be granted for these areas. The first sentence of 841.03B Access should be repeated in this section, as well:

“The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property.”

4. 841.03D Odor

If there are no neighbors within one-quarter (1/4) mile of the marijuana production, it is not necessary for such stringent regulations, costs to the grower or need to have a DEQ odor nuisance permit.

5. 841.03E3 Lighting

There should be standard lighting codes for all buildings....growers or non-growers. A crop could actually be adversely affected by a neighbor’s exterior lights. Lights should simply not exceed the property owner’s property no matter what type of building.

6. 841.03H1 Five-Acre Minimum

There should not be a 5-acre minimum law for medical marijuana. Having no private viewing of the plants for other rural residential zones is simply being a good neighbor.

7. 841.03H2 Enclosed Buildings

There needs to be better definition. Greenhouse growers do not always have their marijuana plants covered until the plants begin to bud-out. No private viewing of the plants is reasonable.

8. 841.03H3 Owner Lives on Property

This indicates that a property owner must live on the marijuana-producing property. Do you really want to say that you cannot rent the residence on such property? I suggest this section be deleted or reworded so that the property owner is not bound by such restrictions.

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9. 841.03H4 Noise Study

This is a totally unnecessary expense for the producer if a neighbor is one-quarter (1/4) mile or more away from the property line.

Miscellaneous Comments and Recommendations

1. Revisit the discussion of medical and recreational marijuana dispensary locations. By making reference to the "Portland Urban Growth Boundary," many communities outside this area are excluded from service. Why is it that OLCC would allow a liquor store to be opened in these communities outside of the Portland Urban Growth Boundary, but not a dispensary?

2. Allow growing and processing of marijuana in Industrial Zoning in buildings up to a maximum of 10,000 square feet. Why can roses be grown in such a building, but not marijuana? If Clackamas County wants to expand "living wage jobs," then the cannabis industry should be considered as meeting that criteria since the standard starting wage is \$20/hour.

3. Processing concentrates is much safer in industrial building structures than elsewhere. If there is dependable water access or water hydrant access, concentrate processing should be also allowed in Rural Residential zones.

4. Add a section to the draft document which speaks to the "grand-fathering" clause. Define who may be considered, as well as making it clear as to whether medical, recreational or both marijuana growers can be included. In addition, define the "legal" vs. "illegal" grower as it pertains to the "grand-fathering" clause.

5. It is recommended that Rural Residential Zoning Districts be allowed to grow medical marijuana for up to four (4) medical cards, or 24 plants, on property of less than an acre; and eight (8) medical cards, or 48 plants, on property of one (1) acre or more.

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- 50 feet

- 100 Feet

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November -23, 2015

To: The Clackamas County Board of Commissioners

John Ludlow – Chair
Jim Bernard – Vice Chair
Martha Schrader – Commissioner
Paul Savas – Commissioner
Tootie Smith - Commissioner

Testimony of:
Douglas R. and Diane S. Woods
14285 S. Union Hall Rd. (Zone: EFU)
Mulino, OR 97042

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Re: Rural Land Use Regulations for Recreational Marijuana

Much testimony, both written and oral has been introduced regarding this issue. Concerns over setbacks, security, enforcement, noise, odor and many others have been identified. For a layperson, the task of identifying and understanding all of the available information is nearly impossible.

The packet for this meeting alone has 852 pages of information. The exhibits from the Planning Commission comprise at least 289 pages. Our copy of HB 3400 has 111 pages, referencing many chapters and sections of other Oregon laws. Measure 91 has 38 pages with its own set of references.

From our point of view, the issues of Rural Land Use Regulations for Recreational Marijuana need to be rendered to the most basic form.

The marijuana plant and its derivatives, for recreational use, have no societal value except to satisfy the self-serving wants and desires --NOT THE NEEDS-- of the urban majority that passed Measure 91, and, perhaps a dubious economic benefit for the state, participating counties and cities and clearly for the individuals participating in the recreational marijuana business, all

**We believe there are lessons yet to be learned from both Colorado and Washington.
Clackamas County needs the time to learn from those examples.**

At this time, we urge the Board of County Commissioners to remand this matter back to the voters of Clackamas County as an OPT-OUT, for a more informed and well-considered choice.

**Respectfully,
Douglas R. Woods
Diane S. Woods**

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Measure 91

EXHIBIT _____

Text of Measure

Page _____ of _____

Be it Enacted by the People of the State of Oregon:

This Act shall be known as:

Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act

SECTION 1. (1) The People of the State of Oregon declare that the purposes of this Act are:

(a) To eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;

(b) To protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;

(c) To permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;

(d) To ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law; and

(e) To establish a comprehensive regulatory framework concerning marijuana under existing state law.

(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:

(a) Prevent the distribution of marijuana to persons under 21 years of age;

(b) Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

(c) Prevent the diversion of marijuana from this state to other states;

(d) Prevent marijuana activity that is legal under state law from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

(e) Prevent violence and the use of firearms in the cultivation and distribution of marijuana;

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(f) Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of marijuana;

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

(h) Prevent the possession and use of marijuana on federal property.

SECTION 2. (1) Sections 3 to 70 of this Act are added to and made a part of the Oregon Revised Statutes.

(2) Section 71 is added to and made a part of ORS chapter 317.

(3) Section 72 is added to and made a part of ORS chapter 475.

(4) Section 73 is added to and made a part of ORS chapter 811.

(General)

SECTION 3. Short title. Sections 3 to 70 of this Act shall be known and may be cited as the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act.

SECTION 4. Limitations. Sections 3 to 70 of this Act may not be construed:

(1) To amend or affect in any way any state or federal law pertaining to employment matters;

(2) To amend or affect in any way any state or federal law pertaining to landlord-tenant matters;

(3) To prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, delivery, possession, or use of marijuana to the extent necessary to satisfy federal requirements for the grant;

(4) To prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, delivery, possession, or use of marijuana to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for the contract;

(5) To require a person to violate a federal law;

(6) To exempt a person from a federal law or obstruct the enforcement of a federal law; or

(7) To amend or affect in any way the Oregon Medical Marijuana Act.

SECTION 5. Definitions. As used in sections 3 to 70 of this Act:



Denver DA

Mitchell R. Morrissey, District Attorney - Second Judicial District
201 W. Colfax Avenue, Dept. 801, Denver, CO 80202

Phone: 720-413-0004
Fax: 720-413-9225

July 27, 2015

Clackamas County
Commissioner Chair Ludlow
Commissioner Bernard
Commissioner Smith
Commissioner Schrader
Commissioner Savas
2051 Kaen Road Road
Oregon City, Oregon 97045

Dear Commissioners,

As you know, Colorado legalized small amounts of marijuana for medical use several years ago and then approved a measure allowing retail marijuana for personal use in January 2014, just about seven months ago. While the full impact may not be known for some time, we already are seeing some of the effects. This includes seeing retail marijuana explode into a multi-million dollar industry that exists simultaneously with a continuing black market. Recent findings from the Rocky Mountain High Intensity Drug Trafficking Area give us a snapshot of what is happening, and it is concerning.

We now have nearly 500 medical marijuana dispensaries in Colorado, and 212 retail stores. Most are in Denver (215 medical marijuana dispensaries and 77 retail stores). There are also hundreds of cultivation facilities and dozens of infused marijuana product businesses.

While pro-marijuana groups are touting selected statistics to the media suggesting that crime is down since the legalization of marijuana, we are beginning to see the effects in our emergency rooms, junior and senior high schools, on our roadways and in our homes.

Since 2007, there have been 15 violent deaths related to medical marijuana in Colorado. In each of these deaths, the victim was a medical marijuana caregiver, was killed in the presence of a caregiver or was trying to rob a caregiver. Dispensaries and stores are lucrative targets for burglaries and robberies. The large sums of cash at these sites have led to execution-style murders and shootouts in residential neighborhoods. There have also been more than 300 burglaries and 7 armed robberies in Denver in the last two years; I do not expect the figures this year to improve.

From 2011 to 2013, there was a 57-percent increase in emergency room visits related to marijuana, and ER doctors noted they treated more small children for accidental overdoses of marijuana. Children are also being exposed when mothers use pot during pregnancy or breastfeeding, as an increasing number of women now report they are trying marijuana for morning sickness or other uses while pregnant. There has also been an increase in calls to our local poison control center involving marijuana and children.

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~~pg 45/47~~

July 27, 2015

The National Institute on Drug Abuse reports marijuana use among high school seniors is increasing and may soon become more common than cigarette smoking. This may be connected to the increase we are seeing in the number of adults who encourage marijuana use among young people and adults who are actually using marijuana with a minor. There was a 26-percent increase in monthly marijuana use in Colorado among young people, ages 12-17, in the three years after medical marijuana was commercialized (2009) compared to the three years prior to commercialization.

There was a 32-percent increase in drug-related suspensions and expulsions in Colorado for academic school years 2008/2009 to 2012/2013. A June 2014 Rocky Mountain HIDTA survey of 100 Colorado school resources officers revealed 89-percent have seen an increase in student marijuana-related incidents since retail marijuana was legalized. And, it appears there is a greater likelihood of young people trying marijuana. A study found that 10-percent of high school students who would otherwise be at low risk for habitual pot smoking now say that they *would* use marijuana if it were legal. It is not my intent in this letter to discuss the health impacts of marijuana on young adults, such as lowered IQ and memory impairment, but there is clearly cause for concern.

We have seen a sharp increase in dangerous hash oil explosions. In the first six months of 2014 there have been 26 confirmed explosions and 27 reported injuries. The number of confirmed explosions directly related to the illegal processing and extraction of hash oil in just six months is more than double the total reported in all of last year.

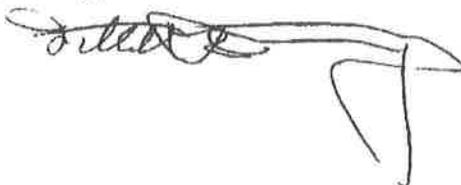
And we have seen an impact on our roads. One in nine drivers in fatal crashes now test positive for marijuana. While the overall number of car crash fatalities were down in Colorado between 2007 and 2012 (down by 14%), fatalities involving drivers who test positive for marijuana are up 100%.

The Colorado State Patrol DUID program (Driving Under the Influence of Drugs), initiated in 2014, show in the first six months of 2014 that 77% of the 454 DUIDs involved marijuana and 42% of the 454 DUIDs involved marijuana only. I do not expect this to improve as another study from 2013 shows marijuana causes more car accidents than any other illicit drug.

The advent of medical marijuana and retail marijuana has not, unfortunately, eliminated the illegal cultivation, possession and sale of marijuana. There remains a robust black market that carries all the risk of illegal drug dealing and continues to require significant public safety resources. Our Crime Lab has requested an additional forensic scientist just to test the volume of marijuana seized over the legal limit.

I believe when the majority of people in Colorado voted to approve Amendment 64, their intention was to de-criminalize the private, personal use of marijuana by adults and that they had no idea marijuana would become the latest multi-million dollar industry in our state. I also believe they did not anticipate the impacts I've outlined in this letter. We will see what the rest of the year holds and what other unintended consequences we discover.

Sincerely,



Mitch Morrissey
Denver District Attorney

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November 23, 2015

Measure 91

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Craig & Claudia Haworth

24051 S. Highland Crest Dr.

Beavercreek, OR 97004

My name is Craig Haworth and I and my wife Claudia are registered voters. I live at 24051 South Highland Crest Drive in Beavercreek, Oregon. Highland Crest Drive is a private, one lane easement not maintained by Clackamas County. I have worked very hard to build a home and improve the property that I share with my wife.

Measure 91 was approved by a narrow margin by the registered voters this year. I voted yes with the understanding that it would not penalize individuals for growing a few plants for their consumption. I also thought of those peoples suffering from chemotherapy or other chronic pain. On the surface, it was a pragmatic approach to keep people from buying it on the street.

There is a medical marijuana grow operation at 24200 South Highland Crest Drive. However, what we have discovered from the current occupants, who are currently leasing is troubling:

1. Conversion of a horse barn to a medical marijuana grow in a building that has no permit
2. Lack of fire protection for that barn as well as two large propane tanks used in the manufacturing of hash oil that is very volatile.
3. Conducting a grow operation outside with no regard as to chemical use, disposal of those chemicals and the ramifications to the environment as well the adjoining properties.
4. Informing adjoining properties that the size and scope of this operation and the impact should a fire, explosion or possible criminal activity occurs.
5. They did not seek approval for use of an operation/business of this type regarding the easement from the residents living on South Highland Crest Drive.
6. Environmental effects include odor (skunk like) groundwater contamination and the ensure measures are taken, inspected by government agencies for compliance.

Measure 91 passed. The commission is now hearing from us, concerned citizens, about the ramifications of this measure and how it affects the general population. How will the proposals be enforced? What recourse do we have? These and other unanswered questions lead to me believes we have a tragedy of the commons. My safety as well my wife and my neighbors are causing great concern. We know there has been an increase in crime in our area. We see and read about marijuana related thefts, home invasion and other related crimes in the drug community. I know of another large indoor horse arena on Ridge Road that has been converted into an inside grow operation. It appears that some growers believe they can do what they want without recourse.

The traffic going to and coming from this operation has increased and there can be as many as 30 cars a day. For what was to be a small medical marijuana operation inside a barn begs the question: How many people are employed there?

If these growers are doing everything within the confines of the law and the measure, why then do we see at some locations, elaborate security cameras, barbed wire and protective fences or watch dogs? On the news, I saw a home invasion of a couple that was growing marijuana and it looked like a fortress. What are they trying to protect? If this industry thinks what they're doing is harmless, they providing a service, then why all the safeguards?

Thank you for giving me the opportunity to offer my testimony. Please don't let my comments fall on deaf ears. However, as a registered voter active in the community, I'm aware that some on this panel are up for re-election. The people who voted for you are the people you serve, not special interests. Commissioners, opt- out.

What is decided today will weigh heavily when I take my number two pencil to mark my ballot in the next election.

Thank you,

Craig Haworth

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EXHIBIT 100

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November 23, 2015

Shirley Morgan P. O. Box 1351, Welches, Oregon 97067

My name is Shirley Morgan, from Welches.

As an advocate for public safety, quality of life, and property values I would first like to thank the staff who have, been run ragged over this intrusive topic with deadlines that even the best sprinter couldn't have met without frustrations.

Second, I understand that the planning commission would have been negligent in their duty to not weigh in on regulations.

However the commission has gone too far by reducing setbacks, lot sizes, and expanding wholesaling and retailing into areas that at best cannot even be served by the existing code and law enforcement resources. I call this a conflict of interest in serving the marijuana industry rather than the rural residents.

OLCC's rules are frightening as:

- More than one license will be issued at one site address, meaning that a 20 acre EFU parcel can be leased out to more than one grower, using the entire piece of land to grow marijuana.
- OLCC does not regulate a maximum number of licenses, potentially resulting in an entire community being taken over to grow marijuana.

Third, there are over 47 cities and counties that are opting out, and that includes Marion County and tonight Deschutes County planning commission is leaning towards an OPT OUT.

The weight of evidence provided has culminated in a strong message to OPT OUT.

I suspect the pro marijuana advocates are more fearful of an opt out succeeding, because when rural residents find out what was really in HB3400 they are going to be furious! An OPT OUT allows those most impacted to have a voice, and for those who believe that it won't pass, than the County should be waiting in the wings with a reasonable land use ordinance that can be passed.

The pro marijuana advocates show up at hearings with their out-of-County threatening attorney's, but the citizens who are registered to vote in Clackamas County show up with

- their heart
- their investments
- concerns for their family and for
- their public safety, quality of life, and property values and the attorney representing the citizens, **IS THEIR VOTE.**

Safe Drug Policies begin by serving those who live here rather than those want to move here.

Thank you.

November 23, 2015

Good morning commissioners, my name is Laura Underwood and I live 5 miles east of Sandy next to the old once historic Oregon Candy Farm.

Throughout the Marijuana Land use regulation process I have heard the marijuana industry beg to be regulated, "Regulate the hell out of us, that's what we want" said a prominent medicinal marijuana dispensary owner during a task force meeting.

"To regulate is a principle, rule or law designed to control or govern conduct".

Sounds good doesn't it, as though the marijuana industry wants to be compliant and accountable for their products. When regulations were being proposed for land use and some of the pot growers were voicing their concern with some of the regulations, the pot attorneys were quick to threaten litigation. Due to this constant threat the land use commission became litigation fear based and were pressured to develop liberal regulations in favor of the pot growers.

We all know that regulations are very difficult and time consuming to enforce due to prioritization and enforcement limitations, no wonder the marijuana industry advocated regulations as they were fully aware of this.

The major driving force to all of this is money. It's sad that we can't come up with some other industry that challenges our creative abilities, that will improve our economy and that will enable us to become innovative global leaders, rather than leaders who are breaking federal laws and putting our public safety, quality of life and property values at risk.

Our Clackamas County livability is at risk! There will be many social costs and ramifications, are we ready to take on this economic burden?

County Commissioners take an oath to serve both Federal and State laws and are required to oversee County activities to ensure that citizen concerns are met and that county operations run smoothly.

I do not believe that the current land use regulations will assure either of these. I ask for an "Opt Out".

Thank you,

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Laura Underwood

48400 SE Wagoneer Loop

Sandy Oregon

To: Clackamas County Board of Commissioners and Clackamas County Land Use Commission

My name is Rachel McCart, and I am a registered voter in Clackamas County. With my husband, Erin McCart, I reside at 24150 S. Highland Crest Drive in Beavercreek. I am submitting these comments to supplement my live testimony at the hearing on November 23, 2015.

As a prefatory matter, you should be aware that I am not anti-marijuana, and in fact, I voted for Measure 91. When I voted for Measure 91, I thought I was voting for individuals to be able to have four plants in their possession for recreational use, which I viewed as not all that different from me being able to lawfully enjoy a glass of wine in my own home. I did NOT realize that Measure 91 would open the floodgates to large commercial marijuana operations in my state, much less in my own rural backyard. Frankly, I feel intentionally misled.

My husband and I have personal experience living in close proximity to a large medical marijuana growing operation at 24200 Highland Crest Drive (the "Property"). In February 2015, Jeff Simonson and Angela Kopsky moved into the Property. Mr. Simonson rents the Property from the owners, Clifford "Skip" Beddow and Carol Beddow, who now reside in Bend, Oregon. Mr. Simonson and Ms. Kopsky operate a medical marijuana grow facility on the Property, Herbaceous Farms, LLC. Highland Crest Drive is a one-lane residential easement that belongs to our property and serves as an access point for four other households, including the Property. Mr. Simonson has stated in an email to the County that he intends to apply for a license to grow and process recreational marijuana on the Property.

I urge the Commission to opt out of allowing recreational marijuana production, processing and sales within unincorporated Clackamas County.

My husband and I have the following concerns:

- 1. Cost to the County.** Per testimony at the Board's November 10, 2015 planning session, the Commission has NO data about the potential revenues the County will receive from marijuana sales, or the potential costs the County will incur as a result of marijuana-related businesses' presence in the County. Therefore, there is no way to know whether the tax revenue from marijuana will even begin to cover the additional costs related to marijuana-related businesses, such as law enforcement, code enforcement, fire fighting and traffic and roadway issues. At the November 10 planning meeting, Commissioner Savas moved to have a cost analysis prepared prior to the Commission voting on the adoption of land use regulations pertaining to marijuana, but no other commissioner seconded the motion, apparently because they felt there was not enough time to complete a meaningful evaluation. There is a simple solution that would allow the Commission time to obtain a thorough cost analysis - the Commission can simply opt out of

allowing recreational marijuana production, processing and sales in the County.

- 2. Enforcement of Marijuana-related Regulations.** The Commission tasked the Land Use Commission to propose regulations relating to marijuana production, processing and sales in the County. Pursuant to the proposed regulations, County code enforcement would be solely responsible for enforcing such regulations. As I understand it, there are no plans to add additional code enforcement officers or other staffing to meet the enforcement needs generated by marijuana-related businesses in the County. Therefore, this responsibility would fall to the four code enforcement officers the County currently has, who are already more than fully occupied with existing code enforcement issues. That will lead to overburdened code enforcement officers who cannot possibly keep up with the plethora of new enforcement issues generated by the presence of marijuana-related businesses in the County. Accordingly, there will be no effective enforcement of marijuana-related County regulations. Therefore, marijuana-related businesses will operate as they see fit, regardless of compliance with County regulations. County citizens living next to non-compliant marijuana operations that present health, environmental, fire and other serious risks will have no practical recourse.

Furthermore, even if the County did have adequate code enforcement personnel and resources to handle the increased code enforcement needs associated with the presence of marijuana-related businesses, fines for violations would be limited to those provided for in the land use regulations. Given the large amounts of cash being generated by marijuana-related businesses, these fines would have little or no deterrent value. Rather, the marijuana-related businesses would likely consider paying such fines a cost of doing business.

- 3. Crime.** As I understand it, the County has no plans to add additional sheriff's deputies or other law enforcement personnel to handle the increased criminal activity associated with the presence of marijuana-related businesses in the County. While marijuana advocates claim crime rates decrease after legalization, official Denver crime statistics tell a different story – see: <https://www.denvergov.org/content/denvergov/en/police-department/crime-information/crime-statistics-maps.html> Likewise, official Washington State crime statistics: <http://www.waspc.org/assets/CJIS/ciw%202014%20small.pdf>

My husband and I have seen firsthand the explosion of criminal activity that comes with the presence of marijuana-related businesses. Exhibit 1 shows a map of criminal activity in our little rural area. Prior to this summer, this map was practically empty. But now, after multiple marijuana growing and processing operations moved into the area earlier this year, reports of

burglaries, armed robberies, thefts, suspicious prowlers and other crimes jumped dramatically.

- 4. Extreme Fire Danger.** As I understand it, the County has no plans to add additional firefighting personnel or equipment to handle the increased fire danger associated with marijuana production and processing in the County. The production of marijuana typically involves heat sources, grow lights and volatile chemicals, and the processing of marijuana into oils typically involves heat sources and butane and/or propane. For example, within the past week, two 1,000-gallon propane tanks have been delivered to the Property, one of which is now connected to a plywood shed (presumably for marijuana extract production) by a shallow, hand-dug trench – See Exhibit 2. You can see for yourself that this situation looks like an explosion waiting to happen. And none of the structures on the Property being used to grow and process marijuana have been permitted by the County, despite the fact they have electricity and plumbing.

Even in the most careful operations, accidents can happen, and not every marijuana grower and processor will operate using best practices. Many areas of the County, including rural Beaver Creek, are forested and have large amounts of brush and other fire fuel. We are very concerned that existing firefighting resources in the County will be unable to handle the increased firefighting needs associated with the presence of marijuana-related businesses in the County.

- 5. Environmental Hazards.** Marijuana growing and processing both involve large amounts of pesticides, herbicides, fungicides, butane, propane and other volatile fuels, as well as plant waste, all at levels much higher than other types of agricultural crops. My husband and I are concerned that no one, either at the County or state level, is prepared to oversee the proper storage and disposal of these materials, and the result will be environmental disasters, including but not limited to well water contamination, groundwater contamination, air pollution and soil contamination. How many people and animals will die? How many more will get sick? How long will it take to clean up contaminated areas, who will do it, and who will pay for it?

If the Commission decides not to opt out, I strongly urge the Commission to retain the currently proposed land use regulation that would require all owners on a shared private road to consent in writing to having a marijuana operation on that shared road.

This requirement is consistent with existing County land use regulations for certain types of “home occupation” businesses located on shared private roads, which also require consent from all other property owners sharing the private road. These requirements take into account that business use of a shared private road may be inappropriate because of the increased traffic, noise and activity, and provides the

neighbors who share that road with the opportunity to decide if the business use is indeed appropriate for their road.

Herbaceous Farms' use of Highland Crest Drive, which is a private, one-lane paved residential easement on our property, has been extremely disruptive. And it's not just bothering us. Family members from two other households on Highland Crest Drive will testify in person and in writing before you about the problems they have observed.

Since February 2015, when Herbaceous Farms started operations on the Property, traffic on Highland Crest has increased exponentially, and the traffic drives much faster than is safe for this one-lane road, resulting in several near-misses between vehicles and pedestrians. Because Highland Crest goes right past our house – see Exhibit 3 – and my husband and I both work from home, we can easily observe that the increased traffic is going to and from the Property. Our neighbors, Craig and Claudia Haworth, from whom you will also receive testimony, installed “please slow down” signs at their own expense (See Exhibit 4), and had conversations with Mr. Simonson about the traffic speed – to no avail.

Prior to February 2015, there was virtually no litter on Highland Crest Drive. Since Herbaceous Farms started its operation, discarded beer cans, candy wrappers, cigarette butts, crushed cigarette packs, fast food wrappers, drink containers, and other debris have regularly appeared along Highland Crest Drive. No one on Highland Crest Drive smokes, so the smoking-related litter (including one cigarette butt Mrs. Haworth found in August that was still lit!) is certainly coming from the Property. I walk along Highland Crest Drive almost daily and pick up any litter I see. In a *single day*, November 11, 2015, *after* Mr. Simonson submitted an email to the County in which he claimed to have a “zero tolerance” policy for Herbaceous Farms staff and customers littering, I picked up the trash shown in Exhibit 5.

For the foregoing reasons, I respectfully request that you **opt out of permitting recreational marijuana growing, processing and sales in Clackamas County**. In the event you decide not to opt out, I respectfully request that you **retain the current proposed land use regulation requiring written consent from property owners on shared private roads**.

Sincerely,

/s/ Rachel E. Kosmal McCart

Exhibit 2: Photos of Industrial Propane Tanks and Structure on 24200 S. Highland Crest Dr.







Exhibit 3 - Photo Showing Proximity of Highland Crest Drive to Our Home



**Exhibit 4 - "Please Slow Down" Signs Installed on Highland Crest Drive by
Craig and Claudia Haworth**





Exhibit 5 - Trash Picked up on November 11, 2015 on Highland Crest Drive











Recreational Indoor Marijuana
Production Setback
“Suggestions Clackamas County”

BY: Kyle Oekerman

“Dukes of Boring”

November 2015

EXHIBIT 103

Page 1 of 7

Problems

1. Smell
2. Noise
3. Sealed production rooms
4. Conclusion- Being a good neighbor

EXHIBIT 103

Page 2 of 7

1. Smell

- a. Smell is one of the biggest issues whenever participating in the industry of marijuana production as any seasoned grower can attest to. However with current growing technology it is a very easily avoided problem. Through the use of carbon scrubbing filtration, you can mitigate the entire unwanted pungent odor.
- b. Growers must combine the correct size of filter and fan to ensure air flows through the carbon at the right rate. To find the right match, first calculate the size of the grow room in cubic feet (LxWxH). To bring in fresh air and adequately filter the exhaust, air in the grow room should pass through the filter every one to four minutes, with one- to two-minute exchange times being optimal. So that means in a 1,000-cubic-foot grow room (about 10' x 12' x 8'), 250 to 1,000 cubic feet of air should pass through the filter each minute. However, an appropriately sized carbon filter reduces a fan's CFM rating by about 20 percent. So, to changeover the air in a 1,000-cubic-foot room within the correct time frame, the grower would need a centrifugal fan with at least a 310 CFM, such as the 6" Max Fan, 6" Can Fan HO or 6" Vortex to achieve a roughly 4-minute exchange, or an 8" centrifugal fan with around 700 CFM to exchange the air in about 2 minutes. A 12" fan with roughly 1200 CFM will clear the room in about one minute.
- c. Conclusively as shown above the problem of smell can be mitigated not with a specific setback but with the proper use of filtration technology. I suggest that rather than excluding a indoor production facility solely based on property size or on the basis of the building being able to fit into specific setback parameters, this committee alternately sets specific filtration parameters based on grow room size and CFM needed to exchange the internal air within a 1-2 minute time period.

2. Noise

- a. Noise is another huge nescience when it comes to growing. You have Air conditioning units, circulation fans, pumps and many other pieces of equipment that can make a lot of excess noise pollution. As growers this is something that we must live with but also be accommodating to our neighbors and thus be good neighbors in our local community. But like any other business there are business hours and this is a fact that our new marketplace must adopt. No more late night working because we just got off work and this is in fact our second job. Going forward this is our business and thus we work within the normal business working hours.
- b. Air conditioning is probably one of the biggest noise polluting pieces of equipment a production facility has. However when growing marijuana the huge majority of cooling is only needed twelve hours a day while our bloom lights are on, therefore our noise pollution can be kept to a minimum during quiet hours that are already set in place by Clackamas county noise ordinance.
- c. My suggestion to the committee is very much similar as the smell problem above in the case of exclusion based on property size and setbacks. I instead suggest that you limit the bloom lighting hours of the day to have to fall within the already set in place Clackamas County noise ordinance. This would mitigate noise pollution during unwanted hours of the day. Air conditioning systems would be running at a very minimal level if at all, and noise pollution would be kept to a minimum in turn keeping the local community and neighbors happy.

3. Sealed production rooms

- a. The indoor growing community by and large practices sealed production. This process is used because of factors like cooling, CO2 generation and pests. The goal is to keep all wanted environmental factors stable and all unwanted problems like pests out. With this theory or practice comes the understanding or necessity to control ones environment completely, which in turn would mitigate some of the problems mentioned above, the biggest one being smell. If we are allowing smell to escape we are also allowing the opportunity for our HVAC system to have to work harder to keep our room at the proper temperature because we are allowing the cooling to escape as well. Also if our room isn't sealed, our costs are going up, our electricity bill based on HVAC and our CO2 cost rises because our PPM fluctuates more, thus having to buy more CO2 or burn more natural gas to hold a steady environment. In turn if environment can escape, then unwanted environmental factors can infiltrate. Pests have an opportunity to enter our room and there is also a higher risk of pollen or mold and mildew spores to enter our room unknowingly.

4. Conclusion- Being a good neighbor

- a. In conclusion I believe that the ordinances that are being reviewed should fall in line with being a good neighbor. I can tell you first hand after being in this business that there are good and bad neighbors in this industry, this will not be mitigated by any imposed setbacks when it comes to indoor grows. However these issues can be mitigated by regulation of technology standards and business practice standards.

This report was written for the purpose of indoor growing only. Personally I have spent two years in this industry, proven my concept to the point of finding substantial investors to move forward and have the potential to do so. By this committee constraining production facilities to lot sizes and setbacks, you will be choking off opportunity for successful compliant businesses an avenue to grow with the industry. In my opinion and based on factually on the job experience I have come to these conclusions and suggestions for ordinances for indoor growing only. For the purposes of encompassing all forms of growing I feel there has to be more explanation given because these suggestions only fit into an indoor growing environment. My opinions on outdoor growing differ substantially. That being said here is my suggestion for outdoor growing.

I believe that outdoor growing needs to have setbacks put in place, much larger setbacks. I believe that indoor growing can be managed on any size property with typical buiding setbacks. But when it comes to outdoor growing, the property size must be much larger in size. I believe a five acre minimum is necessary to mitigate the above stated issues with smell being the most important since you cant scrub an open air environment. Outdoor grows are notorious for smell, having a one hundred foot setback is not adequate. As OLCC has stipulated the max outdoor grow size is just under one acre. On one acre you can produce a substantial amount of marijuana and thus the smell can be exponetial. I believe that a five acre minimum would allow for those problems to be mitigated as long as the outdoor grow is 3-500ft from the property line. In

saying that I do also believe that this committee will have to acknowledge that when it comes to outdoor growing, there is really no amount of space that will allow to mitigate all smell, therefore this committee will have to find a happy medium of understanding what a good neighbor is. As this is a new industry I believe this will be found over time and trial and error. It will also come as the bad neighbors are weeded out over the next couple years, this will happen not by smell, but by finding the businesses that slip up in other compliance. Bad neighbors will be found as compliance isn't met on many other levels, because the grower who doesn't concern him/herself with smell will also falter in many other aspects, because if they don't care enough to keep their smell down they will not care enough to comply with all other forms of compliance.

I hope that the industry leaders going forward can be good neighbors, make a good name for our industry and thus be welcomed by our community to create local jobs, keep our industries money local and reach out in our communities to make it a better place for everyone. This will make a great environment for everyone and drive our industry forward in a positive direction. Please take my suggestions under consideration and understand that by finding a way to adopt them it will allow the little guys; who have worked very hard to make a place in this industry for themselves, a way to grow with the industry.

EXHIBIT 103
Page 7 of 7

Hello,

My name is Jean Roberts, I live at 48220 SE Highway 26, Sandy, Oregon

The passing of measure 91 was by a very small margin.

Please do not forget about the people that voted **No** to **this federal illegal drug**. They are the ones that are **most impacted** by the land use regulations you are going to be passing.

The drug people tell you to regulate them, *of course*, they know that you do not have the **man power** or **money** to enforce the regulations you might put on them.

1. Setbacks need to be in place, 100 feet or more.
2. I know they have classified this drug as an agricultural crop, but it is not like any other crop we have.
3. It is not food for animal consumption or for *normal* human consumption. It is a class 1 drug.

Being a 3-time cancer survivor, I know a little bit about getting my medication that I need. I did not have my radiation treatment, or chemotherapy treatments coming to my home. I had to travel to get treatment, medication, and medical care. Had to make arrangements for someone to take me, because I was unable to drive myself safely. Why place dispensary around every corner of this county, is the rights of the people that want this Federal Illegal drug of more concern to you than that of people like myself. There are many of us out there.

Please look at how this is effecting the neighbors, and think about what you would want living beside your own homes.

What limitations would you want to put on them at that point?

Personal Safety, Quality of Life, and Property Values.

When you buy a home those are 3 major parts you look at.

As a registered voter in Clackamas county, I urge you to OPT - OUT

Thank you

EXHIBIT 104
Page 1 of 1

MARIJUANA

A **CROSSROADS**
FOR CLACKAMAS COUNTY



WWW.UNWANTEDPOTGROWS.COM



OREGON

**PROCEED AFTER
REVOTE 2016**



**TIME TO MAKE EDUCATED DECISIONS
FACTS FROM COLORADO
PUBLIC SAFETY
PROPERTY VALUES
YOUTH HEALTH EFFECTS**

Misguided Legislature
Incomplete OHA Guidelines
Incomplete OLCC Rules
Insufficient Enforcement
Drug Dealer Goals
50-80% of Pot leaving State



**ROAD TO
DISASTER**



**LUDLOW
BERNARD
SMITH
SCHRADER
SAVAS**



EXHIBIT 105

Page 1 of 2

Good Day Commission,

My name is Rocky Roberts, from Sandy, OR. As a registered voter of Clackamas county, I ask you: How can you **not**, in all good conscience, choose the opt-out option that has been provided to you all in HB3400?

Why is this commission in such an all fire hurry to send Clackamas county down this miss guided road the drug culture is swaying you to follow?

I hope Mr. Ludlow

1. You will stand by your letter to a concerned voter on Oct. 7th,
2. That you'll advocate to prohibit retail marijuana facilities outside the urban growth boundary.

Mr. Bernard,

1. You have stated if either Washington or Marion Counties chose to **opt out** you also would be inclined to do so.
2. Mr. Bernard, Marion County wisely has.

Tootie Smith –

1. Marijuana is not just like growing any other crop.
2. It is the growing of an intoxicant.
3. It is still illegal to cultivate, sell or process marijuana under federal law.

Martha Schrader

1. Do you really feel any regulations or restrictions can be enforced with only 4 or 14 code enforcement officers?
2. I've had an ongoing complaint file against the so called Oregon Candy Farm for 6 months. Are they still operating? **yes**.
3. And with a 22-day notice before any inspections of complaints could be investigated, of course plenty of time was given to clean up – **No**, cover up their acts.
4. Multiply this by the current 3500 plus grows in Clackamas county even with today's new math rules, it will be a joke.

Mr. Savas, I think you would agree with me that

1. The **increase** in crime, and **inability to enforce** any standards
2. The **increase** in costs to deal with **drug issues** and **treatment**,
3. The **dumbing down** of our children and society in general, **It is just not worth it**.

Honestly staff, if you can't live with all the negative aspects of this drug culture in your back yard, can you not find a reasonable way to regulate it out of mine?

STOP – LOOK – and LISTEN – OPT OUT

Thank you

EXHIBIT 105

Page 2 of 2

Clackamas County Board of Commissioners testimony by Steve Chianello

As a Clackamas County Registered voter, Board of Commissioners I thank you for allowing me the opportunity to speak today on behalf of my family.

The grow site I am going to talk about today is located at 24200 South Highland Crest Drive in Beavercreek and is operated under the name Herbaceous Farms. The access to our property is at the end of Richter Drive.

Even though I have attended many of these meetings I have not publicly testified until today for the reason of wanting to better understand the subject of marijuana grows and the impact it has on communities, families and children.

The items I am reviewing with you today are facts based solely on our own experience of this large grow that started to establish in February of 2015 without any prior notice to surrounding neighbors.

My family including our children who roam our property freely have been subject to the following.

- Marijuana being grown and processed in clear public view of adults and children.
- On many days our back yard is now like living next to an outdoor bar. Due to noise levels from excessive amounts of loud people, including language issues.
- Loud Marijuana pot parties with a live band.
- Herbaceous staff and friends smoking pot in public view of adults and children.
- HVAC and filtration system noise levels are out of compliance.
- Staff member living in a trailer on the property.
- Loud motorcycles and quads being ridden during day and nighttime hours that are not compliant with Clackamas County noise regulations.
- Odor issues not only from marijuana but also whatever harsh chemical's that are being used by Herbaceous Farms.
- Increased vehicle traffic on grow property and Richter Drive.
- Please review the wording in the pictures with this testimony that show the character of Herbaceous Farms and staff.

I want to point out that these events have only been going on since the operators of the grow site moved on the property and are continuous. Prior to Herbaceous Farms the surrounding area has been a very peaceful and tranquil place to live and raise a family.

It is also completely unacceptable for **ANY** business to be able to come into a community and drastic impact the safety, quality of life and property values of that community.

In addition here are points for Clackamas County to discuss.

- Has there been a financial impact study done on how much it is going to cost Clackamas County for code enforcement. Please share with us where we can view this financial study. I am sure as with any project Clackamas County has done their financial due diligence first.
- Security, even though some of these sites have security systems in place, what about the security from individuals with the intent to raid these facilities who are traveling through adjacent properties of innocent people to gain access to grow sites.
- Impact teams, why hasn't there been an impact team assembled to investigate the impact a grow site would have before issuing a license?
- Why isn't Clackamas County mandating a GOOD Neighbor plans that will bring accountability to growers through a bi annual or annual evaluation process by the surrounding neighbors that would directly affect license renewal? If the grow sites want to keep promoting how professional they are there should not be any concerns from them on having a good neighbor plan and accountability in place.
- Grow sites have permanent staff; all employees of grow sites should be required to be registered with the county or state with full background checks done. This is a major safety issue for the surrounding community especially children. If you are good citizen and have nothing to hide why fear a background check.
- With Marijuana grow sites having full time staff I am sure OSHA will be getting involved to help address the environmental impacts.
- These grow sites are operating 7 days a week so there is NO relief for surrounding neighbors form all the issues.
- Safety of children and families – who is going to protect the innocent, especially children that are greatly affected by many grow sites. John Ludlow said in writing on 10/28/2015 and I quote "I have worked on behalf of children for over 40 years". So John we the people ask you this; how are you going to protect the children?
- Now that there are proposed regulations and the voters will actually know now what they would be voting on instead of being mislead, Clackamas County needs to **OPT OUT**.

In conclusion I ask the Commissioners of Clackamas County these questions as trusted elected officials. Are you making good decisions to ensure safe, healthy and secure communities, as promoted on the Clackamas County web pages?

Would your parents and grandparents be proud of you and your decisions that you have made on this topic that are affecting many innocent children and families' quality of life and safety?

Sincerely – Steve Chianello

Exhibit 1: 24495 S. Richter Rd and 24200 S. Highland Crest Dr., adjoining property line



Exhibit 2: Vincent Thomas, Herbaceous Farms Staff. All which is seen and witnessed from children on my property.



Exhibit 4: Herbaceous Farms staff trimming to load music.



Exhibit 5: Old marijuana plants and marijuana remnants being discarded on property.



Exhibit 6: Herbaceous Farm, Staff in public view with people living in trailer and marijuana plants in background.

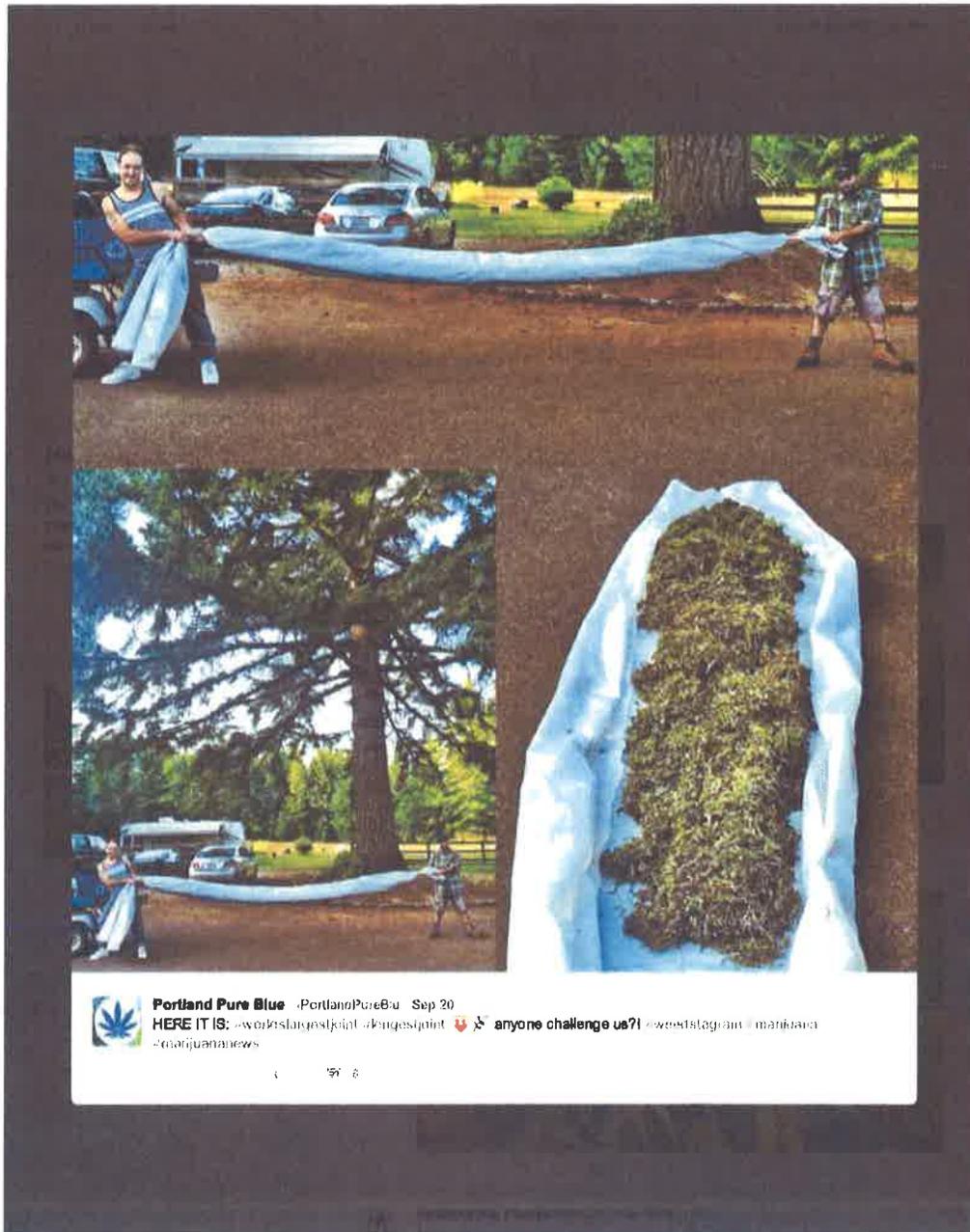


Exhibit 7: Outdoor Marijuana Grow that cab seen from my property



Herbaceous Farms

At Herbaceous Farms

Share

Suggested Groups



Southern Oregon Hunter Jumper Group

See All

Exhibit 8: New propane tank and Marijuana oil extracting oil building from my property "Hash Lab" – No permits obtained.



Exhibit 9: Example of Marijuana plants that can be seen from my property.



Exhibit 10: Grow site just off property line.



Ludlow, John <JLudlow@co.clackamas.or.us>

To

Steven Chianello

Oct 28 at 1:44 PM

Steven,

I answered Ed's "observations" as follows....

"I was surrounded that night by people who wanted to talk, even during testimony. Some people were very humorous. I smile and laugh a lot. Hold that against me as you will.

While there, I heard testimony. Yes, I also looked at the emails on my smart phone.

Personal attacks and reading my laughter "domineer" certainly does gets my attention, unfair as I think it to be."

You don't know me Steven, or my work on behalf of children for over 40 years. If you choose to believe me uncaring, that is your right.

John

John Ludlow, Chair

Clackamas County Board of Commissioners

2051 Kaen Road, 4th Floor

Oregon City, OR 97045

503-655-8581

jludlow@clackamas.us

"Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around."

— Leo Buscaglia

From: Steven Chianello [mailto:chianello1@yahoo.com]

Sent: Wednesday, October 28, 2015 12:13 PM

To: Ludlow, John; Schrader, Martha; Savas, Paul; Smith, Tootie; Bernard, Jim

Subject: Fw: ZDO 254 Meeting 10/26/15

Good Day Commissioner's,

Since you are our leaders in Clackamas County I decided to forward you this feedback I sent Shirley Morgan after the ZDO – 254 meeting on Monday 10/26/15. Please let me know if you have any questions.

Sincerely,

Steve Chianello

On Tuesday, October 27, 2015 9:52 AM, Steven Chianello <chianello1@yahoo.com> wrote:

Good Day Shirley,

I was at the meeting last night for ZDO – 254; sorry I did not get a chance to meet you maybe next time. I can tell you that it was a disappointing meeting to attend in regards to how poor our leadership in Clackamas County has become. It is clearly evident that the County has no intention on protecting the innocent families.

My example:

Just by chance I happened to sit behind Chair John Ludlow, before they introduced him I did not know who he was. After his introduction it gave me a front row seat to observe our leadership in the County. What an eye opener this was and a big disappointment.

On most occasions when individuals were speaking on what their quality of lives have become with having to live next to a grow site. I can tell you that John's domineer and lack of compassion was very unprofessional; he was snickering and laughing at most of the testimony. John was giving off a strong perception that he just doesn't care and has no intention on protecting the innocent people including children in Clackamas County.

Of course since this was my first encounter with John Ludlow I hope that my observation is wrong. Maybe if the Clackamas County Commissioners or Planning and Zoning actually had to live next to one of these facilities their outlook might be different.

Thank you for your time.

Sincerely,
Steve Chianello

23 November 2015

Commissioners: John Ludlow (chair), Jim Bernard, Paul Savas, Tootie Smith, Martha Schrader

DUE DILIGENCE – Measure 91/Zoning & Development Regulations/land use

I can't see how in this short time frame given you – you could have done your due diligence on this complicated issue.

Most of us exercise Due Diligence every day.

Are our children dressed warm enough to go on a field trip? Are there enough parents or staff along? What kind of emergency provisions are in place for such an outing. This seems to be a simplistic example – until, there is a lost child or a school bus accident.

Have you commissioners - as stewards of Clackamas County – done all of your Due Diligence regarding pot grows, before making possibly the most crucial decision during your tenure of representing all of Clackamas County's citizens?

- How many grows are you **personally** aware of in Clackamas County?
-
- Where are **all** of them located?
-
- How many of them have you personally visited?
-
- How do these grows impact neighborhoods in rural areas of Clackamas County?
-
- What is the impact on the environment due to the overuse of synthesized or organic fertilizer run-offs into our streams, small lakes and groundwater and therefore wells?
-
- Why would Clackamas county ruin their land and reputation as "Gateway to Mt. Hood" in order to make this recreational drug available to the largest population in our State in Multnomah County and in other states? Let them grow their own!
-

EXHIBIT 107

Page 1 of 2

- Will the taxation of the pot industry bring in enough revenue to cover additional staffing for police, fire-departments, code enforcement and drug rehabilitation needed?
-
- Why not **OPT OUT** – until a thorough **Due Diligence** has been completed?

I used the following Definition of Due Diligence:

1. Measure of prudence, responsibility, and diligence that is expected from, and ordinarily exercised by, a reasonable and prudent person or body of decision makers under the circumstances.
2. Responsibility to act prudently in evaluating associated risks in all transactions.
3. Obligation of the county to gather necessary information on actual or potential risks involved in an investment.
4. Duty of each party to confirm each other's expectations and understandings, and to **independently** verify the abilities of the other to fulfill the conditions and requirements of the agreement, i.e. reasonable diligence.

Thank you for listening,

Monika Gärtner
29440 SE Lariat Lane,
Boring, OR 97009
503-663-0945

EXHIBIT 107

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Erin McCart
24150 S. Highland Crest Drive
Beavercreek, OR 97004
Registered Voter in Clackamas County

Testimony, November 23, 2015, Board of Commissioners Public Hearing
File # ZDO-254: Marijuana-Related Land Uses

- I am Clackamas County Registered Voter and I voted for Measure 91.
- Measure 91, as understood by me and the majority of Clackamas County citizens who voted for it, was intended to permit a person 21 years of age or older to have, at any given time:
 - Up to 1 ounce of marijuana away from home so long as it is out of public view.
 - At home, possess 8 ounces of marijuana, 16 ounces of marijuana products, 72 ounces of marijuana in liquid form, and 1 ounce of marijuana extracts.
 - Have up to 4 marijuana plants per household, which cannot be grown in public view.
- Measure 91 as understood by me and the majority of Clackamas County citizens who voted for it, was not intended to:
 - Permit Oregon's cash-rich, nearly unregulated, federally illegal medical marijuana producers and processors to purchase, lease or coercively take over Oregon's farm, agricultural and timber land to produce marijuana and process cannabis products.
 - Permit Oregon citizens who own farm, agricultural and timber lands to change their land use to grow and produce marijuana without education, knowledge or safe practices, putting themselves, their neighbors, and first responders at risk.
 - Give the OLCC the authority to allow the formation in Oregon of legalized marijuana cartels by permitting a person, a group of people and/or businesses, and investors the ability to hold multiple licenses and types of licenses to produce, process, wholesale and retail marijuana.
- Measure 91 and Oregon House Bill 3400 did not permit you, the elected Commissioners, to enact marijuana-related land use regulations that:
 - Have not had a cost analysis completed and reviewed for accuracy to know how much it will cost the County and its voting citizens to regulate, protect and enforce said regulations and its citizens.
 - Have not had an impact study completed and reviewed for accuracy to know the impact the land use regulations will have on County agencies and resources.

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Page _____ of 14

- Have not had an economic evaluation completed and reviewed for accuracy to determine if marijuana tax revenue will cover the County's costs to regulate, protect and enforce said regulations and its citizens.
- Measure 91 and Oregon House Bill 3400 also did not permit you, the elected Commissioners, to enact land use regulations that will negatively impact Clackamas County and its residents, especially those living in rural AG/F and Timber zoned lands and put them and the State of Oregon at much greater risk for:
 - Wildfires due to overloading electrical circuits, blowing transformers, and using highly flammable chemicals for marijuana production and processing; improper installation of propane tanks, burners, electrical utilities that have not been permitted or inspected; and, quite frankly, accidents caused by ignorance and stupidity associated with producing marijuana and processing cannabis extract.
 - Violent crimes, burglaries, assault, trespassing, DUII, gun and drug trafficking, and money laundering.
 - Use of ground water that is not permitted to grow marijuana for profit – commercial growing of medical and recreational marijuana do not qualify for ground water exempt uses under the Oregon Water Code of 1909 and managed by the Oregon Water Resources Department.
 - Improper and out of code storage of hazardous chemicals, pesticides, herbicides and flammable liquids.
 - Water and soil pollution from dumping of hazards chemicals and pesticides in streams and rivers; on private land that seeps into drinking water supplies; and run-off onto neighboring properties; all of which will kill wildlife including state and federal protected species.
 - Noise pollution due to industrial grow fans, diesel trucks, tractors and other heavy equipment.
 - Odor and air pollution from growing marijuana outdoors and in hoop houses; venting of indoor grows to stabilize heat and moisture, adding CO2 to indoor grows so plants can grow 25% faster and produce 10-35% more harvest weight; harvesting and trimming marijuana that can occur 24 hours a day, 7 days a week, 365 days of the year; and wildfires on AG/F and Timber land that burn marijuana crops and hash oil processing facilities as well as surrounding properties.

- Finally, unintended consequences may occur, such as a surge in citizen and neighborhood self-protection from commercial recreational and medical marijuana producers and processors who have already armed themselves to project their marijuana crop, and vigilante justice. The federal government is on the side of the federal law-abiding citizen, but not on the side of the marijuana growers. For example, in Washington State, federal prosecutors have already successfully prosecuted crimes associated with growing medical marijuana “far in excess of personal needs”, and “for profit”¹. They have also successfully charged growers with crimes associated with “possessing firearms in furtherance of drug trafficking”² and “carrying and discharging a firearm during and in relation to a drug trafficking crime.”

Based on my testimony and testimony from others, I strongly urge the Commissioners, on behalf of the registered voters of Clackamas County, to join the rapidly growing number of Oregon cities and counties to create an ordinance to prohibit the establishment of licensed recreational marijuana producers, processors, wholesalers, and retailers and signing and returning the official “Local Option Opt-Out” form to the OLCC.

If you, the Commissioners, fail to uphold your duty as elected officials for the residents of Clackamas and decide to move forward with amending the county Zoning and Development Ordinance 254: Marijuana-Related Land Uses, then I recommend the following for the safety of our citizens and Clackamas County:

- Changing zoning district AG/F to prohibit processing of marijuana.
 - Purpose: There are too many houses in land zoned AG/F with 2-20 acres of trees, brush and grass fields that will burn if a forest fire breaks out due to the highly flammable processes used to grow marijuana and produce marijuana extract/oil. Clackamas County Fire Department does not have the resources (money, people, vehicles, and water access) to sufficiently protect land and homes with the increase of marijuana processing facilities that will occur.
- Amend 202: Definitions SOLID WASTE to specifically define Marijuana Waste as specified in 841.03 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING
 - K. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
- Keep 841.03 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING
 - E. Access. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. However, this standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.

¹ <http://www.thecannabist.co/2015/10/02/washington-state-kettle-falls-five-marijuana-growers-federal-prison/41807/>

² http://www.huffingtonpost.com/2015/01/16/larry-harvey-cancer_n_6487932.html

- Amend 841.03 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING
 - H. Noise. To include a provision that aligns with Title 6 Public Protection, Chapter 6.05 Noise Control Sound Source and does not limit the noise study to only mechanical equipment used for heating, ventilating, air conditioning, or odor control. Sound Sources from Title 6 Public Protection, Chapter 6.05 include:
 1. Loudspeakers, public address systems;
 2. Radios, tape recorders and/or tape players, phonographs, television sets, stereo systems including those installed in a vehicle;
 3. Musical instruments, amplified or un-amplified;
 4. Sirens, bells;
 5. Vehicle engines or exhausts, when the vehicle is not on a public right-of-way;
 6. Motorboats;
 7. Vehicle tires, when caused to squeal by excessive speed or acceleration;
 8. Tools, including drills, chain saws, lawnmowers, saws, hammers, and similar tools, but only between 10 p.m. and 6 a.m. of the following day;
 9. Heat pumps, air conditioning units, generators and refrigeration units, including those mounted on vehicles; and,
 10. Animals located in urban residential zoning districts.
 - Purpose: Producing and processing marijuana can be a home-based business and needs to adhere to all Clackamas County rules and regulations associated with home-based businesses.

- Keep 841.03 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING
 - J. Water. The applicant shall submit:
 1. A water right permit or certificate number for the proposed marijuana production or marijuana processing;
 2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
 3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production or marijuana processing is from a source that does not require a water right.

- Amend 841.03 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING
 - L. Residency to include AG/F districts and require the property owner of the subject property to reside in a dwelling unit.
 - Purpose:
 1. AG/F, FF-10 and RRFF-5 Districts are very similar districts.
 2. To prevent the property owners leave their property and lease it to one or more holders of an OLCC license for marijuana production and/or processing; one more persons registered with the OHA as a person designated to produce and/or process marijuana by a registry identification cardholder

Clackamas County Code Violation Complaint – November 12, 2015

My name is Erin McCart and I live at 24150 S. Highland Crest Dr., Beaver Creek, OR 97004. Clackamas County records indicate Highland Crest Dr. to have also been listed as Highland Crest Ln., which is a private, one-lane, paved easement on my property that is not maintained by Clackamas County.

I am filing a confidential complaint based on current violations and police activity this property on 24200 S. Highland Crest Dr. (also known as Highland Crest Ln.) and I am filing the below violation of code enforcement complaints.

Please feel free to contact me at this number: 503-475-9856

DRUGS/VICE

0.28 miles from 24150 S. Highland Crest Ln.

When: 8/9/2015 6:33:56 PM

Where: 24200 Block S HIGHLAND CREST LN

The Clackamas County Sheriff responded to drugs/vice incident at 24200 block S Highland Crest Ln. If you have any information regarding this incident, please contact the Clackamas County Sheriff and reference call number: 152210405

Violation property address and location:

24200 S. Highland Crest Dr., Beaver Creek, OR 97004; Parcel # 01043150; Map # 43E03 00800.



Official owner according Clackamas County records: Clifford "Skip" Beddow and Carol Beddow

History of known violations:

Date	Record No	Record Type	Project	Address	Status	Action
04/11/2001	V0340-01	CodeEnforcement /Violation/ NA/NA	ALLEGED ADDITION TO SFR	24200 S HIGHLAND CREST LN, Beaver creek 97004	FINAL	
04/11/2001	V0341-01	CodeEnforcement /Violation/NA/NA	GRADING WITHOUT PERMIT	24200 S HIGHLAND CREST LN, Beaver creek 97004	FINAL	
09/19/2014	ST047614	Soils - Septic Permit	MINOR REPAIR	24200 S HIGHLAND CREST LN, BEAVERCREEK OR 97004	FINAL	Inspection Scheduled 09/25/14. Not Completed

Current violations for 24200 S. Highland Crest Dr., Beaver creek, OR 97004; Parcel # 01043150; Map # 43E03 00800:

- Environmental Hazards
 - No grading permits or inspections exist on record for two man-made ponds that are on the property. Both are deeper than a foot and are not used for known agricultural purposes. One pond near the western property line is stocked with trout and routinely overflows in the winter, dumping large amounts of potentially contaminated water onto neighboring properties. The Oregon Water Resources Department has not approved the construction of these ponds. See exhibit 1 & 2.
 - The property was logged in October and November of 2013. Debris for logging has not been fully removed and it has not been replanted. No known permits or inspections for logging the property have been found. See exhibits 3, 4 & 5.
 - The property is rented to Herbaceous Farms, which is owned by Jeff Simonson for the purpose of processing medical marijuana for 16 card holders and commercial marijuana in 2016 (pending permit acceptance and Clackamas County land use regulations). Waste from growing and processing of marijuana, including plants, trimmings, contaminated water and chemicals do not appear to have been safely removed from the property. This also poses a code enforcement health hazard.
- Life Hazards
 - Single family residence
 - An addition was added to the house that does not appear to have a permit for the construction, heating, electric, and fireplace according to Clackamas County Records. County records also do not show any inspections for the addition to the house. See exhibit 6.
 - According to the owner, Clifford Beddow, the basement had a sump-pump installed due to flooding. There is no record of a permit or inspection according to Clackamas County records.

o Accessory Structures

- A 10 stall horse barn with a turbine stall has been built on the property. County records do not show permits or inspections for grading, the foundation, or the stall. The horse barn has been reported by an adjacent neighbor to have been converted to an indoor marijuana grow operation, for which the building is not intended. This is also a code enforcement safety hazard. See exhibit 7 & 8.
- Behind the single family residence and 10 stall horse barn is a new building under construction that has not been permitted or inspected by Clackamas County. As of 11/12/2015 it was observed that a heat pump was being installed. A permit record could not be found in the County records. It is has been reported by an adjoining property owner that the building's intent is for the production of marijuana extract oil. This is also a code enforcement fire and safety hazard on AG/F land. See exhibit 9 & 10.

o Mechanical Installations

- Two 1,000 gallon propane tanks (size estimated) were brought onto the property 11/10/2015 and 11/11/2015. County records do not show permits or inspections for commercially used 1,000 gallon propane tanks on AG/F land with a single family residence. See exhibit 11.

Current residents of the 24200 S. Highland Crest Dr., property are Jeff Simonson and Angie Kopshy. Jeff Simonson is the founder and operating director of Herbaceous Farms, a medical marijuana processing facility, serving 16 patients within the greater Portland area. Exhibits 12 & 13 – show marijuana plants being grown and harvested outdoors on the property in view of adjoining neighbors.

Do you want your name, address, and telephone number withheld from public disclosure? Yes

Are you making this compliant voluntarily? Yes

It is the County's intention to attempt to keep this information confidential. Do you still want to make the complaint? Yes

If you answer yes to the above questions the County is obliged in good faith to keep this information confidential.

Exhibits

Exhibit 1: Two ponds on 24200 S. Highland Crest Dr., Beaver Creek, OR 97004; Parcel # 01043150; Map # 43E03 00800:



the winter, dumping large amounts of potentially contaminated water onto neighboring properties!

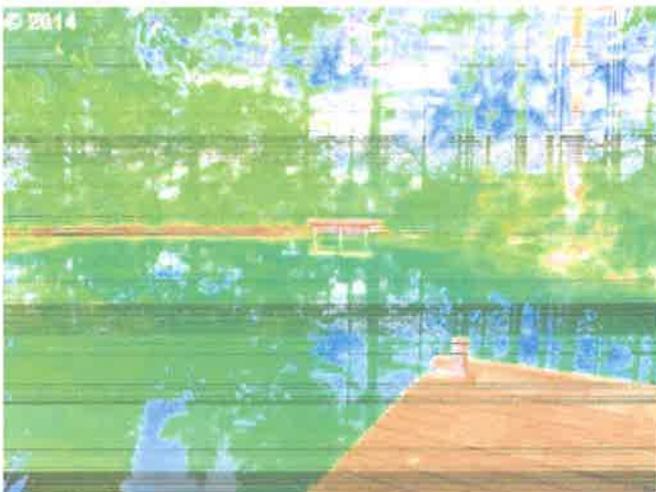


Exhibit 3: Property 24200 S. Highland Crest Dr., Beaver Creek, OR 97004; Parcel # 01043150; Map # 43E03 00800 prior to logging:

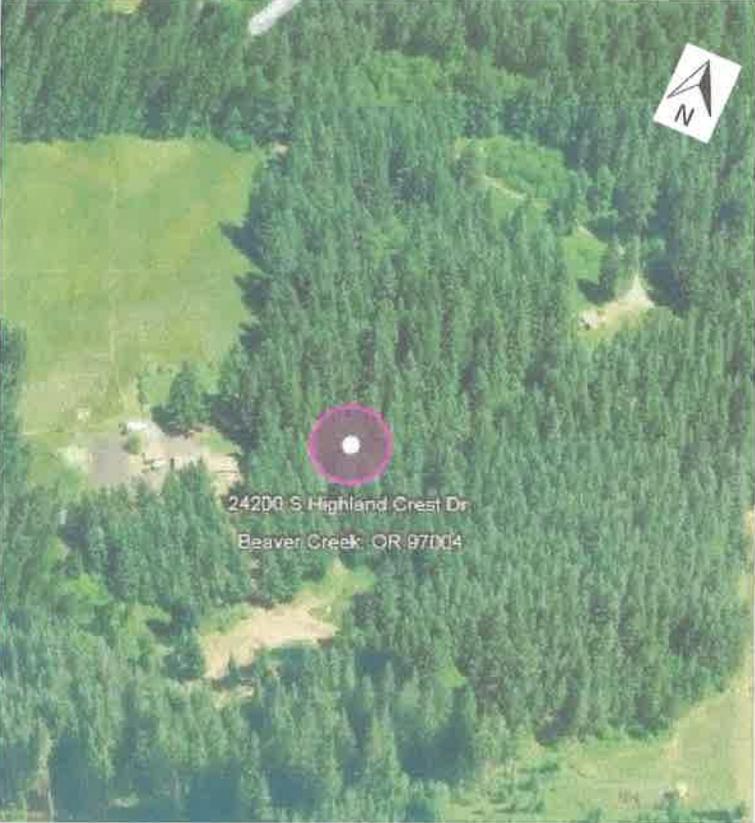


Exhibit 4: 24200 S. Highland Crest Dr., Beaver Creek, OR 97004; Parcel # 01043150; Map # 43E03 00800 after logging:

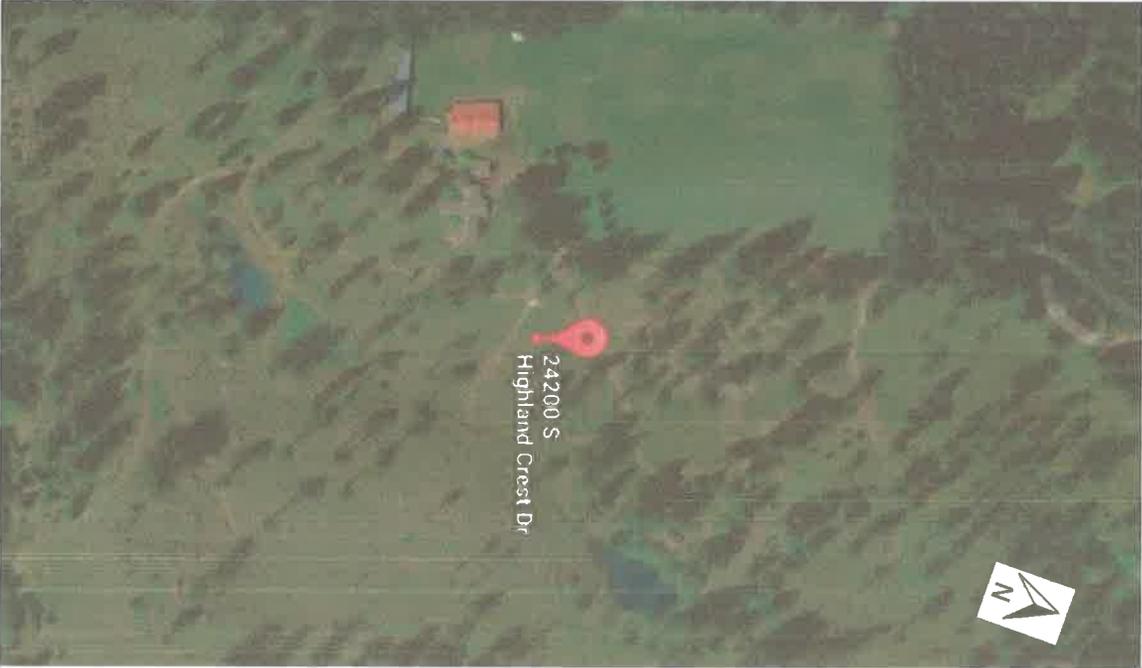


Exhibit 5:
24200 S. Highland Crest Dr., Beaver Creek, OR 97004; Parcel # 01043150; Map # 43E03 00800 after logging,
picture taken 11/12/2015:



Exhibit 6: Single family residence addition with fireplace:



Exhibit 7: 10 Stall Horse Barn Exterior:

© 2014



Exhibit 8: 10 Stall Horse Barn Interior:

© 2014



Exhibit 9: New building under construction that has not been permitted or inspected by Clackamas County:

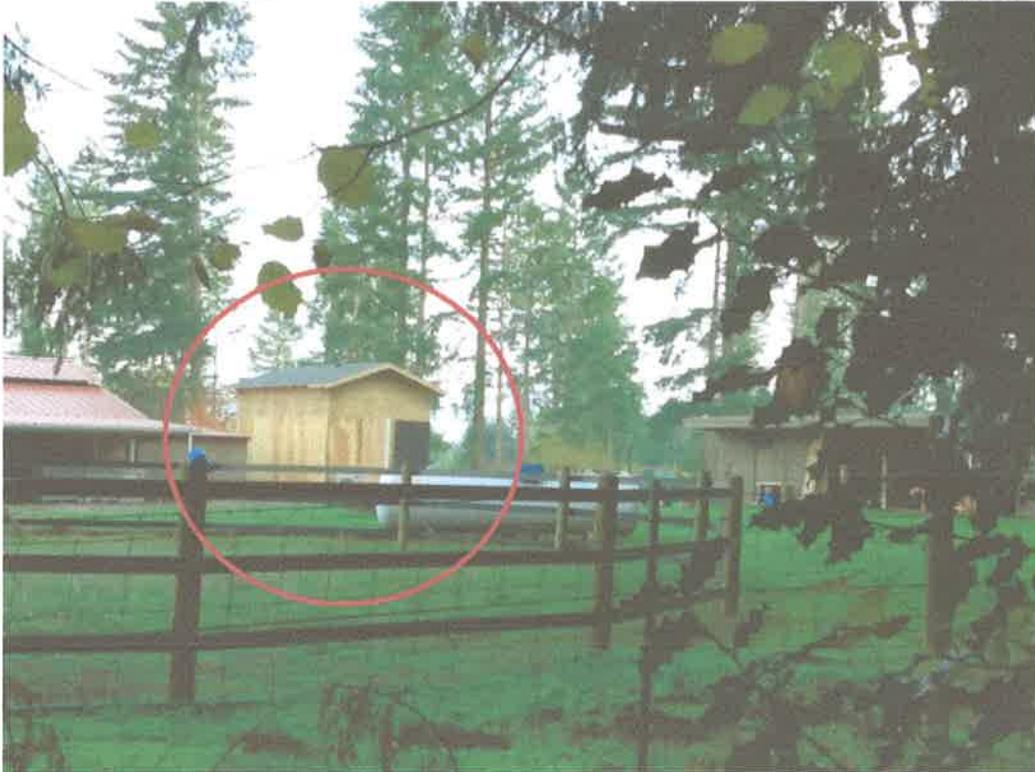


Exhibit 10: Marijuana Extract Oil from Herbaceous Farms

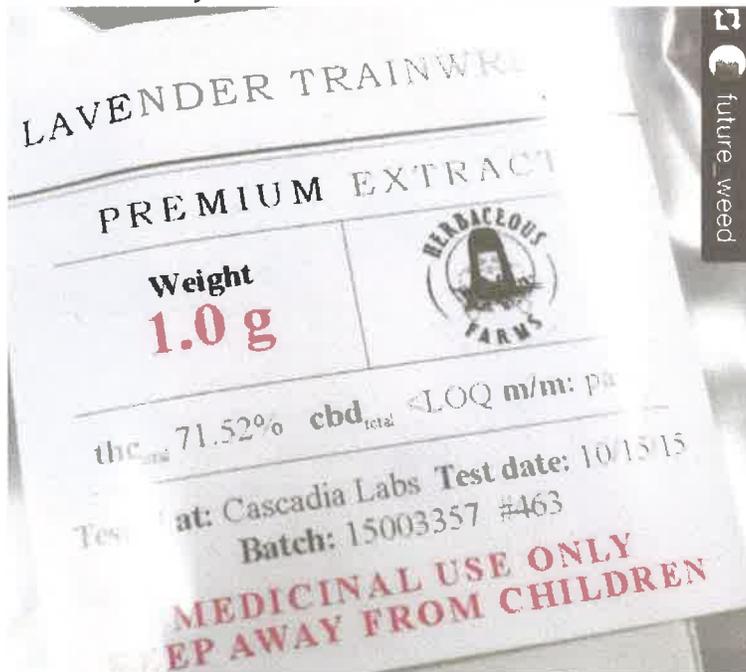


Exhibit 11: 1 of 2, 1,000 gallon propane tanks (size estimated):

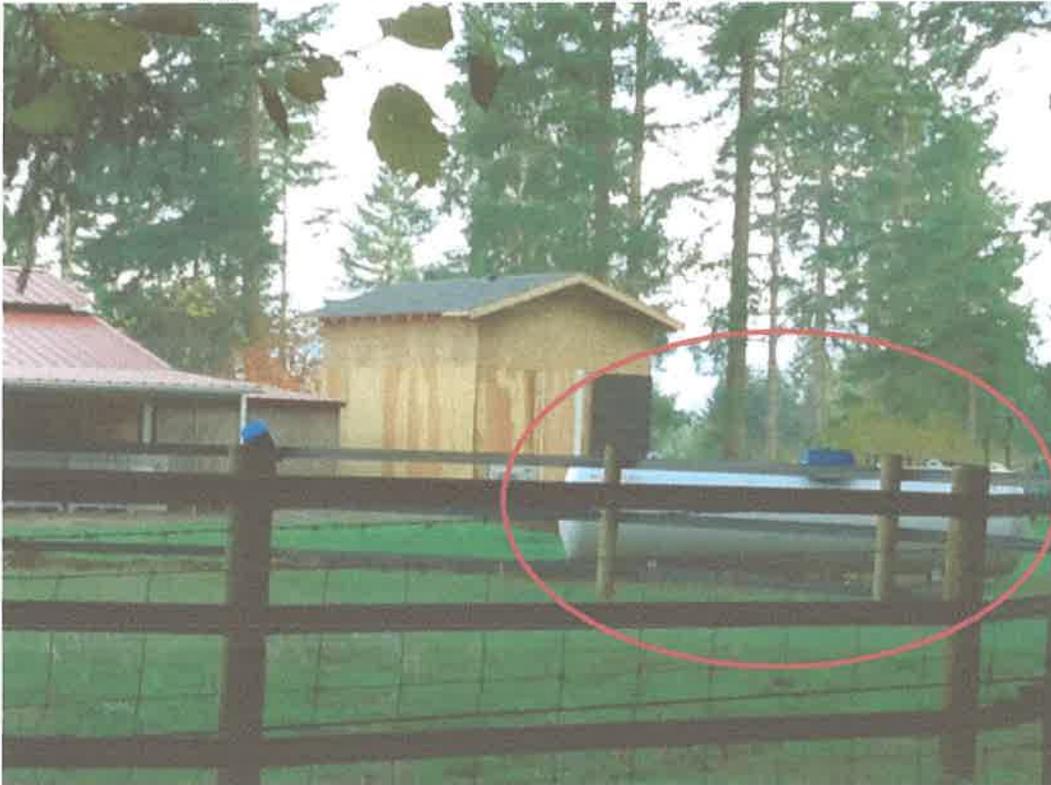


Exhibit 12: Open Outdoor Marijuana Grow



 Herbaceous Farms
October 23 - 4th

All Herbaceous Farms

Share

Suggested Groups



**Southern Oregon Hunter
Jumper Group**
2 leader • 128 members

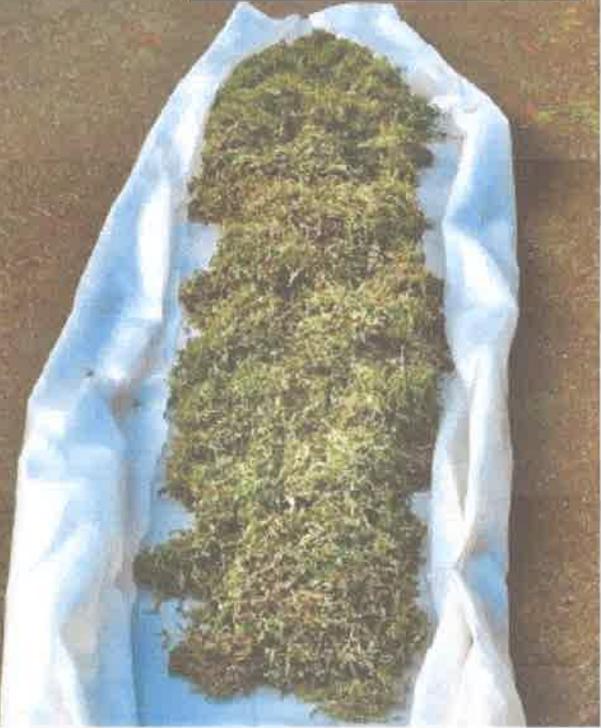
See All

Exhibit 13: Open Outdoor Medical Marijuana Grow and Harvest by Herbaceous Farms on 24200 S. Highland Crest Dr., Beaver Creek, OR 97004; Parcel # 01043150; Map # 43E03 00800:

Outdoor Marijuana Plant



Medical marijuana bud harvest for card holders



Portland Pure Blue @PortlandPureBlue · Sep 20

HERE IT IS: #worldslargestjoint #longestjoint 🍄🌿 anyone challenge us?! #weedstagram #marijuana #marijuanarews

👍 🗨️ 📷 🌐 📄

Board of Clackamas County Commissioners
BCC Hearing Room, Public Services Building 4th Floor
2051 Kaen Road
Oregon City, OR 97045

Good morning to the Board,

My name is Nathan Oleson of Sixth Generation Properties. I am a local investor, developer, and homeowner in rural Clackamas County.

I would like to recommend three changes to RRF-5 and FF-10 ZDO amendments.

First, allow private wells to fulfill the water requirement since production of cannabis is already limited to 5,000 square feet of grow area

Second, Do not require additional setback requirements for indoor production and processing operations . A properly set up indoor grow operation with carbon filters is virtually undetectable from outside the building. Greenhouses may need to be excluded.

Third, Access. Increased traffic is primarily a concern only three times a year during harvest season for indoor grow operations. Please remove this requirement. However if this requirement must be kept, then newly partitioned properties created with access easements that specifically allow for cannabis related activity should fulfill the access requirement. Buyers would have purchased the newly created lot with full knowledge such an easement was in place prior to purchase.

Why do I propose these changes? The existing amendments strike a good balance in general. However, as they are written right now they will favor large, out-of-state investors over homegrown local businesses. Exclusive farm use, Ag/Forest, and Timber zones tend to be larger lots, whereas FF-10 and especially RRF-5 tend to be smaller.

EXHIBIT 109
Page 1 of 2

Cash is king. Restricting the cannabis industry to larger lots would make property acquisition cost prohibitive for smaller, local businesses. Restricting supply to fewer parcels would also increase the cost of those parcels to acquire. Combined with the other proposed requirements, value of qualifying lots under the current proposed ZDO amendments will skyrocket.

Given cannabis' legal status at the federal level and federal banking regulations, it is still a cash-based business. Cannabis-based businesses do not have the same access to capital markets, specifically debt and lending markets that other businesses have, making access to loans for real property problematic.

The resulting regulatory environment would favor large, out-of-state private investors over smaller, local Oregon business. Significant amounts of capital are already pouring into the county from California and back east.

I believe the changes I have proposed will go a long ways towards allowing local, Oregon-grown small business to participate in the cannabis market.

Planning staff and the Planning Commission have developed amendments to the ZDO that strike a good balance and address community concerns. If you incorporate my proposed changes, I believe the legalized cannabis market will prosper in Clackamas County for not only large out-of-state investors, but to local ones as well.

Thank you.

Nathan Oleson

Sixth Generation Properties, LLC

EXHIBIT 109

Page 2 of 2



Dear County Commissioners,

Thank you for all your hard work around the marijuana rollout. My name is Mayoly Prado and I am a student at Rex Putnam, and the President of the Unity Club which is part of Vibrant Future Coalition's Youth Coalition. I care a lot about how the legalization of marijuana will affect youth. Clackamas County has the opportunity to ensure we create as little harm as possible through the implementation of these rules.

As a high school student, it is hard to see other students smoking marijuana because I can also see how they are wasting their opportunities, they are giving up opportunities that could benefit their lives. We are surrounded by all types of people and have all types of friends, unfortunately some of those friends aren't the best influence. I ask for a modification in the rules because even though it cannot be sold to us in stores, kids my age are slowly getting more and easier access to it and it's slowly reaching other students. Most students feel it is very easy to obtain and I really see that as an issue, because it interferes in young people's lives and it can have very negative consequences. Some people say that marijuana is not addictive, but I believe otherwise, it's hard to watch people we've gone to school for 10 years lives become depended on it, it becomes their source of happiness and pleasure, and they become distant not wanting help. By enforcing the regulations it might help reduce the number of teens being introduced to marijuana and being affected by it.

I ask that you please take these points into consideration as you make final decisions—

1. 841.03 (G) Please be more specific regarding how waste must be secured. Requiring locked, as well as out of view, containers is one way to make marijuana byproducts less of a concern.
2. 841.04 (G) I appreciate that you mandate retail outlets to at least 2,000 feet away from schools. Keep this, but please change the distances from daycare facilities or licensed preschools to at least 1,000 feet. Although they are little kids, having marijuana shops close-by changes the environment quite a bit and increases visibility and access, which increases abuse.
3. 841.04 I appreciate no window service is allowed, but can you please add no delivery services? Having access to deliveries increases risk, addiction, and crime and also makes it very difficult to regulate the rules and hold business that break the law accountable.

Thank you for taking the time to consider my thoughts and suggestions,

Mayoly Prado
Rex Putnam High School
Unity Club President

EXHIBIT 110

Page 1 of 1

Pollack, Kay

From: Hughes, Jennifer
Sent: Monday, November 23, 2015 7:41 AM
To: Pollack, Kay
Subject: FW: PUBLIC TESTIMONY, Marijuana Hearing for Monday, November 23, 2015 Clackamas CPO
Attachments: Nov 23, 2015, Letter to BCC re ZDO 246 Marijuana, draft PR Nov 18, 2015.docx

From: Patrick Russell [<mailto:ppeartrussell@gmail.com>]
Sent: Monday, November 23, 2015 7:14 AM
To: BCCMail
Cc: Raethke, Mary; McCallister, Mike; Hughes, Jennifer
Subject: PUBLIC TESTIMONY, Marijuana Hearing for Monday, November 23, 2015 Clackamas CPO

Dear Board of County Commissioners,
cc: Mary Raethke, Mike McCallister, Jennifer Hughes,

ATTACHED you find our letter from the Clackamas CPO regarding the land use hearing today.

This letter will represent the CPO's position and input, subject to any additional oral testimony that might be offered by one of our Officers or Area Representatives.

Thank you.

Acknowledgement of receipt of this email and attachment is appreciated.

Regards,
Pat Russell, Secretary, Clackamas CPO

cc: Lewis-Wolfram, Kemper, Faure, Olsen, Blue, Phillips

--
Pat Russell
15989 SE Bilquist Circle
Milwaukie, OR 97267

ppeartrussell@gmail.com
Phone Message: 503-317-6456
Cell: 503-317-6456

EXHIBIT 111
Page 1 of 2

Clackamas CPO

(Jan 2013 County-approved Merger of North Clackamas Citizens Association and Clackamas CPO—Community Planning Organization)
P.O Box 2136, Clackamas, OR 97015 *

Officers: President, Cyndi Lewis-Wolfram
Vice President, Barbara Kemper
Secretary, Pat Russell
Treasurer, Kay Faure

Area Reps: Al Jones
Kristie Karter-Olsen
Daniel T. Blue

November 23, 2015
Clackamas County Board of Commissioners
2051 Kaen Road, Oregon City, OR 97045

RE: ZDO 246, Public Hearing, November 23, 2015, Board of County Commissioners, Marijuana-related Land Use

Honorable Chair Ludlow and Commissioners,

At its regularly-scheduled meeting of October 25, 2015, with a quorum (Lewis-Wolfram, Kemper, Russell, Jones, and Franz), the CPO came to a consensus that the basic Planning Commission and planning staff recommendations are supportable. However, the group continues to express concern in the following areas:

--that there should not be permitted ZDO 246 marijuana-related uses WEST of I-205, nor SOUTH of the Milwaukie Expressway, areas principally zoned for low density residential land use and three major education institutions (Bilquist Elementary, Alder Creek Middle School and the Sabin-Schellengber campus); we believe that the current draft language would allow such uses in commercial zones in these areas adjacent or across the street from residentially-zoned lands.

-- that all sensitive uses and the mixing of other adult uses (adult entertainment, bars/taverns, medical marijuana depots, etc.), especially along SE 82nd Drive and in commercial locations within the Clackamas Industrial Sanctuary, be carefully considered when mapping potential ZDO 246 marijuana uses/activities; we believe the separation criteria for sensitive uses should include charter schools and similar K-12 public and private institutions; concentration of such uses changes the neighborhood/business nature of the corridor (from the Milwaukie Expressway to the Gladstone/I-205 interchange); further we have not heard whether the City of Gladstone supports the recommendations within their eastern areas of interest;

We respect the public interest, public health and safety and trust you will direct language changes, if needed, to address our concerns. Thank you.

On behalf of the Clackamas CPO, respectfully,

EXHIBIT 111
Page 2 of 2

Pat Russell, Secretary, Clackamas CPO

Cc: Mike McCallister, DTD, Planning Director, Jennifer Hughes, Mary Raethke

**Any correspondence should be forwarded to the POB and to Pat Russell, Clackamas CPO Secretary, 15989 SE Bilquist Circle, Milwaukie, OR 97267*

NOV 23 2015

November 22, 2015

TO: Clackamas County Commissioners ZoningInfo@clackamas.us
CC: Senator Alan Olsen Sen.AlanOlsen@state.or.us, Congressman Bill Kennemer
Rep.BillKennemer@state.or.us and Congressman Ken Helm Rep.KenHelm@state.or.us
CC: OLCC
CC: OMMP/OHA

FROM: Kim Trehwella, Clackamas County Resident and Medical Marijuana Producer

Dear Commissioners,

My name is Kim Trehwella and I have lived in Clackamas County for over 15 years. I have been involved in the production of cannabis exclusively serving medical patients for some time. Over the past few years with the legalization of "safe access" dispensaries all the way through "legalization" through Measure 91, our industry has seen many changes, which I am grateful for.

Unfortunately, these changes, however well meaning they may be, have brought about more questions that continue to remain unanswered. The proposed changes to zoning will disqualify current producers who, like me, would like to either continue on as OHA/OMMP producers, or opt in as Medical or Recreational license applicants. Additionally, changes to the medical program by OHA/OMMP (or lack thereof in some cases) leave me and my fellow producers in a very precarious position. Let me explain...

COUNTY:

In the current Proposed Zoning and Development Ordinance Amendments Draft Date of 11/16/15, here are a few of my concerns and questions:

- **Minimum Yard Depth/Distance from Lot Lines: The proposal is either 50' or 100' minimum, depending on the zoning, from all lot lines.** While I think this would be reasonable for someone who is proposing to build a new indoor building, this requirement alone will keep me (and many others) from being able to qualify for a medical opt in or recreational license from OLCC. My structures were built before we purchased the property and are only 10' or so from two of the lot lines.
- **Indoor Production and Processing section** does not specifically address production in AG/F, EFU OR TBR Districts, it only mentions processing, is this an oversight?
- **Maximum Building Space section** does not cover specifics for AG/F, EFU OR TBR Districts, so am I to assume that there are no maximum other than those imposed by OLCC? Would there be maximums if we continued as a medical producer under OHA/OMMP guidelines other than plant counts?

ZD-254 EXHIBIT 112

Page 1 of 3

- **Access section:** I have several questions about this topic...
 1. Doesn't this violate my privacy rights? My neighbors have never known about my production facility and I intend on keeping it that way. For me to ask their permission to operate because I live on a private road would be giving them the right to decide whether or not I can continue my operation or not. This is not even reasonable.
 2. Issues relating to our safety and security. One of the things I thought the County, Law Enforcement and other agencies have been concerned about is theft, armed robbery, etc. Having to ask the neighbors permission because I live on a private road again brings about more problems that it could possibly solve.
- **Noise Study:** Again, I think this would be a reasonable requirement of someone who was going to have a large or new operation. If the neighbors haven't complained in all the years we (and my fellow producers) have been producing, why would we need to do this now?
- 59 addresses this topic very clearly, under exemptions states: "Groundwater exempt uses include domestic use up to 15,000 gallons per day, *industrial or commercial use not to exceed 5,000 gallons per day*, irrigation of lawn and/or non commercial garden of ½ acre or less, and stock water." So if our small production facility doesn't even come close to this 5,000 gallon per day use, why is it mandatory that we need a water rights certificate?
- **Residency:** Do the listed requirements also apply to AG/F, EFU OR TBR Districts as well? Either way, what if the property does not have a residential dwelling on it? What then?
- **Exceptions:** I repeat what I stated above... While I think this would be reasonable for someone who is proposing to build a new indoor building, this requirement alone will keep me (and many others) from being able to qualify for a medical opt in or recreational license from OLCC and actually disqualify me from OHA/OMMP production due to 100' setbacks. My structures were built before we purchased the property and are only 10' or so from two of the lot lines.

It seems to me that the County is favoring, not the small existing producers who have been serving patients for several years, but instead the large multi-million dollar facilities that are being backed by investors.

STATE:

So even if I was disqualified from opting in to medical or a recreational license due to the County requirements, Jennifer Hughes, Clackamas County Land Use and Zoning Principal Planner, brought to my attention that EFU zones would NOT qualify for a "legal non-conforming use" certificate from the County because HB 3400 addresses cannabis as "farm use" which then requires these zones to attempt to be profitable while at the same time OMMP/OHA Administrative Rules do not allow "for profit".

Please also see Water topic above as well.

ZDD-254 EXHIBIT 112

Page 2 of 3

OHA/OMMP:

The Administrative Rules, even though they have been updated in August, 2015, still leave a huge gap of what can be reimbursed for. The current language is "supplies and utilities" but doesn't include such items as lab tests, labor, packaging, building repairs and maintenance including county permits, equipment, rent or mortgage payments, concentrate or edible processing costs, garbage disposal, cleaning supplies not associated with production, professional services of accountants, attorneys, etc., structure insurance, the installation of green energies such as solar, geothermal or wind, and so on.

In conclusion, It is my hope that, after all the challenges, changes, and expense, I, as well as my fellow producers, are able to legally continue to help those in need whether that is with a medical opt in or recreational license or following the rules of OHA/OMMP while protecting our privacy and safety, as well as the patients we serve. ***I ask that you please especially reconsider the setbacks and access items as outlined in the 11/16/15 Draft of the Ordinance Amendments*** to allow us small farm producers to continue to participate in this industry.

Respectfully,

Kim Trewhella
High Ridge Farms

ZDD-254

EXHIBIT 112

Page 3 of 3

From: Sue Browne [subrowne@canby.com]
Sent: Saturday, November 21, 2015 8:58 AM
To: Gilevich, Shari
Subject: File ZDO-254 Proposed Zoning & Development Ordinance Amendments--11/16/15

I emphatically request that item M under subsection 841.03 be removed. It appears that items A-L are, for the most part, logical constraints to be placed upon the production and processing of marijuana. However, item M then excepts items F3 and G-L providing the depth from any property line for a structure used for production or processing is 100 feet. A distance of 100 feet is not adequate to alleviate the noise and odor factors. I am very much aware of this as I am currently a property owner adjacent to a grow facility (whether the facility is legal or illegal, medical or recreational, I have no idea as OHA and the legal authorities say they are not able to disclose that info).

I also question 841.03 J2 & 3. It appears these allow for the use of a domestic or communal well. The use of domestic or communal wells allows for the potential of drying up adjacent property owners wells if all are drawing from the same aquifer. This is not an acceptable possibility for those living next to a grow facility who are already enduring a property devaluation and much higher security risks.

The knowledge of an adjacent grow facility becomes a material fact when an owner sells his property and has to be disclosed, as per Oregon law, when the property is offered for sale. This certainly limits the number of prospective buyers and is also reflected in the buyer's offering price (lower). Thought really needs to be given to the toll taken by adjacent property owners, financially and physically, and the very most attention given to make this situation as workable as possible.

It seems an exercise in futility to come up with ordinance amendments and then exempt the majority of them!

Susan L. Browne
30185 S. Shandell Rd. Molalla, OR 97038
503-651-2434

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ZDO-254

EXHIBIT 113

Page 1 of 1

From: Wallace Mckenzie [wallacemckenzie@me.com]
Sent: Sunday, November 22, 2015 7:12 PM
To: Gilevich, Shari
Subject: clarify please

Dear Planning commission,

We have been discussing the proposed changes and have 3 people with advanced degrees disagreeing on what this says. How many plants can one residence have growing for how many different people?

Our 2 supposedly legal marijuana grow operations that exist independently of other income have several cards which they say makes them legal. Are you saying a household can have up to 12 plants max? Or are you saying if they are growing for other card holders they can have 6 plants per card holder and as many card holders as they can acquire? **They is a critical question! You will be challenged because of this ambiguity. If it is unlimited then you are making our residential zone a commercial medical marijuana grow operation which it is now. The owners drive new cars, build new buildings, pay for the support services all on a non profit license. JOKE!!!!**

Wally McKenzie
40 year owner at 6404 e Huckleberry Dr, Welches, Oregon 97067

Topic	Marijuana uses exempt from new land use regulations
Planning Commission/Staff Recommendation	Permitted for every dwelling unit in unincorporated County: <ul style="list-style-type: none">• 4 recreational plants / household• 6 medical plants / card-holder; 12 plants / house-hold if grown where the cardholder resides• Nonconforming uses

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ZDO-254 EXHIBIT 114

Page 1 of 1

Subject: FW: ZDO-254 (Marijuana Land Use Regulations)

From: David Wonser [mailto:david.wonser@gmail.com]
Sent: Monday, November 23, 2015 4:12 PM
To: Gilevich, Shari; BCCMail; ZoningInfo
Subject: ZDO-254 (Marijuana Land Use Regulations)

Dear County Commissioners

My name is David Wonser and I am a resident and registered voter of Clackamas county. My family has owned a farm in Estacada since 1989, and I am now considering expanding our farming operations to include commercial marijuana cultivation. In general, I am satisfied with the drafting and proposed implementation of legalizing marijuana, with a few exceptions.

In HB3400, Subsection 34(1)(a) identifies marijuana as a crop for the purposes of determining a "farm use" as defined at ORS 215.203. Therefore, I would like to point out that much of the regulation regarding marijuana production (growing), specifically on EFU land, is in direct contradiction with Oregon's Right to Farm law, specifically section 30.933.1C (farming is protected from legal actions limiting farming practices), and 30.935 (Prohibition on local laws that make farming a nuisance or trespass). Many of the "nuisance" issues commonly attributed to marijuana cultivation have parallels in the existing agriculture industry. I would argue that confined animal feeding operations, horse stalls, and manure spreading in fields pose greater odor nuisances. Chainsaw operation (logging), helicopter field spraying and harvesting (christmas trees) pose more significant noise nuisances. Pesticide spraying and synthetic fertilizer use on all agricultural land pose greater environmental threats than that of marijuana production operations at the allowed scale.

My point in identifying these parallels with other agricultural products/practices, is that commercial-scale marijuana production is protected by Oregon's Right to Farm act, and that regulation of marijuana growing should be held to comparable regulatory standard as other farming practices, and no more.

Furthermore, I would like the board to remove Amendment 841.03 (E) Access. We have a private road that accesses our property that is shared with two other easement holders. Being that I do not have to petition or inform them about other EFU activities on my land, I find it ridiculous to be required to get access approval to farm marijuana on my land. Commercial marijuana production activity has a lighter traffic load than many other crops, with only a small number of full time employees and no heavy equipment required in its production (large tractors, semi trucks, etc). Especially in our case, where the proposed marijuana cultivation site would be over a mile from these neighbors houses and the shared easement road, I find this amendment to be overreaching.

To address other issues I find alarming, I am deeply opposed to the Indoor-only limitation imposed on RRF 5 and 10 lots. Indoor-only cultivation regulations promote excessive electricity consumption and the construction of new indoor grow space on agricultural land. Lots that fall into this RRF zoning should not be constricted to indoor-only, because many of these sites are far away enough from neighbors to avoid "nuisance"-related complaints. Perhaps a site-by-site exemption could exist to allow outdoor cultivation based on proximity to neighbors, distance from lot lines, yard depth etc. Outdoor cultivation is far more environmentally sustainable than indoor cultivation, and should be conditionally-allowed on these RRF lots.

To address one recurring opposing issue that was brought up at recent public hearings, it seems that many people are worried about neighboring marijuana farms decreasing their property values. I believe that this new marijuana industry will bring a much needed revenue stream into Oregon's rural communities. With this new revenue, it is my thought that farmers engaging in marijuana cultivation will use this revenue stream to make property improvements, such as remodeling residences and farm structures, as well as maintaining/beautifying the natural areas on their property. I don't see how an allowed farming activity will diminish property values with new sources of income coming into the community.

Thank you for your time,

David Wonser

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Gilevich, Shari

From: ZoningInfo
Sent: Monday, November 23, 2015 4:53 PM
To: Gilevich, Shari
Cc: Pollack, Kay
Subject: FW: marijuana land use testimony

-----Original Message-----

From: gary hampton [<mailto:ghampton60@yahoo.com>]
Sent: Monday, November 23, 2015 4:34 PM
To: ZoningInfo
Subject: marijuana land use testimony

To the Clackamas County Board of Commissioners, RE; Marijuana land use hearing
From the Colton CPO Board.

Dear Sir or Madam, At the regular meeting of the Colton CPO on Nov. 11.2015
the following motions were presented by members and approved by unanimous vote
of the members present. We wish to have the following motions placed in the written
record of testimony of the Nov. 23 hearing before the BCC. on the subject of possible
marijuana related changes to Clackamas County land use laws .

1. That all marijuana production and processing require a minimum setback of 1000
feet
from any property line .
2. That the Clackamas County Board of Commissioners vote to "Opt-Out" of the four
recreational categories of the marijuana business, as allowed by State law.

Thank You on behalf of the CPO membership and Board.

Sincerely Gary Hampton, Chair, Colton CPO. 503-891-6218

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BEGIN-ANTISPAM-VOTING-LINKS

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ZDO-254

EXHIBIT 116
Page 1 of 1

From: Martini Morris [martini.morris@gmail.com]
Sent: Monday, November 23, 2015 5:07 PM
To: Gilevich, Shari; BCCMail; ZoningInfo
Subject: ZDO-254: Marijuana-Related Land Uses

Dear Shari, Jennifer, and County Commissioners,

My name is Martini Morris and I'm a resident of and voter in Clackamas County. Thank you for the opportunity to give input on Recreational Marijuana laws and regulations in Clackamas County. I support the right to produce, process, wholesale and retail recreational marijuana in this county. I believe this is the direction the whole state and country is moving, and to prohibit it in Clackamas county is to lose out on tax revenue, job creation, and an increase in the value of land in this county. The argument that we need to invest in regulatory staff is valid, but to prohibit legal avenues to producing, processing, wholesaling and retailing marijuana would also lead to an investment in regulatory staff who would be "busting" illegal operations.

First off, I believe the Oregon State law HB 3400 and OLCC Temporary Recreational Marijuana Rules 845-025 are stringent and regulatory enough, and that Clackamas County does not need to impose any more regulations to this industry. That being said, if Clackamas County does choose to implement zoning regulations, here are my recommended changes to ZDO-254:

1. 841.03 (B) Minimum yard depth/distance from lot lines of 50 - 100 feet. If I can't legally stop my neighbor from piling a mess of cars and junk right on their side of our shared property line, why should it be legal to stop a grower from using their land the way they want to use it to grow marijuana? Why not enact an ordinance that outdoor grows need to have fences, and indoor grows need to be completely closed/ people are not able to see inside. HB 3400 already mandates the use of security systems and cameras.
2. 841.03 (C) Marijuana production in a completely enclosed building for FF-10 and RRFF-5 districts. That acreage is more than enough to have a legal outside grow which is not visible from the neighbors and is far enough that it does not smell. Indoor marijuana production is very environmentally taxing, because of high electricity use, the need for more more inputs (nutrients, pesticides, and herbicides). In addition, the capital needed to start an indoor operation is much higher than an outdoor operation. This limits the positive economic impact of marijuana production to the rich and investors. The county could be using recreational marijuana as an opportunity for economic growth amongst the poor and middle class in Clackamas county by allowing outdoor production on smaller parcels of land.
3. 841.03 (E) limits marijuana use to land which has direct access to public land or an exclusive road. This eliminates all landowners who share a private road accessing the property and whose neighbors do not agree with farming marijuana, even if the section of property where marijuana will be farmed is over 100 feet from the closest neighbor or the shared road. This violates Oregon's "Right to Farm Law" (ORS 30.930) which limits local governments, and special districts from administratively declaring certain farm and forest products to be nuisances or trespasses. There are no other farm crops which are limited from leaving a property by whether or not your neighbors who share your road agree with that crop.
4. 841.03 (F) (1) & (2) no light from marijuana production inside a building or outside production should show or be illuminated between 7:00pm - 7:00am (12 hours out of 24 in a day). When marijuana plants are in their vegetative state, most growers make sure they have between 12 - 18

hours of light to prevent them from flowering (the amount of light decreases the closer you get to the flowering stage - flowering plants are illuminated for less than 12 hours). This ordinance prevents growers from using greenhouses for vegetative plants, which means more electricity use. Grow lights use hoods which direct light down, not up or out. In addition, most greenhouses will have some sort of fence or barrier around them to block people from being able to see inside them, which will block light. Why not just broaden 841.03 (F) (3) to say light used for all marijuana production shall not spill onto adjacent lots? Or at the very least, decrease the time when no light from marijuana production inside a building or outside should show or be illuminated to between 10:00pm - 7:00am.

Marijuana, both as a recreational drug and medicine, has fewer health effects than other legal drugs currently sold in Clackamas County. Unlike beer, hard alcohol, and prescription drugs such as oxycodone, marijuana use does not lead to addiction and potentially violent responses. Side effects of marijuana are similar to those of smoking cigarettes or chewing tobacco - potential lung diseases from smoking, appetite changes, and a feeling of the spins if you take too much. Compare this to legal drugs sold in mini markets, grocery stores and pharmacies across Clackamas County, which have side effects ranging from kidney degeneration, liver degeneration, heart failure, increased gambling, moon face, ringing in the ears (tinnitus), a raised, itchy rash on the skin (hives), inflammation (swelling) of the stomach - the list goes on and on.

Clackamas county is at a turning point in whether it fights marijuana until the very end and allows other counties to reap the economic benefits of this farm crop, or accepts marijuana as the way of the future and creates regulation for it tailored to this county.

Thank you for the opportunity to give input. I hope you choose to allow recreational marijuana in our county.

Sincerely,
Martini Morris

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ZDO-254

EXHIBIT 117

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Gilevich, Shari

From: i»¿Carol [car_hug@frontier.com]
Sent: Monday, November 23, 2015 5:55 PM
To: Gilevich, Shari; Hughes, Jennifer; BCCMail
Subject: Comments on Third draft

Dear Shari, Jennifer, and County Commissioners,

I provided testimony today at the hearing, but did not fully communicate all that I wanted to. Three minutes goes by fast when nervous and not as prepared as I would have liked to have been.

Thank you for the opportunity to be heard.

Jennifer, thank you for your clear communication of the proposal. There were a few points I was confused on and your presentation provided clarity.

My comments are as follows:

I **support** the proposed regulations for prohibiting production, processing, wholesaling and retailing of recreational and medical marijuana in the urban residential, rural residential, urban commercial, and urban industrial districts.

I am **concerned** with the silence about grandfathering of existing registered medical marijuana grow sites in the proposed regulations. Please do not allow existing registered medical marijuana grow sites to be simply grandfathered within the urban residential, rural residential, urban commercial and urban industrial districts where it is proposed to be prohibited. The unanticipated negative effects of allowing medical marijuana growing and processing in residential areas now has the opportunity to be corrected in our county with these proposed regulations. Remember, registered medical marijuana grow sites are not meant to be making a profit. The Oregon Health Authority (OHA) only allows growers to be reimbursed for their costs. And as others testified today, the OHA provides no regular inspections or oversight of these grow sites to confirm they are operating within the limits of the law.

I **oppose** the retailing in RTC and RC. After hearing the testimony on concerns for children, I can't emphasize enough the concern of retail shops in Government Camp. There are many youth ski camps there in the summer where many children (under 18 years old) are not well supervised by camp personnel. Making marijuana more available, just puts these youths at additional health and safety risks. In addition, I have great concern with law enforcement capacity. I know the rationale for allowing retailing was that it was unfair and inconvenient for rural residents to travel long distances. We all travel long distances to shop for other speciality items. This is a weak argument in my opinion. If wanted for recreational purposes, they are capable of traveling to a dispensary in incorporated Clackamas County or growing it themselves. If needed for medical purposes, there are people who will deliver your medical marijuana to you. There is no need for retailing/dispensaries in unincorporated Clackamas County.

I have a **concern** with the setbacks; if they are being imposed because it is thought this will help with odor control, I have direct experience that 100-200 ft. will not be anywhere near large enough.

Those short distances will not help with reducing odors traveling into neighbor's property. As I mentioned in my testimony, we are over 300 feet away from a grow operation and all we smell in the summer months is that rancid marijuana odor. We no longer smell fresh mountain air.

I have a **concern** with terminology of how the regulations use "cardholder" when discussing medical marijuana. Under the medical marijuana law, there are three types of cardholders, 1) patient, 2) primary caregiver, and 3) grower. The way I see it used in the proposed regulations implies the patient cardholder, but please clarify when using the term "cardholder" as to whether you mean patient, primary caregiver, or grower.

Even though I don't live in RRFF-5 or FF-10, I do have **concerns** that production and processing of medical and recreational marijuana may result in unanticipated negative effects to neighbors, but these zones are more agricultural in nature and growing (not processing) marijuana seems more logical in these farming zoning districts.

Thank you again for the opportunity to share our viewpoints and concerns.

Carol Hughes
Welches, Oregon

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Gilevich, Shari

From: Gerrik Latta [gerriklatta@gmail.com]
Sent: Monday, November 23, 2015 9:48 PM
To: Gilevich, Shari
Subject: Written testimony for hearing on November 23, 2015

Clackamas County Commissioner Hearing
November 23, 2015

(Member of Clackamas County Marijuana Land Use Advisory Task Force Committee)

RE: Proposed Zoning and Development Ordinance Amendments File ZDO-254
Submitted November 23, 2015

I think the proposed ZDO section 841 revised November 16, 2015 should be approved as presented to the board. If I could add one thing it would be a conditional use permit to negate the odor and noise Standard that is in place. My property is zoned EFU and my nearest neighbor is 450ft. Complying with the noise and odor standard will be costly, and not protecting anyone. With that said I will be happy to comply with whatever standard is put in place.

As far as a odor standard I believe the cubic feet of canopy area divided by 3 would be a great place to start for desired CFM for activated carbon filtration.

I also support the new setback standard for EFU zoning. Standard setbacks when all noise and odor standards are met is logical, and would otherwise be wasteful and without cause.

I still do not see any definitive grandfathering clause for medical growers.

I also support the current use for light industrial, and industrial zoning.

I would also like to thank Mike McCallister, Jennifer Hughs, Nate Boderman, Ellen Rogglin, the Planning Commission, and the County Commissioners for their hard work of sorting through the testimony and evidence. I believe this is a great place to start with this new emerging industry.

I also support the 3% county tax, and would help however I could in the upcoming efforts to put the vote to the people.

Gerrik Latta
24142 S Schuebel School Rd
Beavercreek, Or 97004

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ZDO-254 EXHIBIT 119

Page 1 of 1

Gilevich, Shari

From: Ryan Sauvageau [blackstorm.ryan@gmail.com]
Sent: Tuesday, November 24, 2015 7:47 AM
To: Gilevich, Shari; BCCMail; ZoningInfo
Subject: Marijuana Land Use Laws and Regulations

I want to make this very clear. Marijuana is still illegal. It is a federal offense to use, grow and sell. You could be labeled a felon after the election. Any pro marijuana laws that are passed in Oregon will still be against the law. I don't want my neighbor(s) growing it as it will attract unwanted criminals. The local government should think twice about the Liberal agenda and a progressive movement for marijuana.

Please make the right decision.

Thank you,

Ryan Sauvageau
Black Storm Inc.
blackstorm.ryan@gmail.com
971-678-0228

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ZDO-254

EXHIBIT 120

Page 1 of 1

Subject: FW: Chris Oke: Proposed zoning changes for medical marijuana production

-----Original Message-----

From: BCCMail
Sent: Tuesday, November 24, 2015 9:53 AM
To: Bernard, Jim; Howatt, Drenda; Ludlow, John; Schrader, Martha; Smith, Tootie
Cc: Gilevich, Shari
Subject: Chris Oke: Proposed zoning changes for medical marijuana production

-----Original Message-----

From: Chris [<mailto:coke@mushroomclone.com>]
Sent: Tuesday, November 24, 2015 8:34 AM
To: BCCMail
Subject: Proposed zoning changes for medical marijuana production

To: Clackamas County Board of County Commissioners
Subject: Proposed zoning changes for medical marijuana production

Oregon state law allows an OMMP card holder to designate another person as a grower. It does not require that the grower reside at the same address. State law also allows a grower to grow for up to four patients. Again it does not require that those patients reside at the same address. This makes it possible for low- and fixed-income medical marijuana patients to obtain their medical marijuana at little to no cost by designating a local grower.

The state law does NOT say Clackamas County is an exception. If the Clackamas County land use rules are enacted as proposed:

- + An OMMP card holder would not be allowed to have his neighbor grow the medical marijuana he needs.
- + A grower would not be able to help a small number of patients in his community by growing the cannabis they are entitled to.
- + OMMP card holders living on fixed incomes who have had the ability to designate another person as a grower providing them with affordable access to the medicine they need will no longer have that option.

There has been much discussion at recent hearings about the odor, noise and light pollution associated with marijuana growing. The complaints have been directed at large grow operations, ones growing for dozens if not hundreds of card holders. Such operations are no longer allowed in the medical marijuana program and will now be governed by the recreational marijuana rules. Current state law limits medical grows to

24 plants for four patients. Such a "micro-grow" can easily be accommodated in a spare room and releases no odor, noise or extra light to the surrounding community. Holding a small medical marijuana grow to the same rules as large commercial operations hardly seems like the "reasonable regulations" the state affords counties. I extend an invitation to the commissioners to visit my wife and me to see how small and unobtrusive a medical marijuana grow is under current state rules.

Please don't deprive Clackamas County residents of the option to have a friend or neighbor grow the medical marijuana they are entitled to.

Medical marijuana production up to the 24 plant limit established by the state should be exempt from the proposed zoning laws that apply to large scale recreational operations.

Thank you for your time and consideration,

Chris Oke
Clackamas County resident

ZDO-254

EXHIBIT 121

Page 2 of 2

NOV 24 2015

November 21, 2015

Clackamas County Board of Commissioners:

I am a registered voter and resident of Clackamas County. I live in the Highland area of Beavercreek. There is a marijuana grow adjoining my property. I became aware of it last summer when there was a disruptive party there. Since then I have found that it was a party for the marijuana grow. In talking to my neighbors in several meetings, I have learned a lot. I know that you, as commissioners, can vote to "opt out" for one year.

I am concerned about:

Increased crime and the possibility of organized crime becoming involved

Lack of resources or the will to police the grow

People driving under the influence of marijuana. Do we have enough police to police the marijuana users? Will someone from my family be killed by a driver under the influence? Has the staff calculated the additional cost of more police officers compared to the possible revenue?

Noise, smell, proper setbacks, contamination of ground water and soil and air

The violence, threatened or done, to the neighbors of the grows

Safety of large propane tanks installed without permits or inspection

Piles of rotting marijuana plants

I could never vote for any commissioner again that does not vote to opt out

The suggested setback of 50 feet indicates to me that you have never visited a grow or talked to anyone that has a grow that close. I suppose that you haven't visited a grow site that has armed people in it that shoot at anything or at anytime, day or night so the neighbors are afraid. It happens regularly in the Colton area and Highland area. .

Thank you for considering my letter.

Olga H. Andersen
21615 S. Upper Highland Rd.
Beavercreek, Or. 97004
503-632-3147
jwa@bctonline.com

I encourage you to "opt out", or I will have to actively campaign for the replacement of any commissioner that does not vote to opt out. I have worked on ballot measures and petitions before, so I have knowledge and help in campaigning.

ZDO-254

EXHIBIT 122

Page 1 of 1

November 23, 2015

NOV 24 2015

Dear Commissioners,

I was at the hearing today and listened to the testimony given. The first thing that stood out was that many of those testifying against marijuana had voted for it because they had been fooled into believing the measure meant something different than it did. Now you, the commissioners are stuck trying through regulations to make it turnout to be what the voters thought they were getting. One choice you have is the "opt-out" which would give them the chance to vote knowing what they were voting for.

I really appreciated the lady that compared the marijuana grow to the pig farm. She knew and expected that animals smell when she moved to the country, this is completely different.

The area of enforcement came up several times, I would imagine you will need to triple that department's budget.

When you start hearing gunfire from the direction of the grow and call police, how long can and should you wait for a response?

Commissioners Smith and Ludlow ran for election on the theme "Stop Portland Creep". When you, force rural communities to put up with the problems from growing Portland's marijuana, you are allowing "Portland Creep".

The Opt-Out would allow more time to observe the ones that are growers now, seeing how they are getting along with neighbors, are they getting permits, inviting inspections, and if they are obeying enforcement. We could see if a 50' set back is not nearly enough, and that a shared driveway is not adequate for the traffic created. They shouldn't be able to refuse fire district safety inspections that are required because they have employees.

Several neighbors have expressed concern but couldn't get to the hearing or find time to write letters. They asked if I would bring something they could sign to express their concerns. The results are attached.

Thank you for your consideration

Jerry Andersen
21615 S. Upper Highland Rd.
Beavercreek, Oregon 97004

503-341-3827 jwa@bctonline.com

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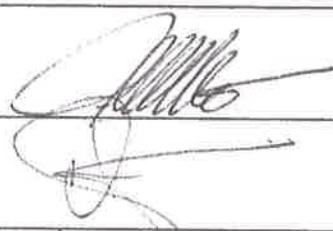
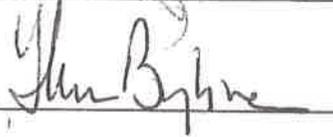
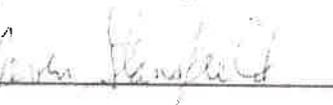
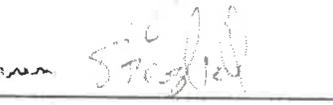
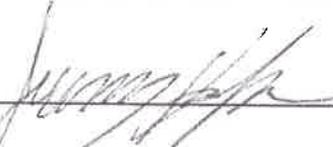
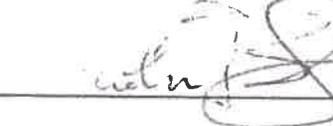
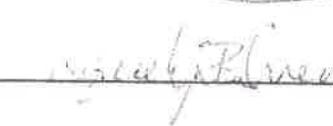
Petition to Opt Out of Recreational Marijuana Program

We are **voting residents** of the Clarke's/Highland area of Beavercreek, which is located in unincorporated Clackamas County. We urge the Board of Commissioners to **opt out** of Oregon's recreational marijuana program and prohibit the production, processing, wholesaling and retailing of marijuana in unincorporated Clackamas County.

SIGNATURE	PRINT NAME	ADDRESS	PRECINCT
<i>[Signature]</i>	JAMES A LOOMIS	22182 S Upper Highland Rd	517 [#]
<i>[Signature]</i>	JANET ALDOM'S	22182 S. Upper Highland Rd	517 [#]
<i>[Signature]</i>	David Scholer	22210 Upper Highland	
<i>[Signature]</i>	Zuberz Scholer	22210 Upper Highland Rd	
<i>[Signature]</i>	Josh Jensen	22256 S. Lower Highland	
<i>[Signature]</i>	Gwynn Mauritz	21931 S Upper Highland	
<i>[Signature]</i>	Carlton L Howard	21690 S Upper Highland Rd	517 [#]
<i>[Signature]</i>	Shannon Melvin	21521 S. Upper Highland Beavercreek OR 97004	
<i>[Signature]</i>		21770 S. Upper Highland Rd Beavercreek	
<i>[Signature]</i>		21621 S UPPER HIGHLAND RD	970
<i>[Signature]</i>		21621 S Upper Highland Rd	97004

Petition to Opt Out of Recreational Marijuana Program

We are **voting residents** of the Colton area, which is located in unincorporated Clackamas County. We urge the Board of Commissioners to **opt out** of Oregon's recreational marijuana program and prohibit the production, processing, wholesaling and retailing of marijuana in unincorporated Clackamas County.

SIGNATURE	PRINT NAME	ADDRESS	PRECINCT
	Joe Nelson	31206 S Grayshill Rd. Colton, OR 97017	Colton OR
	C. ANDREW NOTTAGE	30820 S. WALL ST COLTON, OR 97017	COLTON OREGON
	GLENN BYRNES	23940 S. UPPER HAWKLAND RD BEAVER CREEK, OR 97004	?
	Kevin Stansfield	23132 S. Schiefer Rd Colton, OR 97017	354
	Lori Stansfield	23132 S Schiefer Colton, OR 97017	354
	Gemesa Stansfield	23132 S Schiefer Rd Colton, OR 97017	354
	Jeremy Hoffmann	20365 S GREEN Mtn	
	Mark Hoffmann	20365 S Green Mtn Rd Colton, OR 97017	
	Tim Behrens	29955 S Wall St Colton, OR 97017	351
	Megan Behrens	29955 S Wall St Colton, OR 97017	351

Z10-254

EXHIBIT 123

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Petition to Opt Out of Recreational Marijuana Program

We are **voting residents** of the Molalla area, which is located in Clackamas County. We urge the Board of Commissioners to **opt out** of Oregon's recreational marijuana program and prohibit the production, processing, wholesaling and retailing of marijuana in unincorporated Clackamas County.

SIGNATURE

PRINT NAME

ADDRESS

PRECINCT

Jennifer Elliott

Jennifer Elliott

608 Pennsylvania Ct
Molalla, OR 97038

ZDD-254

EXHIBIT 123

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Gilevich, Shari

From: DeSantis, Kimberlee
Sent: Tuesday, November 24, 2015 12:39 PM
To: Gilevich, Shari
Subject: FW: Marijuana legislation

From: Virginia Martin [<mailto:virginiammartin@gmail.com>]
Sent: Tuesday, November 24, 2015 12:18 PM
To: Ludlow, John <JLudlow@co.clackamas.or.us>
Subject: Marijuana legislation

Dear Commissioners,

I am a 71-year-old homeowner in Clackamas County. I would like to voice my opinion (and that of many others who will never get around to sending an email or attending a meeting) concerning the legalization of marijuana and the restrictions being considered for this county regarding the growing and selling of it.

I am against the opt-out option for several reasons. The citizens of the state have made their wishes known and those people who voted for the legalization are from all segments of society (not just "the criminal element" as one person was quoted as saying). The tax revenue would be a definite boost for the economy of both large and small cities and most certainly for Clackamas County.

It seems that the issues raised were generated by very few individuals who clearly have a right to their opinions. However, I don't think they represent the wishes of the larger population. I'm glad that many, if not the majority of people have learned the difference between "grass" and other, more harmful drugs.

Please consider my vote to be a NO for opting out. Thank you for your consideration.

Virginia Martin
Brightwood, OR

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

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[Not spam](#)

[Forget previous vote](#)

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Marijuana permitting in Clackamas county has many contradictions .

Sensible regulation should take place including warnings and fines for non compliance with exhaust devices. Onerous expensive studies will not do anything except rule out the small grows. I am absolutely positive Humbolt and Josephine counties want this to happen. If a property is ruled RFF5 but was smaller acreage before the growing of marijuana became legal, then minimum lot sizes are a contradiction of terms and the voters will. I have been approached by a Naturopath wanting an organic grow for her Cancer patients and the Patients addicted to Narcotics The end result will be angry non-compliant growers. I understand everybody wants a piece of the pie. The supply is going up, maybe the Clackamas County could keep it simple and keep the money here instead of with the Cartels, and less restrictive counties. I am a measure 49 owner of four acres. I would rather plant cannabis on an organic grow than to plant more houses. Please give me a realistic option. Lets not send the Cannabis grow the same direction as the caneberries and the Christmas trees.

Thank you


James T Knapp

BOARD OF COMMISSIONERS

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BCC, planning

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My name is April Dobson and my address is in Sandy Oregon

Dear commissioners as a registered voter of Clackamas County I appreciate this opportunity to share my thoughts with you. Six years ago my husband and I and our 4 children moved to just outside Sandy. We moved to get away from the ills of society that we saw creeping into our neighborhood. Police searching our back yard for criminals, the Gresham Swat team hitting the neighbor's house, these are just two examples. We carefully chose a location where we could feel safe we have spent the last 6 years turning it into our home, our safe haven, it was all we wanted and with great neighbors to boot.

9 months ago things changed, someone bought a nearby property with the intention to grow marijuana on it to sell commercially. Since then our new neighbor has harassed or threatened every neighbor around us, he has changed our paradise. We now have to place a gate at the entrance to our property to ensure that those looking to make a quick buck off our new neighbors crop, or his cash, don't accidentally come onto our property and boot in our door instead or use our property to access our new neighbors and we end up in the middle of something bad.

You might think that this sounds farfetched, but you see my husband is a police officer, he sees on a regular basis how marijuana the "miracle drug", often affects the innocent through unnecessary crimes, crimes even involving death. Our sense of security has been taken.

Our state representatives have failed us by their desire for more money and by openly embracing this drug without any knowledge of the long-term effects of how marijuana will affect our neighborhoods, our children, the youth, our communities and individuals quality of life. As a youth leader I have already seen the affects it has on them, I fear for their future if this drug continues to be so easily accessible. They have placed few regulations on how to control this new crop. The state only sees dollar signs.

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As a county why do we have to follow head long after the state by believing all the hype from the marijuana growers that it is the miracle cure for everything, medical and economic?

There is no reason other than a lust for money, why we as a county push to allow people to grow and process marijuana commercially. We should go slow, watching the other counties and states, to see what pit falls lay ahead in making this a legal substance. With more time we can gain more wisdom and experience, we can better know how to regulate it, rather than guess and hope we get it right the first time.

You, as the commissioners, have the duty and obligation as our voted in representatives to do your best to educate yourselves and to protect us. You took an oath to serve us, stand up for what is right, go slow, opt out for now. Again, no one knows the long-term impact of what we have voted in as a recreational drug. Opt out; let's not ruin a great county. Thank you.

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November 24th, 2015

Dear Commissioners, my name is April Dobson and I live at 48320 SE Wagoneer loop drive Sandy Oregon. I was at the land use meeting yesterday and took the opportunity to give my testimony. I had my 11 year old son with me. I briefly prepped him before the meeting explaining that he would hear two sides to the marijuana situation. He of course started to get bored so we left before the testimonies were concluded. As we walked out the door and without me prompting him for his thoughts, he turned to me and said "Mom, how can they even compare marijuana to having chickens or growing roses? Marijuana is a drug!" From the mouths of babes. I do hope you see the side of this innocent child and that you also see through this argument coming from the marijuana growers. I do not have a wad of cash lying around from having chickens or roses. Criminals are not interested in stealing my chickens or my roses. And as my 11 yr old son said, marijuana is a drug.

As commissioners and representatives of our county I know that you want Clackamas County to be a county that is successful and productive, so why would we use a drug to define us, to rely on for money, to find pride in and to make easily accessible as a recreational drug to the people in this great county? Do not forget that with drugs there is always a dark side, a side most of us do not see until it is too late. If you have ever entertained the thought that marijuana has not gotten into the hands of our youth than you need to do some serious research and understand the devastating effects it has on them. We will end up paying for the negative effects of this drug emotionally and monetarily, I guarantee it! My dream would be that this drug was heavily regulated for the use of medical reasons only but we are far past that now, so my last plea is that you choose to Opt out! Give our future some hope. Heavily regulate what is already in place. Please consider making your decision without money being your main drive to your choices. If you can easily come up with 10 reasons why continuing to grow marijuana in this county is a benefit to the people, than I would love to see this list. Money or profit cannot be included in the list of 10.

Thank you for your time, April Dobson and son

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November 23, 2015

Subject: ZDO Amendments – Marijuana Production in Forest Zones

To the Clackamas County Board of Commissioners,

Thank you for the opportunity to share concerns regarding the proposed ZDO amendments related to **406 Timber Lands and marijuana production**, particularly in the Mt. Hood area east of the city of Sandy.

Marijuana production on Forest Lands appears to defy the following.

1. **Statewide Goal 4 – Forest Lands:** Forest Lands are designated for the **growing and harvesting of “Commercial Tree Species”** – those recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715 (OAR 660-006-0005).
2. **Purpose of Statewide Goal 4:** The designated purpose of Goal 4 is to **conserve forest lands**. Goal 4 requires forest lands to be conserved (OAR 660-006-0025).
3. **Mixed Uses:** Only AG/F Lands allow mixed uses – either farm or forest use, or both. It appears Forest Lands do not allow such mixed uses as Forest Lands are not in, and are separated from, Agricultural areas. Goal 4 Forest Lands are related to forestry and are distinctly zoned as such.
4. **Forest Operations:** Goal 4 Forest Lands relate to “Forest Operations” related to the growing and harvesting of any **forest** tree species as defined in ORS 527.620(6). (OAR 660-006-0005).
5. **Authorized Uses:** Uses in Forest Zones include:
 - Uses related to support **forest operations**;
 - **Conserve soil, air, and water quality, and provide fish and wildlife resources, agriculture** (see below), **and recreational opportunities appropriate in a forest environment**;
 - **Locationally-dependent uses**; and
 - **Authorized dwelling**.
6. **Outright Allowed Uses of Forest Land:** Uses include “Farm Use” as defined in ORS 215.203, however, ORS 215.203(2)(a) specifically states, as related to Forest Land:

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*Farm use does not include the use of land subject to the provisions of ORS chapter 321 (Timber and Forest Land Taxation) except land used exclusively for growing **cultured Christmas trees** as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3). (Emphasis added).*

Note: The production of Christmas trees was changed and moved from the designated "Forest Land Use" to "Farm Use" (under Agriculture), but Christmas tree production has been allowed to continue on Forest Lands – thus creating the "Farm Use" crossover on Forest Lands.

Clearly, marijuana production is not related to the growing of "Commercial Tree Species", forest operations, or growing farm-classified Christmas trees, so why would marijuana production be allowed on Forest Lands? Marijuana production clearly has no relation whatsoever to *forestry*.

Other major concerns include:

- Marijuana-related **pesticide use in critical fish and wildlife watersheds and habitat areas;**
- **Impacts to deer, elk, bear, and other montane wildlife** in forested areas, including in the designated and protected *Distinctive Winter Range Zones (below 3,000 feet) for Deer and Elk;*
- The potential **introduction of a non-native plant species** in distinctive natural forested resource areas, such as in the Mt. Hood area;
- **Impacts and changes to the Mt. Hood area's forested landscape and environment (denuding Forest Lands and erecting building structures);**
- Public impacts related tourism and outdoor recreation in the Mt. Hood area.

Marijuana is clearly an agricultural crop, not a forestry product, and is not appropriate for production on Goal 4 Forest Lands. To my knowledge, the only "agricultural crop" relating to Forest Lands pertains to the production of cultured Christmas trees.

Thank you for considering these major concerns.

Sincerely,

Robin Jacobs
Hoodland/Sandy

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To: Clackamas County Board of Commissioners and Clackamas County Land Use Commission

My name is Jodi Jones, I reside at 23870 S. Highland Crest Drive in Beavercreek. Due to my work schedule, I am not able to attend the Commission's November 23 public hearing on the proposed marijuana-related land use regulations. Therefore, I am submitting these comments.

My property is zoned AG/F, and under the proposed land use regulations for marijuana-related businesses, production and processing of marijuana would be permitted in my rural area.

I am very concerned that the County has no data about the probable costs of allowing recreational marijuana businesses in the County, and no plan in place to enforce the proposed land use regulations. I also don't believe the County has a plan in place to increase law enforcement personnel to monitor these establishments since crime in the county has increased dramatically this year, which happens to coincide with the arrival of marijuana growing operations in Clackamas County.

I am living in close proximity to a marijuana growing operation at 24200 Highland Crest Drive (the "Property"). In February 2015, Jeff Simonson and Angela Kopshy moved into the Property. Mr. Simonson rents the Property from the owners, Clifford "Skip" Beddow and Carol Beddow. Mr. Simonson and Ms. Kopshy operate a marijuana grow facility on the Property, Herbaceous Farms, LLC.

Here are my concerns:

- Fire danger. I understand that Herbaceous Farms has installed two 1,000-gallon propane tanks on the Property for the purpose of growing marijuana, extraction of marijuana oils etc. To my knowledge, there is no fire suppression system in place on the Property.
- Environmental hazards. I am concerned that the chemicals Herbaceous Farms uses in the production and processing of marijuana on the Property may not be carefully stored, used and disposed of. My property is on a well, and shares the same aquifer as the Property. My property is also downhill from the Property, and therefore water runoff from the Property flows onto my property. My property and the water I drink could easily become contaminated.
- Crime. I am concerned about the high potential for criminal activity associated with Herbaceous Farms close proximity to my property. Marijuana businesses are widely known for having large amounts of cash and firearms on hand, which increases them as a target for criminal activity. There also is the

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potential that if criminals are unable to access the Property, they may decide to target mine or others properties instead.

- Traffic, noise and trash. Highland Crest Drive is a private, one-lane residential easement. It is not maintained by Clackamas County. Highland Crest Drive serves as my driveway. It was never intended to support business traffic of any kind. Since Herbaceous Farms began its operations on the Property, traffic on Highland Crest has increased dramatically, and much of the traffic drives way too fast. In warm weather, many of these vehicles drove with loud music blasting out of their open windows as well. The traffic is 24 hours a day and 7 days a week. I now see trash on Highland Crest, including cigarette butts (which are a fire hazard) and I never did before Herbaceous Farms started its operation.

I strongly urge the Commission to retain the currently proposed land use regulations that would require all owners on a shared private road to consent in writing to having a marijuana operation on that shared road.

Sincerely,

/s/ Jodi Jones
Jodi Jones

Marijuana Land Use Regulations: Estimated Future Revenue and Expenditures

November 24, 2015

Disclaimer: Please note that the information provided below is highly speculative based on early projections from the state and very rough estimates of what county needs might be.

REVENUE

Source	Estimated Amount	Comments
17% state tax*** on retail marijuana sales	\$100,000-300,000 up through 6/30/17, based on original taxing rate* and projected sales**. (Does not take into account revenue from 25% tax rate on early start sales beginning January 1, 2016.) Unknown after that until number of licenses is known.	10% of state revenue goes to counties that have not opted out to assist with law enforcement, based on: <ul style="list-style-type: none"> • population (through 6/30/17) • number of licenses issued (beginning 7/1/17)
3% county tax on retail marijuana sales	Unknown until number of licenses is known.	Counties have authority to ask voter to approve a 3% tax on retail marijuana sales.

* The Oregon Liquor Control Commission (OLCC) currently estimates \$10.7 million in revenue for the 2015-17 biennium. Revenue will jump in the next biennium given that retail locations are not anticipated to open until fall 2016.

** The first week of legal recreational sales in Oregon were estimated at around \$11 million, which is well ahead of initial sales in Colorado (\$5 million the first week) and Washington (\$2 million the first month). While it is unlikely sales in Oregon will continue at that pace, if it did the state would generate more than \$97 million a year (not biennium) in revenue with a 17% tax.

***State Revenue Distribution

- 40% - Common School Fund
- 20% - mental health alcoholism and drug services
- 15% - State Police
- 10% - cities, for enforcement
- 10% - counties, for enforcement
- 5% - Oregon Health Authority (OHA), for alcohol and drug abuse prevention

EXPENDITURES

Program/Service	Estimated Amount	Comments
1.0 FTE Code Enforcement Officer	\$110,000/year	Full cost, including benefits. Officer could easily be kept busy with non-marijuana-related issues.
1.0 FTE Deputy Sheriff	\$115,000/year	Full cost, including benefits.
1.0 FTE Sergeant	\$135,000/year	Full cost, including benefits.

November 18, 2015

Shari Gilevich, Planning & Zoning sharig@clackamas.us

Clackamas County Zoning and Development Commission:

RE: File ZDO-254

841: Marijuana Production, Processing and Retailing

NOV 24 2015

I would like to address the proposal and introduce ideas for a more fair way to govern this industry and not lose the revenue income potential for the County.

The medical marijuana industry has been in legal operation in the State of Oregon for many years. I have personally heard and witnessed amazing testimonies about the benefits of providing this medication for patients needing healing from PTSD, seizures, cancer, neurological disorders, and too many medical conditions to mention here.

Before our citizens jump to conclusions about the negatives of this plant, it would be helpful if everyone would take time to educate themselves about its benefits and the lives that it has improved by being able to live without seizures, horrible depression from PTSD, cancer, and many other afflictions. Marijuana **is not a drug, it is not a so-called "gateway" drug and is not addictive.** It can be habit forming just like coffee, food, shopping, video games, etc. All of these additions come from abuse, not use.

In the draft proposal for rural marijuana operations, I agree that many of the proposals are necessary to protect neighbors. However, in the case of the 100 foot setback for FF10 operations **from any lot line** noted in 841.03, Item A, many of us find this to be preposterous. Rural property is exactly that – "rural property". **The 100 foot setback rules are not imposed on any other agricultural operation**, including odors, noises and lighting, **right against** our property lines. We actually expect things like this in the country. Country living is surrounded by cattle operations, dairies, horse arenas, boarding kennels, chicken growing operations, egg production, vinyards who host weddings and all the noise and traffic that comes from that entity, etc. These **all** come with noise, traffic, odors, lighting and sometimes offensiveness. These proposed rules do not limit them and do not dictate 100 foot setbacks as you are intending to inflict on the marijuana industry. This is unfair and discriminatory and should not be put into law.

For rural indoor marijuana operations, these rules are so restrictive that, if passed, you are going to cause existing and future revenue to the county to be driven out and into other counties. This will be an enormous financial loss to families and to the County.

Indoor marijuana growing and processing operations **filter odors and sounds** and **lighting is not visible to the outside.** Greenhouse operations may have a different impact on neighbors, which brings me to my main point.

Instead of an unfair, all-encompassing "cookie cutter" law being proposed and conceivably passed on FF10 Rural setbacks, it would seem **beneficial and imperative** to the County and to the marijuana operators and their families, to have each site undergo an inspection at the time an application is filed, or at a minimum, submit a site drawing of their operation in conjunction to neighboring houses to determine if there are neighbors close to the property line or if they instead are hundreds or thousands of feet away from the operation.

Sincerely – Justin Miller

Rural Oregon City

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