

From: McCallister, Mike
Sent: Tuesday, October 20, 2015 2:36 PM
To: Pollack, Kay
Subject: FW: Citizens for Public Safety, Quality of Life, Property Values Clackamas County Planning and Zoning Marijuana Land Use Testimony
Importance: High

From: Shirley Morgan [<mailto:shirley.morgan@aecinc.com>]
Sent: Wednesday, October 14, 2015 9:45 AM
To: Savas, Paul; Schrader, Martha; Bernard, Jim; Smith, Tootie; Ludlow, John
Cc: Boderman, Nathan; Schmidt, Gary; Roberts, Craig; Ellington, Matt; Foote, John; Davis, Jeff; Brian.Pasko@gmail.com; Chandler, Daniel; Hughes, Jennifer; McCallister, Mike; Norman Andreen (nandreen@bctonline.com); Gail Holmes (Holmes2410@gmail.com); John Drentlaw (john@jldllc.com); John Gray; Mark Fitz; meekmark@worldstar.com; Michael Wagner (mwagner@molalla.net); Rogalin, Ellen; tomp234@frontier.com; 'sen.chuckthomsen@state.or.us' (sen.chuckthomsen@state.or.us); 'Rep Johnson'; Schmidt, Gary
Subject: Citizens for Public Safety, Quality of Life, Property Values Clackamas County Planning and Zoning Marijuana Land Use Testimony
Importance: High



FOR YOU INFORMATION

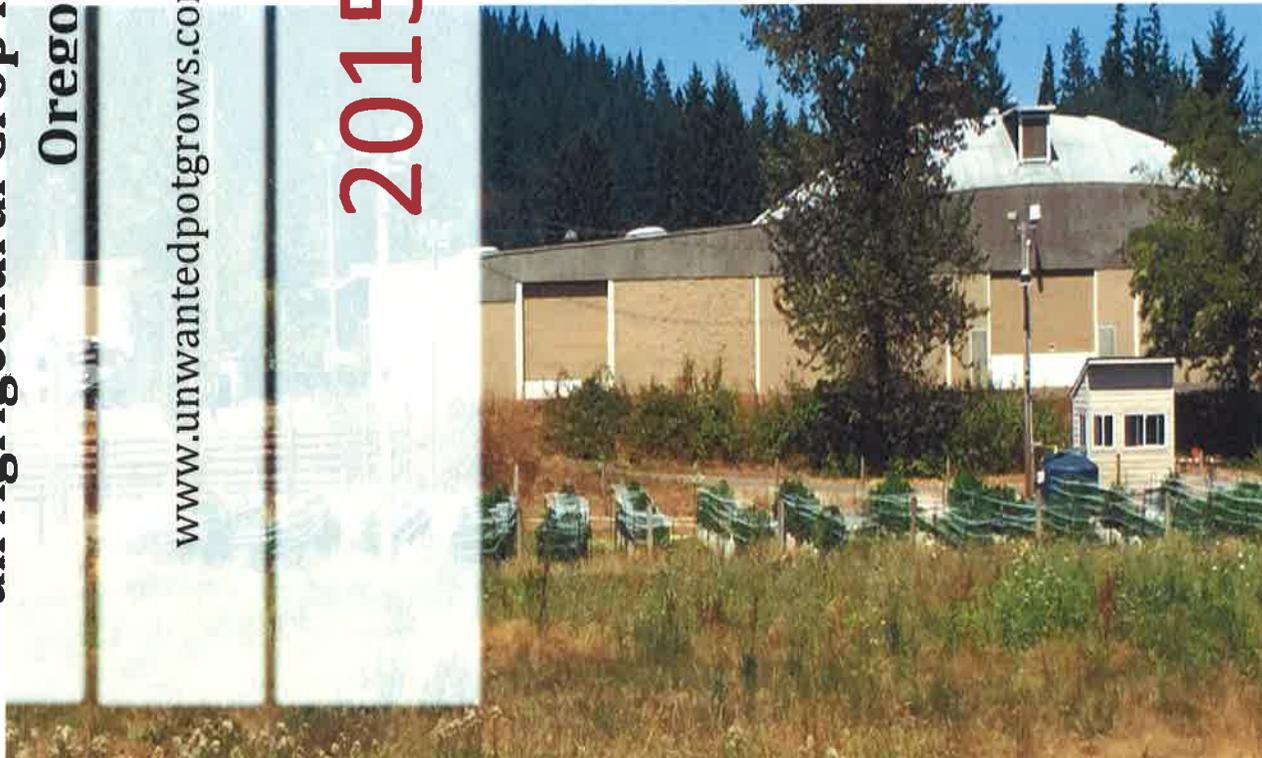
PUBLIC TESTIMONY ON BEHALF OF CITIZENS FOR PUBLIC SAFETY, QUALITY OF LIFE, PROPERTY VALUES REGARDING MARIJUANA PLANNING AND ZONING LAND USE REGULATIONS.

Testimony letter attached with an updated Just Like a Tomato Case Study File

Marijuana redefined as an Agrigultural Crop in Oregon

www.unwantedpotgrows.com

2015



CONTENT-CASE STUDIES & REFERENCE MATERIAL

1. Mt Hood Equestrian Center-RRFF5
2. The Oregon Candy Farm RRF5
3. Alfalfa-Bend-Deschutes County-EFU
4. Grants Pass-Josephine County RR-5
5. Tumalo-Deschutes County-EFU
6. Beavercreek-TBR
7. Colton-EFU
8. Clackamas County Precincts for M91
9. # of medical pot grows in Clackamas
10. # of medical pot grows in Deschutes
11. DA Mitch Morrissey-Denver Colorado
12. Director Tom Gorman Colorado HIDTA
13. Impacts of Medical/Legal marijuana



The above photo is a view of the back pasture of the former Mt. Hood Equestrian Center in Boring Oregon, 29450 SE Lariat Lane. This location is bordered by U.S. highway 26 on the front entrance, 7 rural residential homes on two other sides and flanked by a large church with a full-time school access road. The former center has been purchased by a Gresham businessman and is being leased to marijuana growers from Washington, Montana, California, and Colorado. With Oregon's new House Bill 3400 legislator's redefined marijuana as an agricultural farm crop, meaning that it can be grown in all of Oregon's Exclusive Farm Use EFU areas without any neighbor notification, conditional use permits, noise control, traffic quantity controls, or defined hours of operation. The grow you see in the above photo is a 48-96 plant medical marijuana grow as Oregon's recreational commercial grows will not be licensed by the Oregon Liquor License Commission until January of 2016. This grow is in full public view, easily accessed by a well-travelled church access road which is utilized by families and neighbors who walk their children and pets in this area, and it is within walking distance of the church school grounds. This is not the place for a federally illegal drug to be grown as this will normalize, advertise, and condone marijuana use particularly for youth. Marijuana is a high price "crop" and though there may be cameras and security lights set up on this grow it will pose significant security problems and it is harder to control and regulate when grown in full view. This grow will also pose environmental impacts to the surrounding neighbors, with intrusive lighting and security cameras, increased traffic, pesticide use, and increased water usage, this full view operation is also located within feet of a natural water pond.

The Oregon Legislature created House Bill 3400 in July of 2015 and with it they redefined marijuana as an agricultural farm crop, which means that counties and cities have little authority to regulate marijuana in exclusive farm use areas such as are required on other uses such as neighbors notification and conditional use permits that require public hearings.

CASE STUDY: Former Mt. Hood Equestrian Center-29450 SE Lariat Boring, Oregon. Below is just one of hundreds of cases throughout the Country and in Oregon in which large marijuana grows are being allowed to be grown in both city and rural residential areas.

Property owners, who have lived the last 33 years next to the former Mt. Hood Equestrian Center, reveal what it is like living next to marijuana grow site.



During the summer of 2014 the equestrian center was purchased and the new owner at a local community meeting indicated that he was allowing medical marijuana to be grown in the center by growers from Washington State. The equestrian center sits on an 8 acre parcel on Hwy 26 and is zoned RRF-5rural residential forest farm and is surrounded by rural residential homes where families live, and is also located just 600' away from a large Church and church owned buildings who have a full-time registered educational school where there are many children.



It has gone from this to this:





Bordering on the back side of the equestrian center growers have planted a 96 outdoor medical marijuana grow which is not fenced, has easy open access for robbers and burglars, easy access by kids, is within 600 feet from a large church with a full time school, and is in full public view of those traveling on the church access road located within 100 feet of this marijuana grow.



Photo taken March 2014



Photo taken October 4, 2015



Photo taken 10-4-15



It is significant to point out that there is a one single lane road that provides public access entrance to this facility in which the new owner of the equestrian center has put up a gate blocking the residents on the East side of this area from entering or exiting without a special key to enter or exit, also blocking fire and policing vehicles.



Applicant:
DALE BURKHOLDER
P.O. BOX 302
CORVALLIS, OR,
Home Phone: 503-309-5114

Owner:
SIVEN SGA 1020
PO BOX 2517
DRESHAM OR 97030

Project Description:
CHANGE OF USE/MT HOOD EQUESTRIAN CENTER TO
MEDICAL MARIJUANA AND FUTURE RECREATIONAL
CHANGE OF USE/MT HOOD EQUESTRIAN CENTER TO
MEDICAL, RECREATIONAL AND FUTURE RECREATIONAL

In Oregon's original medical marijuana program, medical marijuana grows were not allowed to be in public view as it tends to normalize, advertise, and condone marijuana use, and because marijuana is subject to theft since it is a high price "crop" it is susceptible to theft by youth for both use and sale, and it is harder to control and regulate and it poses a lot of environment impacts with water usage, pesticide use and other unknown impacts in our rural residential communities.

In Oregon's new HB3400 law it has redefined marijuana as an agricultural farm crop and means that counties and cities have limited authority in regulating a farm crop item. This means that there is no neighbor notification or conditional use permit requirements. The only requirements in HB3400, is that you cannot smoke marijuana in public view or in a public place.

- *Definitions Section 1 (p28) "Public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and [premises] areas used in connection with public passenger transportation.*
- *Section 55: (p28) a person may not produce, process or store homegrown marijuana or homemade marijuana products or concentrates if the homegrown marijuana or homemade products concentrates can be readily seen by normal unaided vision from a public plane.*
- *Regarding Marijuana Seeds:*
- *Section 88.f. (p60) for purposes of ORS 475.300 to 475.346, seeds of the plant cannabis family cannabaceae are a propagate of nursery stock as defined in ORS 571.005. The production and processing of seeds under ORS 475.346 is not subject to the labeling or other requirements of ORS 576.715 to 576.744 or 633.511 to 633.750.*
- **NOTE:** *Many of our local garden and nursery centers are indicating that they are going to put up a sign on their buildings indicating that NO, we DO NOT have any marijuana seeds, as people are showing up asking for marijuana seeds for their pot grows.*

So in this case, the former Mt. Hood Equestrian center is located 8.11 acres, and will be allowed under Oregon's Medical Marijuana program to grow 48 up to 96 plants. They have also applied to Clackamas County planning and zoning for a change of use permit to use the equestrian center large arena for a recreational marijuana production and processing site and there is nothing noted in HB3400 that states that there can only be one recreational producer and processor at one site as is noted for medical marijuana grow sites. So the 97,000 sq. ft. equestrian center arena itself could be leased out to various recreational marijuana producers and processors if permitted by the County, as this is a RRFF-5 rural residential forest farm area zone, but if it were an exclusive farm use area, only the production (plant, cultivate, grow, trim, harvest) of marijuana is currently allowed in HB3400.





Photos 8-1-15

(The above photo is a back view of the Mt. Hood Equestrian Center, where you can see one of the 96 outdoor marijuana plant grows. It is in full public view, easily accessed by a well-travelled church easement road, within walking distance of the church school grounds, and is surrounded by seven smaller lot rural residential homes.)



In August of 2015, the owners have decided to use the former Mt. Hood Equestrian Center sign that is designated for this property location and use as a billboard to advertise another marijuana business called Ripped City, located in Gresham, Oregon. They are advertising first gram of marijuana for only \$1, which is interesting, because though marijuana is legal in Oregon recreational marijuana sales are not legal in Oregon until October 1, 2015 only medical marijuana retail locations may sell marijuana to cardholders. This sign promotes the sale of marijuana without any disclaimers that it is only for medical marijuana patients therefore soliciting marijuana sales that is currently illegal. This is located on Hwy 26 between Sandy Oregon and Gresham.

Business Entity Names returned for:

Name: RIPPED CITY
 Using: Exact Words in Any Word Order
 For Active and Inactive businesses.

[New Search](#)

[Print Friendly](#)

08-27-2015 19:23

Record No	Entity Type	Entity Status	Registry Number	Name Status	Name	Active Search
1	DLIC	INA	508147-02	CUR	RIPPED CITY APPAREL LIMITED LIABILITY COMPANY	



http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.do_name_srch?p_name=RIPPED%20CITY%20&p_regist_nbr=&p_srch=PHASE1&p_print=FALSE&p_entity_status=ACTINA

New Search		Printer Friendly		Associated Names	
Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	8180 SW 154TH AVENUE				
Addr 2					
CSZ	BEAVERTON	OR	97007	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	10-21-2011	Resign Date	
Name	RYAN	ALEXANDER CHAICHI					
Addr 1	8180 SW 154TH AVENUE						
Addr 2							
CSZ	BEAVERTON	OR	97007	Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS					
Addr 1	8180 SW 154TH AVENUE						
Addr 2							
CSZ	BEAVERTON	OR	97007	Country	UNITED STATES OF AMERICA		

Type	MGR	MANAGER				Resign Date	
Name	RYAN	ALEXANDER CHAICHI					
Addr 1	8180 SW 154TH AVENUE						
Addr 2							
CSZ	BEAVERTON	OR	97007	Country	UNITED STATES OF AMERICA		

New Search		Printer Friendly		Summary History		
Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ADMINISTRATIVE DISSOLUTION	12-19-2014		SYS		
	NOTICE LATE ANNUAL	10-24-2014		SYS		
	AMENDED ANNUAL REPORT	12-13-2013		FI		
	NOTICE LATE ANNUAL	10-25-2013		SYS		
	AMENDED ANNUAL REPORT	10-15-2012		FI		
	ARTICLES OF ORGANIZATION	10-21-2011		FI	Agent	

PROPERTY VALUE IMPACT TESTIMONY: As an illustration to the impacts that this creates in our rural residential properties, below is a testimony that was given by a property owner located right next door to this wannabe mega marijuana production and processing factory.

Distinguished guest speakers, government officials, citizens and friends of Boring and Clackamas Fire Department and our moderator.

I have lived in Oregon and the Tri-County area for 48 years – 33 of those years in the country on acreage. My 3 girls grew up with farm animals and their ponies and horses. When I purchased this house on Lariat Lane – it was because of the Equestrian Center, even so it was right off Hwy. 26. My grand-children spent every week-end with us and their 3 pet goats and lamb. Huge trucks and trailers coming from as far as Montana and Idaho - loaded with horses, would rumble past the house and we'd watch the horses being unloaded and loaded and trained. 4-H group kids and their parents would show up to rope steers delivered to the back of the barn. There are a couple other people who also bought homes bordering the Equestrian property - because of the closeness to the horse barn. This was a rather "whole-some" experience, including the manure piles.

Let me tell you what it's like to live in my house now - after an illegal pot grow center moved into the barn:

Now - when we sit in our living room, which overlooks the barn, for our morning coffee - we now overlook a security fence, a security gate and several sets of security cameras.



One of these motion detection cameras, including a bright light - is posted next to their gate - adjacent to our property line and drive way entrance and is pointed toward our easement road and the total east side of our house, the garage door, our drive-way and out-building and part of the garden area. If you come to visit us - you will be filmed and you will be on tape and your license plate can be checked to see who you are. Big brother has arrived in Boring. When I walk out of my garage for any reason – to walk my dog or carry my garbage down to the end of my driveway, or to work in my garden - I am being filmed. I consider that an intrusion/invasion of my privacy.

Since I was born and raised in a country where everyone was spied on by the Nazi regime – this is extremely un-nerving to me. Anyone not aware - that a security gate was erected next to our drive-way, with 2 signs reading: "Video Surveillance" – "Trespassers will be prosecuted", can't turn around, unless they utilize part of either one of our driveways. This easement now has become a dead-end road, since there is no gate return. If this federally illegal grow center is allowed to operate – in this location – our quality of life will continue to unravel, our property values will go down the drain and

our safety with only two police officers covering this area and stretching all the way up to Mt. Hood will endanger our lives and that of our visitors. This is just the beginning of what's to come, if grow centers are allowed directly adjacent to residential homes.



I am not here to vilify the young men who are growing the pot – we have met them, they could be your children and/or grand-children and are polite young men, who are enabled by others by giving them the lease and therefore the space. I understand that measure 91 marijuana legalization was passed in Oregon – therefore, please, please distinguished guests speakers– GET IT RIGHT – before it goes into effect.
(8)

Although many innocent voters have been misled by out-of-state highly funded ballot initiatives that push the so-called medical marijuana scheme and the tax and regulate marijuana scheme, many citizens like myself who have observed the impacts first hand are standing up nationwide to bring a strong awareness to these deceptive attempts to try and ignore the impacts to public safety, quality of life, and property values. Drugged driving, diversion to other States, destruction to the environment, diversion to minors, public consumption, robberies, burglaries, fatal shootings, odors, increased traffic, fires, hash oil explosions are just a few of the impacts that marijuana leaves behind. The scheme of medical marijuana and marijuana legalization leads to the degradation of our neighborhoods and it is important that we take this information and begin to inform our communities.

References: (7) Oregon Health Authority. Oregon Medical Marijuana Program Grower Data. Email to the author. 17, March, 2015. (8)Gartner, Monika. Testimony: Let me tell you what it's like to live in my house now - after an illegal pot grow center moved into the barn. Letter to the author. 23, April, 2015



MIKE MCCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BLAVERCREEK ROAD OREGON CITY, OR 97045

May 21, 2015

Jason O'Hara
27821 SE Sunray Drive
Boring OR 97009

RE: Property Location: Map No. 1-4E-31A Tax Lots 1300 and 1301
Building Permit No. B01013-15

Dear Mr. O'Hara,

The Planning and Zoning Division has approved the above building permit for a tenant improvement to an existing building on the property. Based on the Statement of Use form submitted with the building permit, the building is intended to be used for a medical marijuana grow operation. No manufacturing or retail use is proposed or authorized in the building.

The Planning and Zoning Division has approved the building permit because the proposed use is consistent with the Clackamas County Zoning and Development Ordinance. However, this approval does not ensure that the building and / or location of the building complies with Federal or State regulations or other County regulations adopted in the future regarding marijuana facilities. Furthermore, new laws may be adopted by the State legislature, the Oregon Health Authority and the Oregon Liquor Control Commissioner (OLCC) that may restrict the location and operating characteristics of all marijuana facilities, including grow sites. If so, this location may or may not comply with those regulations. It is the owner's responsibility to ensure compliance with any other applicable law.

Please call me if you have any questions.

Sincerely,

Mike McCallister, Planning Director
Planning and Zoning Division

cc: Todd Sivertson, PO Box 2517, Gresham OR 97030
Richard Carlson, Building Codes Division
Dean Brown, Code Enforcement
Lori Phillips, SDC Coordinator



STATEMENT OF USE

TRANSPORTATION SYSTEM DEVELOPMENT CHARGE (TSDC) & PARKS SYSTEM DEVELOPMENT CHARGE (PSDC)

THIS INFORMATION WILL BE USED TO DETERMINE THE APPROPRIATE TRANSPORTATION SYSTEM DEVELOPMENT CHARGE CATEGORY AND PARK SYSTEM DEVELOPMENT CHARGE CLASSIFICATION. PROVIDE A WRITTEN DESCRIPTION OF YOUR DEVELOPMENT OR PROJECT BELOW. IT IS IMPORTANT THAT YOU DESCRIBE IN FULL DETAIL HOW YOU WILL USE THIS STRUCTURE. (CATEGORIES USED ARE SHOWN ON THE BACK OF THIS SHEET.)

DATE	5-5-15'	REF. PARCEL No.	T	S, R	E/W, Section	Tax Lot	1906-1301 on map
BUILDING PERMIT #	B0101315	BUSINESS NAME	Medical Co-op-MMJ				
OWNER/APPLICANT NAME	ANDREW VEITZ						
PHONE NUMBER	406 288 4281	FAX NUMBER	-NA-				
E-MAIL ADDRESS	aveit3@comcast.net						

PROPOSED BUSINESS USE:

PLEASE EXPLAIN WHAT TYPE OF BUSINESS ACTIVITIES WILL TAKE PLACE IN THIS BUILDING. ESTIMATE THE NUMBER OF EMPLOYEES AND CUSTOMERS COMING TO THE BUSINESS EACH DAY. (INCLUDE UNITS FROM CATEGORY ON BACK, FOR EXAMPLE: SCHOOL, RESTAURANT, HOTEL, MOTEL, & ROOMS, HOSPITAL, & ETC.)

- There will be one part time employee.
 - ZERO visitors and/or customers will be visiting site.
 - Use, growing medical marijuana.

TOTAL SQUARE FOOTAGE (Include ALL Levels) ~~5444~~ Currently approx 5444 sq. ft. 6440 sq. ft. Total

CHECK ONE OF THE FOLLOWING:

<input type="checkbox"/> EXISTING STRUCTURE, EXISTING TENANT (II)	<input type="checkbox"/> NEW STRUCTURE
<input checked="" type="checkbox"/> EXISTING STRUCTURE, NEW TENANT (II)	<input type="checkbox"/> NEW STRUCTURE, SELL ONLY
<input type="checkbox"/> ADDITION TO EXISTING STRUCTURE	

EXISTING STRUCTURES ONLY:

YEAR BUILT: early 70s IS THE BUILDING 100% VACANT? YES

PREVIOUS TENANT'S NAME: "NONE" DATE PREVIOUS TENANT VACATED: (REQUIRED)

TYPE OF USE: - Never previously leased. Was used strictly for hay & straw storage.

ACKNOWLEDGEMENT AND SIGNATURE

BY SUBMITTING THIS APPLICATION, I AFFIRM THAT THE INFORMATION SET FORTH IN IT IS TRUE AND COMPLETE.

SIGNATURE: *[Signature]*

RETURN COMPLETED FORM TO:
 Engineering: Lori Phillips, Administrative Analyst - loriphil@co.clackamas.or.us 503-742-4331 (P) 503-742-4272 (F)
 Building Codes Division - Permit Counters 503-742-4739 (P) 503-742-4741 (F)

**Record B0250415:
Building - Commercial New**

[View Permit Documents](#)

▼ Work Location

29450 SE LARIAT LN
BORING 97009

▼ Record Details

Applicant:

DALE BURKHOLDER
P O BOX 305
CORBETT, OR,
Home Phone:5038308614

Project Description:

CHANGE OF USE/MT HOOD EQUESTRIAN CENTER TO
MEDICAL MARIJUANA AND FLTURE RECREATIONAL
CHANGE OF USE/MT HOOD EQUESTRIAN CENTER TO
MEDICAL MARIJUANA AND FLTURE RECREATIONAL

Owner:

SILVERTSON TODD
PO BOX 2517
GRESHAM OR 97030

▼ More Details

Additional Information

Job Value(\$):
\$20,000.00

Application Information

GENERAL

Construction Type: New Commercial
 Submittal Accepted: 06/22/2015
 Jurisdiction: Clackamas County
 Replaced Existing Footage: 0
 Parks SDC: No
 PSDC Total: 0
 PSDC Assessment: 0
 PSDC Notes: OUTSIDE MCPRD BOUNDARY
 Bldg Fee: Yes
 Plan Check: Yes
 In Metro: No
 Metro Tax: No
 School District: Gresham/Barlow
 School District Tax: Yes
 Solar Prescripts: No

TRANS SDC

Use Code 1: 140-Manufacturing
 Quantity 1: 97
 Quantity 2: 0
 Quantity 3: 0

Notes:

CHANGE OF USE OF ENTIRE BLDG FOR MEDICAL MARIJUANA GROW AND LATER RECREATION GROW AND EXTRACTION, BLDG IS 97,000 SQ FT

TSDC Area: General
TSDC Total: 146082
TSDC Adjustment: 0
TSDC Assessment: 146082

Parcel Information

Parcel Number:
14E31A 01301

Fees

Paid:

Date	Invoice Number	Amount
06/19/2015	1099257	\$141.83
Total paid fees: \$141.83		

Inspections

Upcoming

Schedule or Request an Inspection

You have not added any inspections.
Click the link above to schedule or request one.

Completed

There are no completed inspections on this record.

Processing Status

- Application Submittal
 - Due on 08/19/2015, assigned to TBD
 - Marked as Complete on 08/19/2015 by LGS
 - Revisions
 - Utilities Review
 - WES Review
 - Building Review
 - Planning Review
 - Due on 08/19/2015, assigned to TBD
 - Marked as Waiting information on 08/19/2015 by RAM
 - Soils Review
 - Engineering Review
 - Due on 08/19/2015, assigned to TBD
 - Marked as Waiting information on 08/22/2015 by JL
 - SOC Review
 - Submittal Review
 - Due on 08/19/2015, assigned to TBD
 - Marked as Approved on 08/22/2015 by RMC
 - Issue Permit
 - Occupancy
 - Building CO Review
 - Buttling
 - Electrical
 - Plumbing
 - Plans Examiner
 - Planning CO Review
 - Utilities CO Review
 - Engineering CO Review
 - Sustainability CO Review

Public Health CO Review
Fire District CO Review
Closed

Attachments

The maximum file size allowed is 10 MB.
Hard-to-read attachments are disallowed file types to upload.

Name	Record ID	Report Type	Entry Type	Type	Size	Last Modified	Action
No records found.							

Related Records

Back to Directly Related Records
No records found



MIKE MCCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

August 11, 2015

Dale Burkholder
PO Box 305
Corbett, OR

RE: Property Location: Map No. 1-4E-31A Tax Lot 1301 (29450 SE Lariat Ln., Boring, OR)
Building Permit No. B02504-15

Dear Mr. Burkholder,

The Planning and Zoning Division has approved the above building permit for a tenant improvement to an existing building on the property. Based on the Statement of Use form submitted with the building permit, the building is intended to be used for a medical marijuana grow operation. No manufacturing, processing or retail use is proposed or authorized in the building. Specifically, the area labeled "Future Hemp Extraction Room" may not be used for any manufacturing or processing without prior submittal and approval of a conditional use permit.

The Planning and Zoning Division has approved the building permit because the proposed use is consistent with the Clackamas County Zoning and Development Ordinance. However, this approval does not ensure that the building and / or location of the building complies with Federal or State regulations or other County regulations adopted in the future regarding marijuana facilities. Furthermore, new laws may be adopted by the State legislature, the Oregon Health Authority, the Oregon Liquor Control Commissioner (OLCC) or Clackamas County that may restrict the location and operating characteristics of all marijuana facilities, including grow sites. If so, this location may or may not comply with those regulations. It is the owner's responsibility to ensure compliance with any other applicable law.

Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Mike McCallister".

Mike McCallister, Planning Director
Planning and Zoning Division

cc: Todd Sivertson, PO Box 2517, Gresham OR 97030
Richard Carlson, Building Codes Division
Dean Brown, Code Enforcement
Lori Phillips, SDC Coordinator
Boring Fire District
Norm Rice

CASE STUDY: THE OREGON CANDY FARM 48620 E. Hwy 26, Sandy, Oregon

MARIJUANA GROWS DRIVE DOWN OUR PROPERTY VALUES-Guest Opinion

By: Laura Underwood, Jean Roberts, and Rocky Roberts

According to the Oregon Health Authority, there are over 46,570 medical marijuana grower's through-out the State of Oregon all of which are unregulated, unlicensed and untaxed. Over 3, 448 of those grows are located in Clackamas County. There are many risks living next to a pot grow that affects our public safety, quality of life, and property values, such as; fatal armed robberies, fatal shootings, butane hash oil explosions, they emit pungent foul odors, attract undesirable visitors, increase criminal activity, increase traffic and drive down property values.

In 2014 the once famous and historic Oregon Candy Farm located just outside Sandy, Oregon that made some of the best candy in the world was purchased in 2013 by owners from California according to public records. The resident currently living at this property is the owner of a federally illegal medical marijuana dispensary in a nearby city and is growing medical marijuana and processing and making candy and food infused with THC from marijuana at this site. They have also installed a high fence, a gate, surveillance cameras, and cut down two truckloads of trees with the plan to install recreational marijuana greenhouses on the entire property which closely borders neighbor's property lines.



THC INFUSED



7.11 Acres surrounded by rural residential homes-Zoned rural residential farm forest

If you have never had the opportunity to live next to a marijuana candy THC infused processing site then I suppose it might be difficult to understand how offensive the skunk smell of marijuana is and how one now worries about their grandkids getting ahold of one of these candies that are now infused with high levels of THC that has caused a number of deaths in Colorado by those who have eaten them. “Daniel Juarez, an 18-year-old from Brighton, died September 26, 2012 after stabbing himself 20 times. In an autopsy report that had never been made public before, but was obtained by CBS4, his THC level – the active ingredient in marijuana –was measured at 38.2 nanograms nearly eight times the legal limit.” (1)

These federally illegal unwanted marijuana grows should not be allowed in our city and rural residential farming communities!

Laura Underwood, Jean Roberts, and Rocky Roberts are volunteer citizens working to educate, raise awareness, and reduce the impacts of marijuana in our communities.

1. CBS4. [Marijuana Intoxication Blamed In More Deaths, Injuries](http://denver.cbslocal.com/2015/05/18/marijuana-intoxication-blamed-in-more-deaths-injuries/). 18, May, 2015

Candy Farm Property Owners:

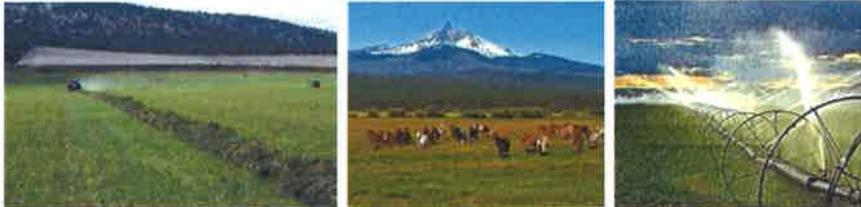
**Nicholas Louis Pavich Jr and Evette Marie Pavich Thousand Oaks, California
3514 Indian Ridge Circle, Thousand Oaks, CA 91362-4948**

**Alexander N. Pavich-Collective Awakenings Marijuana Dispensary operating at
the property: 2823 Ne Sandy Blvd, Portland, OR 97232 · (503) 206-7090**

<http://www.collectiveawakenings.com/>

CLACKAMAS COUNTY, OR				
Tax ID:	00697277	Latest Listing ID:	8106197	
Prop Addr:	48620 SE HIGHWAY 26	County:	Clackamas	
City/State/Zip:	SANDY OR 97055-8494	Carrier Rt:	R004	
OWNER INFORMATION				
Owner Name:	N & A INVESTMENTS LLC		Phone:	
Owner Addr:	3514 INDIAN RIDGE CIR		Carrier Rt:	C030
City/State/Zip:	THOUSAND OAKS CA 91362-4948			
LAND INFORMATION				
Lot Sofft:	309712	Acreage:	7.11	
BUILDING INFORMATION				
Year Built:	1970	Bedrooms:	4	
Stories:	1	Bathrooms:	2	
# of Bldgs:	1	Living SF:	3784	
Bldg Code:	SINGLE FAMILY	Bldg SF Ind:	LIVING	
Fireplace:		Bsmnt SF:	1595	
Heat Method:	FORCED AIR OIL	Mobile Home:		
		Garage:		
		Parking SF:		
		Foundation:	CONCRETE	
		Floor Cover:		
		Roof Cover:	WOOD SHAKE/SHINGLE	
		Exterior Finish:	TONGUE & GROVE/CHANNEL	
SALES INFORMATION				
	Deed Type	Sale Date	Sale Price	Document No
Current:	DEED OF TRUST	8/29/2013	\$480,000	000000062780
Prior:				
Title Co:	WFG TITLE	Vest Type:		
Lender:	PATRICIA A RUTER	Loan Amt:	\$304,000	
Loan Type:	PRIVATE PARTY LENDER			
TAX INFORMATION				
Tax Period:	14-15	Market Land:	\$133,843	
Tax Year:	2014	Market Impv:	\$379,930	
Tax Amt:	\$5,433.09	Market Total:	\$513,773	
		Assessed Total:	\$389,040	
LEGAL INFORMATION				
Map Page:	692	Map Code:	2S-5E-26-SW	
Map Column:	A	Township:	02S	
Map Row:	7	Range:	05E	
		Section:	26	
Nbrhd Code:	16054	Qtr Section:	SW	
School Dist:	SCH SANDY UH2/SANDY ELEM	16th Section:		
Prop Class:	SINGLE FAMILY RESIDENCE / TOWNHOUSE			
Land Use:	SFR			
Subdivision:				
Legal Desc:	SECTION 26 TOWNSHIP 2S RANGE 5E QUARTER C TAX LOT 00801			

CASE STUDY: 62870 Johnson Ranch Rd, Alfalfa-Bend, Oregon Below are two other cases located in central Oregon in a small rural farming town of Alfalfa in which many of these exclusive rural farm areas in Oregon are being targeted by out-of-state marijuana investors.



In this case, 40 acres has been purchased by a Florida investor for \$100,000 on Jan. 9, 2015 who registered as an Oregon LLC on Jan. 2, 2015, according to public records. On a portion of this land the new owner has constructed an estimated 300' x 700' compound surrounded by an 8-10' high non see through cyclone fence, topped in its entirety with three tiers of barbed wire. Clearly visible is also the construction of a large metal framed greenhouse structure. There is also being installed a security gate at the entrance to this property. This property is already set up and growing medical marijuana with the hopes of wanting to grow recreational and they want to turn the valley of Alfalfa into the Napa valley of pot like California. This property is already growing medical marijuana with the hopes of applying for a recreational marijuana license.



to purchase

Property prior



Gated



The compound is so large that it was difficult to get a full photo of its size being est. 300' x 700'



BELOW IS THE VIEW PRIOR TO THIS LARGE COMPOUND BEING INSTALLED. YOU WILL SEE A HOME IN THE FAR LEFT CORNER OF THIS PROPERTY. WITH THE INSTALLATION OF THIS COMPOUND THIS ENTIRE VIEW OF THE BEAUTIFUL DESCHUTES COUNTY MOUNTAIN RANGES HAVE BEEN BLOCKED.



HERE WAS THE ONCE BEAUTFIFUL VIEW:



HERE NOW IS THE OBNOXIOUS COMPOUND DESTROYING AND BLOCKING THE VIEW THAT THIS ONCE BEAUTFIFUL PASTURE LAND OFFERED TO ALL SURROUNDING NEIGHBORS AND RANCHERS.



After recording return to:
First American Title
395 SW Bluff Drive, Suite 100
Bend, OR 97702



After recording return to:
Elite Soil, LLC
6601 N, 14th St., Suite 3
Plantation, FL 33313

Until a change is requested all tax
statements shall be sent to the
following address:
Elite Soil, LLC
6601 N, 14th St., Suite 3
Plantation, FL 33313

File No.: 7061-2364452 (C5)
Date: December 19, 2014

6315

THIS SPACE RESERVED FOR RECORDER'S USE

Deschutes County Official Records **2015-001647**
D-D
Ser=3 JS **01/16/2016 01:37:42 PM**
\$15.00 \$11.00 \$10.00 \$8.00 \$21.00 **\$63.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.

Nancy Blankenship - County Clerk

STATUTORY WARRANTY DEED

Nadine Waltman Harmon, Lucinda Beth Ann Harmon Remington, and Gwen Leigh Remington, not as tenants in common, but with rights of survivorship, Grantor, conveys and warrants to Elite Soil, LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Deschutes, State of Oregon, described as follows:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (N1/2 SW1/4 SW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP SEVENTEEN (17) SOUTH, RANGE FOURTEEN (14), EAST OF THE WILLAMETTE MERIDIAN, IN DESCHUTES COUNTY, OREGON.

NOTE: This legal description was created prior to January 1, 2008.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$100,000.00**. (Here comply with requirements of ORS 93.030)

1073757-92

1/9/15 \$ 100

ARTICLES OF ORGANIZATION
OF
ELITE SOIL LLC

FILED

JAN 08 2015

OREGON
SECRETARY OF STATE

ARTICLE 1
Name

The name of the limited liability company is Elite Soil LLC (the "Company").

ARTICLE 2
Management

The Company is a manager-managed limited liability company.

ARTICLE 3
Registered Office and Registered Agent

The address of the Company's initial registered office and the name of the Company's initial registered agent at that office is:

Emerge Law Group P.C.
111 SW Fifth Avenue, Suite 2080
Portland, OR 97204
Attn: Dave Kopilak

ARTICLE 4
Mailing Address for Notices

The mailing address to which notices may be mailed is:

111 SW Fifth Avenue, Suite 2080
Portland, OR 97204

ARTICLE 5
Organizer

The name and address of the organizer is:

Dave Kopilak
111 SW Fifth Avenue, Suite 2080
Portland, OR 97204

ELITE SOIL LLC



ARTICLES OF ORGANIZATION

1073757-92

ARTICLE 6
Existence

The existence of the Company is perpetual.

Dated: January 2, 2015

Organizer:

Dave Kopilak

Person to contact about this filing: Dave Kopilak
Daytime phone number: 503-227-4525

CASE STUDY: 62950 Johnson Ranch Rd-Alfalfa-Bend-Oregon. Below is the second case in Alfalfa-Bend which is located directly across the road from the large compound facility.

In this case, 43.3 acres has been purchased by an Alabama LLC for \$260,000 on a note from the prior owner on May 4, 2015, according to public records. On a portion of this land the new owner is constructing two metal structured greenhouses in which they indicate they will be growing hemp and as most of us know in Oregon a hemp crop next to a large marijuana grow will not be allowed because hemp actually pollinates high level THC plants to a lower THC level. Oregon legislators are working now to create a bill that indicates that you cannot grow hemp within a certain distance of a marijuana grow, but until that bill becomes legal in Oregon I guess anything goes.



Hemp in Oregon: Legislators hitting pause button on industry while conflicts with pot growers resolved

http://www.oregonlive.com/maps/index.ssf/2015/06/hemp_in_oregon_legislators_hit.html

Lawmakers said the pause would give the time for a committee to provide recommendations to the Department of Agriculture on how to prevent pollen from hemp farms from interfering with high-value marijuana crops, particularly in southern Oregon.



Sold on note from F.C. Brennan, 173 E. Fakkema, Oak Harbor, WA 98277 convey's and warrants to JAAW LLC.

Business Entity Names returned for:
 Name: JAAW LLC
 Using: Exact Words in Any Word Order
 For Active and Inactive businesses.

[New Search](#) [Printer Friendly](#) 06-24-2015 11:47

Record No	Entity Type	Entity Status	Registry Number	Name	ABCC Search
1	DLLC	ACT	1094593-96	CUR JAAW, LLC	

http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.do_name_srch?p_name=JAAW%20LLC%20&p_regist_nbr=&p_srch=PHASE1&p_print=FALSE&p_entity_status=ACTINA

Ted Wynn Giles, Jr.

2020 Cahaba Road

Birmingham, Alabama 35223

JAAW LLC

[New Search](#) [Printer Friendly](#) Business Entity Data 06-24-2015 11:48

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1094593-96	DLLC	ACT	OREGON	03-11-2015	03-11-2016	
Entity Name		JAAW, LLC				
Foreign Name						

[New Search](#) [Printer Friendly](#) Associated Names

Please click [here](#) for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT	Start Date	03-11-2015	Resign Date
Of Record	462580-83 NATIONAL REGISTERED AGENTS, INC.			
Addr 1	388 STATE ST STE 420			
Addr 2				
CSZ	SALEM	OR	97301	Country UNITED STATES OF AMERICA
Type	MAL MAILING ADDRESS			
Addr 1	2020 CAHABA RD			
Addr 2				
CSZ	BIRMINGHAM	AL	35223	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT	Start Date	09-16-2011	Resign Date	
Of Record	003292-27 C T CORPORATION SYSTEM				
Addr 1	388 STATE ST STE 420				
Addr 2					
CSZ	SALEM	OR	97301	Country	UNITED STATES OF AMERICA

Type	MAL MAILING ADDRESS				
Addr 1	2700 LAKE COOK RD				
Addr 2					
CSZ	RIVERWOODS	IL	60015	Country	UNITED STATES OF AMERICA

Type	PRE PRESIDENT			Resign Date	
Name	RICHARD	F	FLYNN		
Addr 1	111 EIGHTH AVE 13TH FLOOR				
Addr 2					
CSZ	NEW YORK	NY	10011	Country	UNITED STATES OF AMERICA

Type	SEC SECRETARY			Resign Date	
Name	DEIDRA	D	GOLD		
Addr 1	2700 LAKE COOK ROAD				
Addr 2					
CSZ	RIVERWOODS	IL	60015	Country	UNITED STATES OF AMERICA

CASE STUDY: 23254-44 S. Ridge Rd-Beavercreek, Oregon –TBR Timber Forest Zoned property in Clackamas County. In this case, the property was purchased on 2/13/15 for \$599,000 by Lee and Lesley Langan and is on 15 acres and built in 1994 and has a 30,000 sq. ft. stable which is being converted to a commercial property with the intention it is suspected of growing recreational marijuana, currently growing medical marijuana.





CASE STUDY: 25251 S Elwood, Colton, Oregon owned by Judith Lucke.

Home is 4224 sq. ft. sold for \$547,000 on April 30, 2014, 4.88 Acres-FF10-Forest Farm.



© 2014



To hear what a large commercial fan sounds like listen to the below link and then imagine what it might sound like next to your house 24/7.

<http://www.bing.com/videos/search?q=youtube%ee%80%81+sounds+of+a+large+%ee%80%80+commercial+greenhouse+fan&qvpt=you+tube+sounds+of+a+large+commerical+greenhouse+fan+&FORM=VDRE#view=detail&mid=1BABF85FCAF0F8A301F41BABF85FCAF0F8A301F4>

CASE STUDY: Below is are two cases in Grants Pass, Oregon in which land located in an urban unincorporated rural residential area is being used for the sole purpose of growing marijuana as well as the only building on this land is a moveable guard trailer. These properties are located among families and elderly and are overtaking this community making the smell of marijuana overwhelming for surrounding neighbors



692 Cinega-Grants Pass 1st marijuana grow June of 2015, trees cut and grow site prepared for an estimated 100 plants



2nd marijuana grow July 2014 est. 38 plants at the top of the hill Below is a letter of complaint from a local citizen in the Grants Pass who is very concerned and alarmed about marijuana grows and the impacts that grows will continue to have on their public safety, quality of life, and property values.

OWNER: 692 Cineaga lane Bargain and Sale Deed in which property was transferred to Jennifer L. Ausland for \$170,000 in value

Letter to the editor, the Daily Courier, Grants Pass, Oregon

On May 15, 2015, Josephine County Commissioners declared a drought emergency. Local water experts say this could be the driest year in Josephine County in the last three decades and the lowest snow pack in the county's history, yet permits for marijuana grows are being handed out without discretion. You might think this grow frenzy won't affect you but consider this: a single marijuana plant requires 6 gallons of water a day for an average 150 day growing season. That amounts to 900 gallons of water per plant, multiply that by 45 plants in a legal grow and your neighbor has just sucked up 40,500 gallons of water. Have the county supervisors considered this? If not, then they're not paying attention. Will these growers that have bought vacant lots in residential areas be held accountable when their neighbor's wells run dry? More than likely they'll just cut and run leaving neighborhoods devastated. We need laws restricting grows in residential areas of the county where home owners will be threatened by the loss of their water supply not to mention contamination due to the uncontrolled use of fertilizers and pesticides. Melissa Bear, Grants Pass

CASE STUDY 66065 Becker Rd-Tumalo-Bend-Oregon TUMALO-DESCHUTES COUNTY 20 ACRES OUT OF STATE INVESTORS FROM OHIO

As you can see in the photo the greenhouse which is full of pot plants is less than 100' away from the neighbor's home and the neighbors are furious that there are no regulations that provide neighbor notification, required setbacks, required conditional use permits, or odor and nuisance controls. You can see that the big fan blows through this greenhouse and neighbors say that the smell is so bad that it is difficult being in the area. The owners of the pot grow have little concern for the impacts to neighbors.

Oregon's House Bill 3400 has redefined marijuana as an agricultural farm crop even though it is a federally illegal drug, which means that it is just like a tomato or a potato and can be planted in exclusive use farm areas without regulations.



PUBLIC TESTIMONY MADE AT DESCHUTES COUNTY PUBLIC HEARING 8-12-15: My name is Jim Petsche, and my property is immediately adjacent to a Medical Marijuana Grow Facility. Several of the Commissioners and some of the planning staff have visited my property and are familiar with it and the issues related to it. I didn't choose to be next to this facility, construction on the greenhouse started well after I was under construction on my home and had the foundation and framing well under way. If I had known the ramifications of living this close to a facility of this type I might have made different choices but feel this structure was 'shoved in my face'.

It sits on a 40 acre site but for whatever reason they chose to put it at nearly the minimum distance allowed by code for a greenhouse (25' min - this is at 39') This is a fairly intense commercial greenhouse facility so I'll call the impacts the 3 S's SIGHT -SOUND-SMELL. There is the: **Visual Impact** 100 x 40 greenhouse almost 30' tall 10 " electrified fence 1' from property line 1000 gallon propane tank 5' feet from property line 18 wheeler trailer for 'semi-permanent' storage 15' from property line **Auditory Impact** Car traffic, workers around and in the greenhouse listening to loud music during the day. **Olfactory Impact** Smell of the 'crop' during the late growing and harvest period which lasts 24/7 for several months. It is different from the smell of marijuana smoke and certainly different from the usually transitory farm smells. Liken the smell to a family of skunks mixed with the odor of turpentine and smelly gym socks.

Some of the commissioners may own rural property -or- have relatives or friends that do. How would you like to have one of these facilities move in next to your home? I wouldn't wish this on anyone. It's a stressful situation living there and it's made even worse by the fact that I don't know what they will do next. They could easily add several more greenhouse right along my fence line at any point and they could be 25 feet away under current regulation. The state took NO action to develop rules for new setback requirement for marijuana facilities. Right now OLCC is taking NO action to develop any new rules for setbacks. The county has talked about it but I believe is a long way (months) from developing any new rules for setbacks.

So UNLESS the commission acts to OPT OUT of marijuana facilities and put the issue to a vote in Deschutes County this kind of adjacency WILL happen to others in the county and soon. It could happen to YOU! I URGE the county commissioners to take a Considered Approach to this and allow the "Gold Rush Frenzy " attitude to just cool down over the next year or so in order to develop some reasonable rules for these facilities to prevent CONFLICTs like you see in my situation.

Thank you. Jim Petsche

CASE STUDY: 56148 Sandpiper Rd, Bend, Oregon 97707.

Account Information

Mailing Name: PARKER, JAMIE & MARTIN, JAMES A
Map and Taxlot: 201118D000600
Account: 125685
Situs Address: 56148 SANDPIPER RD, BEND, OR 97707
Tax Status: Assessable

Located in Deschutes County and surrounded by rural residential neighbors. The growing of medical marijuana in this make shift building covered with plastic in which large commercial fans are being used that sound like small plane engines and the neighbors can't even sit out on their back porch because of this sound. After neighbors tried to attempt to talk with the medical marijuana grower about the noise they put the below foul language on the building which can be directly viewed by those asking to do something about the sound of the fans. This is the type of not good neighbor behavior that we are seeing in many of the marijuana locations.



Pot plants visible through windows.

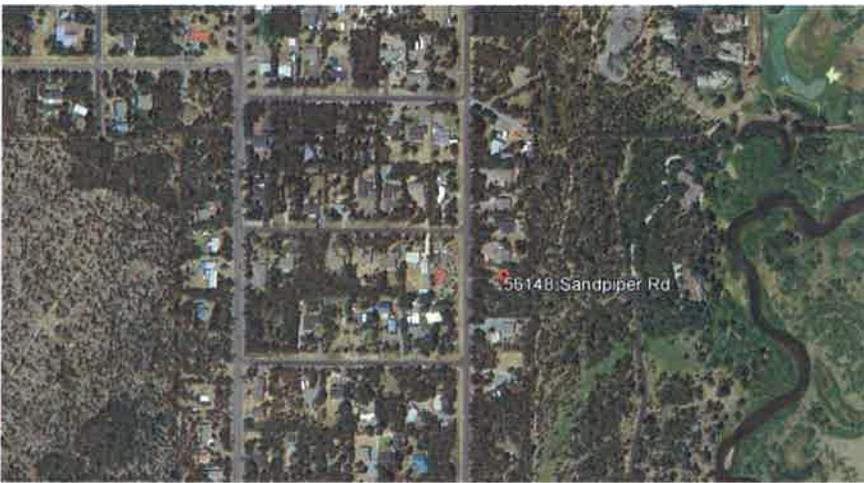


View from neighbor's back yard





View from neighbors looking into the yard of the neighbor on the other side



360 SW Bond, Suite 100 Bend, OR 97702
Grantee Name(s)
Jamie Parker James A. Martin PO Box 4636 Sunriver, OR 97707
Until a change is requested, all tax statements shall be sent to the following address:
Same as Above

Stn=4 BN	01/16/2015 08:46:13 AM
\$10.00 \$11.00 \$10.00 \$6.00 \$21.00	\$58.00
I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records. Nancy Blankenship - County Clerk	

**RETURN TO WESTERN
TITLE & ESCROW**

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Trevor Reed and Franci Reed, as Tenants by the Entirety

Grantor(s) convey and warrant to

Jamie Parker and James A. Martin, not as tenants in common, but with the right of survivorship, Grantees the following described real property free of encumbrances except as specifically set forth herein:

Lot 8, Block 43, OREGON WATER WONDERLAND UNIT 2, Deschutes County, Oregon.

Account: 125685

Map & Tax Lot: 201118-DO-00600

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is ~~\$17,000.00~~ (Here comply with requirements of ORS 93.030.)
*68,375.87

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 27 day of December, 2014




**UNWANTED POT GROWS - THIS ISN'T WHAT WE VOTED FOR!
CLACKAMAS COUNTY VOTERS WANT A REFERRAL TO THE VOTERS TO OPT OUT!**



On July 21, 2015 Clackamas County Commissioners indicated that the voters have said yes to marijuana legalization so they are going to take the Land Use Option rather than a referral to the voters option to decide whether they want large commercial marijuana grows, processing sites, and wholesaling sites next to their rural residential forest farming and exclusive use farm properties. The legislature redefined marijuana as an agricultural farm crop, which means there is no jurisdictional power to provide neighbor notification, conditional use permits, setbacks, odor and nuisance controls, and no requirements that fields of pot must be out of public view. http://www.clackamas.us/planning/documents/0.1%20ZoningFull_042814.pdf

PERSPECTIVE: There are 229,859 registered voters in Clackamas County, 161,652 voted, that means that only 70.3% voted in the Nov. 2014 election. 83,159 Urban voters said YES or 52.1% by 6,660 votes. 76,399 Rural voters said **NO** 47.9%. It will be the rural residential and exclusive farm use areas who voted no that will be most impacted.

Voters were misled through a \$5.3 million dollar out-of-state campaign that touted tax and regulate, and it did not tell voters that large commercial marijuana grows could be grown in all exclusive use farming areas without any regulations through a new legislative House Bill 3400 that attempts to regulate pot, both medical and recreational. Marijuana is a federally illegal drug, therefore HB3400 allows Clackamas County to refer a ballot to the voters in November 2016 to ask them if they would like to rethink and revote on allowing large commercial pot grows in their exclusive farm use area. www.unwantedpotgrows.com

Just like a tomato! CLACKAMAS COUNTY MEASURE 91 PRECINCT & CITY VOTES reveals # of existing medical marijuana grows in Clackamas County. Source: Oregon Healthy Authority 3-17-15 & Clackamas County Precinct data. For State Opt Out review see this link: http://www.oregon.gov/olcc/marijuana/Documents/Cities_Counties_RMJOptOut.pdf

NUMBER	NAME	NO	YES	EFU	RRFFS	CITIES	NO	YES	Medical Grows
364	Eagle Creek	47.34%	52.65%	EFU AGF		Wilsonville OPT	69.23%		83
970	Bull Run/Cherryville	49.83%	50.17%	EFU	RRFFS	Canby	54.38%		126
971	Sandy Rural	50.81%		49.19% EFU	RRFFS	Molalla	52.44%		160
372	Dover	47.10%	52.90%			Oregon City OPT	63%		514
400, 401, 402	Damascus	56.49%		43.51% EFU AGF TBR	RRFFS	Lake Oswego		64%	180
403	Boring	56.75%		43.05% EFU	RRFFS	West Linn		54.81%	159
404	Kelso/Cotrell	58.04%		41.96% EFU	RRFFS	Milwaukie		63.41%	372
405	Boring/Kelso	56.38%		43.62% EFU	RRFFS	Gladstone		54.59%	108
406	Boring/South	54.10%		45.90% EFU	RRFFS	Happy Valley OPT	57.34%		138
411	Sandy Rural	53.09%		46.91% EFU	RRFFS	Estacada		54.38%	171
418	Town Center/Mt.Scott	42.51%	57.49%			Eagle Creek			82
420	Milwaukie Unincorp	34.48%	65.52%			Damascus	56.49%		142
500	Oak Grove	45.94%	54.06%			Boring	56.66%		123
501	Oak Grove	37.23%	62.77%			Sandy-107-108 OPT	49.33%	50.68%	259
502	Oak Grove	39.28%	60.73%			Br/Welche/Gov		62.53%	212
503	Oakfield	48.52%	51.48%			OTHER COUNTIES THAT SURROUND CLACKAMAS			
504	Jennings	47.04%	55.96%			Washington	44.80%	55.20%	
505	Jennings	44.76%	55.24%			Marion	51.70%	48.30%	
506	Johnson City	46.67%	53.43%			Yamhill	50.40%	48.60%	
510	Oregon City Unincorp	47.05%	52.95%	EFU TBR AGF		Polk	52.20%	49.60%	
511	Mulino	54.51%		45.49% EFU TBR	RRFFS	Multnomah	28.80%	71.20%	
512	Oregon City Waldo	45.39%	54.61%			Hoodriver	42.70%	57.30%	
513	Parkplace	49.94%	50.06%		RRFFS	Wasco	51.20%	48.80%	
514	Redland	50.79%		49.21% EFU TBR AGF	RRFFS	Jefferson	56.40%	43.60%	
515	Carver	47.58%	52.42%			REFERRAL		OPT 55%	
516	Mulino	52.18%		47.82% EFU TBR	RRFFS	Sandy-Clackamas		Ontario/Vale/Nyssa	
517	Beavercreek	49.48%	50.52%	EFU TBR	RRFFS	Junction City-Lane			
518	Beavercreek	52.55%		47.45% EFU	RRFFS	Brownsville			
519	Holcomb	56.51%		43.49% EFU	RRFFS				
520	Henricl	42.36%	57.64%						



ADDITIONAL INFORMATION ON THE NUMBER OF MEDICAL MARIJUANA GROWS IN OREGON

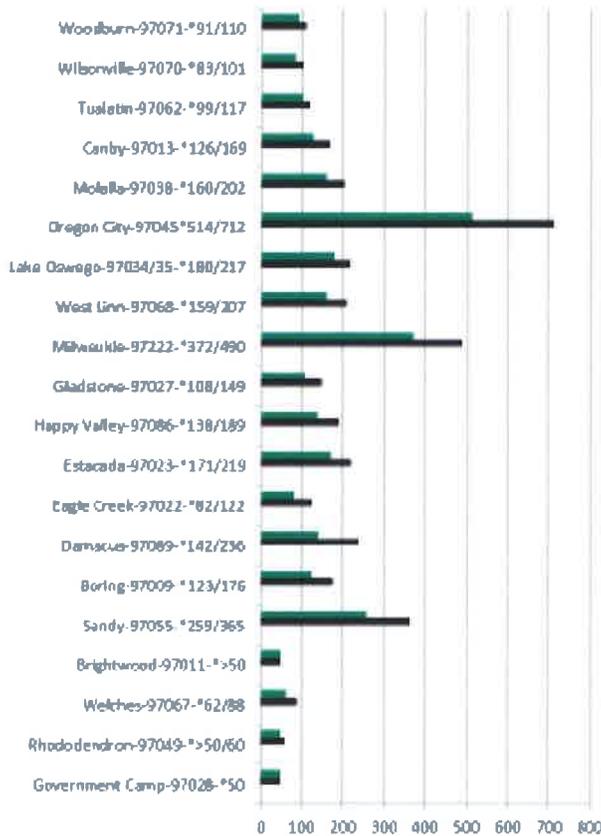
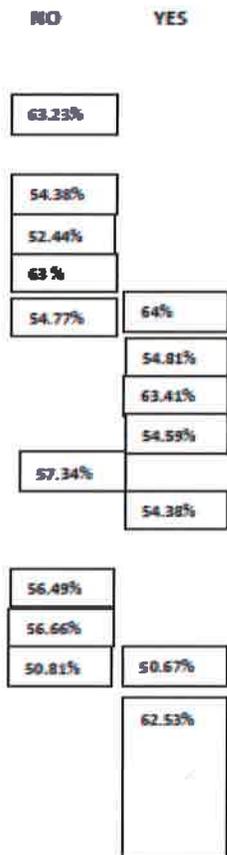
OMMP Grower Counts by Specific Zips
(03/17/2015)

There are over **46,570** Medical Marijuana Growers under Oregon's Medical Marijuana program growing marijuana for over 70,000 cardholders. **3,448** of those marijuana growers are in Clackamas County.

CLACKAMAS COUNTY ZIP CODES

* Actual # of Marijuana Growers/Total cardholders

District Precinct Votes Measure 91



- Unique Grower *Actual # of growers
- Non Unique-# of times growers are designated on registration-total cardholders
- Simplified Language: In Oregon City Zip code 97045 there are 514 growers growing for 712 cardholders
- NOTE: For confidentiality >50 is less than 50 in Zip Codes 97011 & 97028

Source: Oregon Health Authority

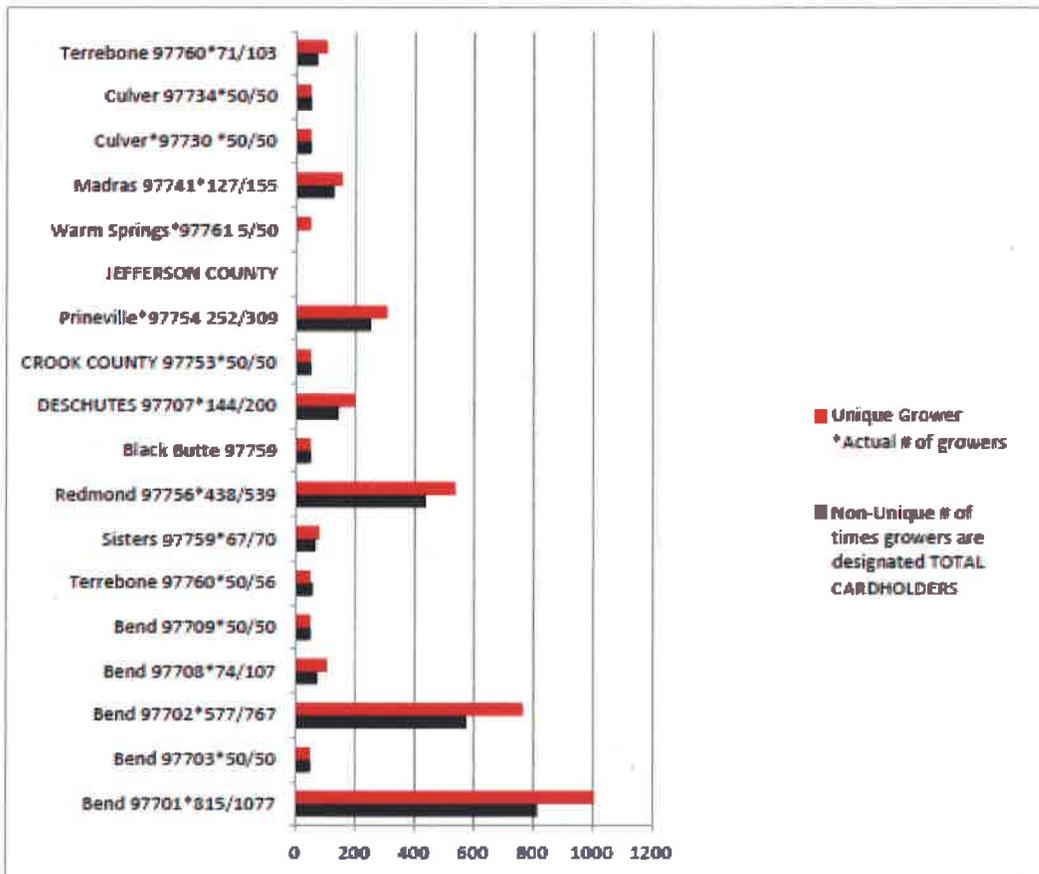
OMMP Grower County by Specific Zips

On 3-17-15 there was **46,570** OMMP growers in Oregon on 8-4-16 there are **47,430**
860 new medical marijuana growers since 3-17-15

There are over **47,430** Medical Marijuana Growers under Oregon's Medical Marijuana program growing marijuana for over **75,693** cardholders, **2,431** of those marijuana growers are in Deschutes County, **238** in Jefferson County, **252** Crook County.

DESCHUTES, JEFFERSON, CROOK COUNTY ZIP CODES

*Actual # of Marijuana Growers/Total # of Cardholders



SIMPLIFIED LANGUAGE: In Bend 97701 Zip Code there are 514 growers growing for 1077 cardholders. NOTE: For confidentiality >50 is less than 50 in Zip Codes 97703, 97709, 97730, 97734.



Source 8-6-15: Oregon Health Authority



DenverDA

Mitchell R. Morrissey, District Attorney - Second Judicial District

201 W. Colfax Avenue, Dept. 801, Denver, CO 80202

Bus. Phone: 720-913-0001
Fax: 720-913-9035

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.

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.

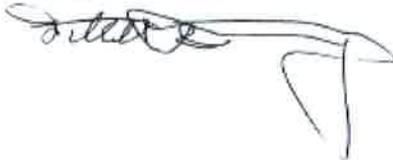
And we have seen an impact on our roads. One in nine drivers in fatal crashes now test positive for marijuana. While the overall number of car crash fatalities were down in Colorado between 2007 and 2012 (down by 14%), fatalities involving drivers who test positive for marijuana are up 100%.

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

TOM GORMAN DIRECTOR COLORADO HIDTA

From: Tom Gorman [mailto:tgorman@rmhidta.org]
Sent: Thursday, July 23, 2015 1:59 PM
To: Shirley Morgan
Subject: RE: Tom Gorman Director Colorado Rocky Mountain HIDTA

Shirley:

- You don't want cultivation open to the public view, particularly youth. Tends to normalize, advertise and condone marijuana use.
- Security problem: More subject to theft since high price "crop", as well as theft by youth for both use and sale.
- Harder to control and regulate.
- Some concern with environmental impact; i.e., water usage.

Thomas J. Gorman
Director, Rocky Mountain HIDTA
303-671-2180, ext. 223
303-618-5496 (cell)
tgorman@rmhidta.org
www.rmhidta.org

From: Shirley Morgan
Sent: Wednesday, July 22, 2015 7:54 AM
To: 'Tom Gorman' (tgorman@rmhidta.org)
Subject: Tom Gorman Director Colorado Rocky Mountain HIDTA
Importance: High



Mr. Tom Gorman-Director
Colorado Rocky Mountain High Intensity Drug Trafficking Area
303-671-2180 ext 221

Dear Mr. Gorman,

In researching the various medical marijuana and recreational marijuana programs in Colorado and Washington, I noticed that Colorado does not allow any recreational marijuana outdoor grows. I am wondering if you can provide some insight as to why?

Thank you,
Shirley Morgan
Citizens for Public Safety, Quality of Life, Property Values
P. O. Box 1351
Welches, Oregon 97067



By Shirley Morgan

THE IMPACTS OF MEDICAL MARIJUANA & MARIJUANA LEGALIZATION

Focused Topic: Medical marijuana and marijuana legalization, how they are impacting our communities.

Purpose Statement: To inform and educate on how to recognize the impacts of medical marijuana and marijuana legalization in our communities and provide factual information that can be used to help educate their community.

I. Introduction

- a. I consider the impacts of medical marijuana and marijuana legalization very important for many reasons. Most importantly its impact on public safety, quality of life, and our property values.
- b. I have lived in the Mt. Hood community in Oregon for the last forty years. For twenty seven of those years I lived down the street from a suspected drug house that was illegally trafficking marijuana to the adult and youth population in our community. In 1995 my home was burglarized and in 1999 I found ten cats and two dogs starving to death on this property and took them all in. I contacted Clackamas County Sheriff's Office and asked for help. It was through this experience that I began realizing how marijuana was not only impacting my public safety, quality of life and property values, but many others throughout the United States.
- c. Even though marijuana is still a schedule I federally illegal drug in the United States and is held in high regard by our federal government as being a highly abused drug with little evidence that it holds any medicinal values in smoked form, there is still a global attempt to legalize marijuana by a handful of billionaire's through state-wide ballot initiatives and if these efforts are allowed to continue, the impacts to our communities public safety, quality of life and property values will be devastating.

II. Body

A. The public health and safety of this nation is at risk, when it comes to allowing marijuana to be hidden under the unregulated umbrella of so-called medicine and marijuana legalization.

1. Marijuana has never been approved by the FDA as medicine and who in their right mind would call the local unregulated drug dealer growing marijuana in their backyard with untested, no dosed so-called medicine as their pharmacist? If marijuana were truly a medicine, it would have been approved by the FDA a long time ago and it would be dispensed by legitimate pharmacists and picked up at legitimate pharmacies rather than in someone's backyard at 12 midnight.
2. Not only does growing marijuana in your backyard, garage, apartment, basement or barn pose dangers for the users, but for those growing the marijuana and the neighborhood as well. Just before 10pm, on Friday, April 10th, 2015 in NE Portland, Oregon, a gunman from Texas who wanted to buy medical marijuana, entered the home of a large medical marijuana grower (who by the way had already had two prior robberies) and with single bullet shots to the head, shot Gary Pham, 33, Susie Chang, 41, and Andrew Pham, 35, all while a 13 week old baby slept in the next room.

B. I often hear from advocates of medical marijuana and marijuana legalization that they should have the right to do what they want with their own body, it is a harmless drug, but I can tell you that the Quality of Life of those around them are greatly impacted. Such as:

1. Medical marijuana and marijuana legalization advocates always like to put forth that if you tax and regulate marijuana the black market will go away, but in reality, they are the black market simply trying to masquerade in a neighborhood store front. According to Oregon State Police, over 1,008

pounds of marijuana was trafficked to the underage and out-of-state black market in 2012, which validates that you cannot regulate a federally illegal drug. This unregulated access is getting into the hands of our children. According to Clackamas County Mental Health of the 242 kids 18 and under who went into County treatment facilities in 2013, over 70.5% were there for marijuana addiction and I suspect that their quality of life has been greatly impacted.

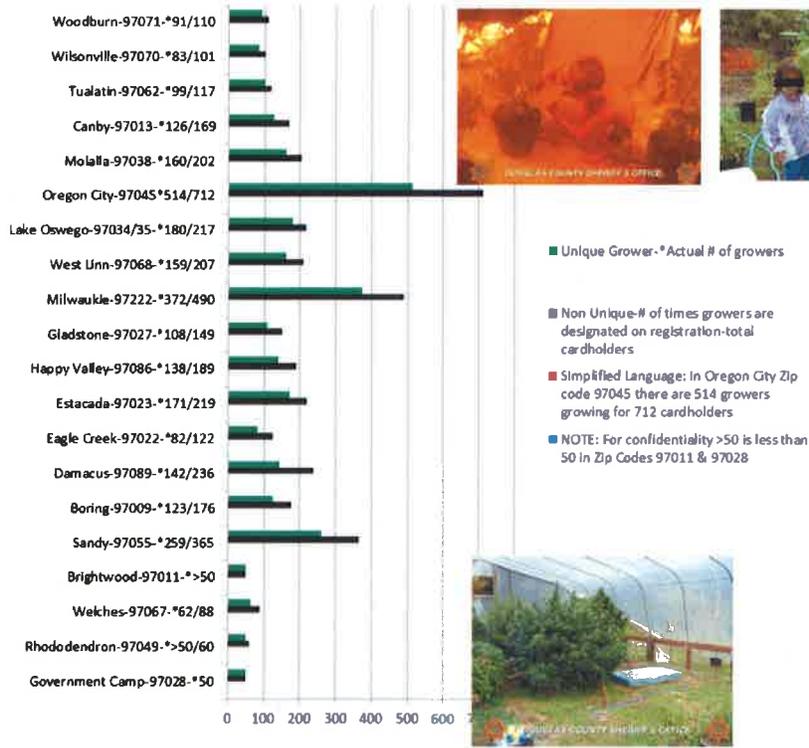
2. In Colorado a family named the O’Rielly’s have filed a federal RICO- Racketeer Influenced and Corrupt Organizations lawsuit against the Governor of Colorado, the Executive Director of the Colorado Department of Revenue, Director of the Colorado Marijuana Enforcement Division, the Pueblo County Commission and the Pueblo County Liquor and Marijuana Licensing Board. The lawsuit involves the owner’s property in Pueblo, Colorado –approximately 105 acres known as the Meadows at Legacy Ranch. A very large marijuana manufacturing business was issued a license to grow large sums of marijuana by the State of Colorado and these grows were planted next to Meadows at Legacy Ranch. The owners of Legacy Ranch allege numerous injuries to their property including the strong skunk odor smell of marijuana that invades the air which makes horse riding in the area almost impossible to enjoy and destroys their quality of life.

C. One might ask how someone else’s growing and using marijuana affects your property values? According to the Oregon Health Authority, there are over 47, 430 (*Oregon Health Authority 6-4-15*) medical marijuana growers in the State of Oregon growing marijuana for over 75,000 cardholders, 3, 448 of those unregulated, unlicensed, and untaxed grows are in Clackamas County where I live and the graph below reveals how many are located in each City. This means that marijuana grows can be grown just about anywhere, in your neighbor’s house, barn, garage, basement, and yard.



CLACKAMAS COUNTY ZIP CODES

* Actual # of Marijuana Growers/Total cardholders



Source Oregon Health Authority

Very large marijuana plants in raised beds.

Very large marijuana plants in raised beds.

Very large marijuana plants in raised beds.

Where is all this Marijuana Going

- 01-04-12 35 lbs MJ seized in Kansas
- 01-04-12 20 lbs MJ seized in Nebraska
- 01-08-12 18 lbs MJ seized in Iowa
- 01-10-12 13 lbs MJ seized in Illinois
- 01-13-12 52 lbs MJ seized in Kansas
- 01-18-12 17 lbs MJ seized in Illinois
- 01-18-12 6 lbs MJ seized in Idaho
- 01-20-12 63 lbs MJ seized in Kansas
- 01-26-12 45 lbs MJ seized in North Dakota

Where is the MJ Going Continued

- 01-27-12 100 lbs MJ seized in Nebraska
- 02-02-12 74 lbs of MJ seized in Minnesota
- 02-04-12 \$7,800 seized in South Dakota
- 02-06-12 \$51,131 & 10 lbs MJ in Illinois
- 02-08-12 \$289,100 seized in South Dakota
- 02-11-12 62 lbs of MJ seized in Missouri
- 02-20-12 28 lbs of MJ seized in Mississippi
- 02-20-12 5 lbs of MJ seized in Illinois
- 02-22-12 53 lbs of MJ seized in Texas
- 02-22-12 12 lbs of MJ seized in Texas

Where is the MJ Going Continued

- 02-29-12 43 lbs of MJ seized in Illinois
- 03-03-12 40 lbs of MJ seized in Nebraska
- 03-07-12 \$221,010 seized in South Dakota
- 03-13-12 \$17,420 seized in Minnesota
- 03-14-12 12 lbs of MJ seized in Nebraska
- 03-15-12 75 lbs of MJ seized in Wyoming
- 03-19-12 41 lbs of MJ seized in Arkansas
- 03-20-12 12 lbs of MJ seized in Nebraska
- 03-20-12 241 lbs of MJ seized in Arkansas

Photos provided by Oregon State Police

State Police

There have been numerous butane hash oil explosions throughout Oregon and the United States, putting our communities at risk. This is the dangerous process of extracting THC oil from the marijuana plant with ignitable butane.



The explosion and fire destroyed the residence. Photo by Central Valley High Intelligence Drug Trafficking Area-California

I am a national advocate on behalf of Public Safety, Quality of Life and protection of Property Values, particularly when it comes to dealing with a federally illegal drug such as marijuana. I am often contacted by citizens who are being impacted in these areas and they contact me for assistance. As an example:

1. Recently I received a request for assistance from property owners who have lived the last 33 years next to the Mt. Hood Equestrian Center, located at 29450 SE Lariat Ln, Boring, OR 97009 between Gresham and Sandy on Hwy 26. During the summer of 2014 the center was purchased and the new owner has decided to lease it out not as an equestrian center, but rather to marijuana growers. The center sits on a 15 acre parcel on Hwy 26 and is surrounded by rural residential homes where families live, and is located just 500' away from a large Church who has a full time registered school where there are many children.



As an illustration to the impact that this has had on one of the neighbors, I would like to share with you with their permission a copy of a testimony that they provided most recently at a community forum before one of our Clackamas County Commissioners:

- a. Distinguished guest speakers, government officials, citizens and friends of Boring and Clackamas Fire Department and our moderator.

I have lived in Oregon and the Tri-County area for 48 years – 33 of those years in the country on acreage. My 3 girls grew up with farm animals and their ponies and horses. When I purchased this house on Lariat Lane – it was because of the Equestrian Center, even so it was right off Hwy. 26. My grand-children spent every week-end with us and their 3 pet goats and lamb. Huge trucks and trailers coming from as far as Montana and Idaho - loaded with horses, would rumble past the house and we'd watch the horses being unloaded and loaded and trained. 4-H group kids and their parents would show up to rope steers delivered to the back of the barn. There are a couple other people who also bought homes bordering the Equestrian property - because of the closeness to the horse barn. This was a rather "whole-some" experience, including the manure piles.

Let me tell you what it's like to live in my house now - after an illegal pot grow center moved into the barn:

Now - when we sit in our living room, which overlooks the barn, for our morning coffee - we now overlook a security fence, a security gate and several sets of security cameras. One of these motion detection cameras, including a bright light - is posted next to their gate - adjacent to our property line and drive way entrance and is pointed toward our easement road and the total east side of our house, the garage door, our drive-way and out-building and part of the garden area. If you come to visit us - you will be filmed and you will be on tape and your license plate can be checked to see who you are. Big brother has arrived in Boring. When I walk out of my garage for any reason – to walk my dog or carry my garbage down to the end of my driveway, or to work in my garden - I am being filmed. I consider that an intrusion/invasion of my privacy.

Since I was born and raised in a country where everyone was spied on by the Nazi regime – this is extremely un-nerving to me. Anyone not aware - that a security gate was erected next to our drive-way, with 2 signs reading: “Video Surveillance” – “Trespassers will be prosecuted”, can’t turn around, unless they utilize part of either one of our driveways. This easement now has become a dead-end road, since there is no gate return. If this federally illegal grow center is allowed to operate – in this location – our quality of life will continue to unravel, our property values will go down the drain and our safety with only two police officers covering this area and stretching all the way up to Mt. Hood will endanger our lives and that of our visitors. This is just the beginning of what’s to come, if grow centers are allowed directly adjacent to residential homes.

I am not here to vilify the young men who are growing the pot – we have met them, they could be your children and/or grand-children and are polite young men, who are enabled by others by giving them the lease and therefore the space. I understand that measure 91 was passed in Oregon – therefore, PLEASE, please distinguished guests speakers– GET IT RIGHT – before it goes into effect.

III. Conclusion

Although many innocent voters have been misled by out-of-state highly funded ballot initiatives that push the so-called medical marijuana scheme and the tax and regulate marijuana scheme, many citizens like myself who have observed the impacts first hand are standing up nationwide to bring a strong awareness to these deceptive attempts to try and ignore the impacts to public safety, quality of life, and property values. Drugged driving, diversion to other States, destruction to the environment, diversion to minors, public consumption, robberies, burglaries, fatal shootings, odors, increased traffic, fires, hash oil explosions are just a few of the impacts that marijuana leaves behind. The scheme of medical marijuana and marijuana legalization leads to the degradation of our neighborhoods and it is important that we take this information and begin to inform our communities.

Works Cited

1. Bernstein, Maxine. Suspected gunman in Portland double homicide was hounding victims for medical marijuana, lawyer says. 16, April 2015. http://www.oregonlive.com/portland/index.ssf/2015/04/suspected_gunman_in_portland_d.html
2. Oregon State Police. 2012 Out-of- State Diversion Statistics. E-mail to the author. 14, April, 2013.
3. Clackamas County Mental Health. Marijuana Addiction 18 and under 70.5% Data. E-mail to the author. 19, September, 2014.
4. Safe Streets Alliance. Colorado New Vision Hotel/Holiday Inn and O’Rielly’s RICO lawsuit filed. 19, February, 2015. <http://blogs.findlaw.com/courtside/2015/02/anti-pot-group-files-rico-suit-over-colos-marijuana-law.html>
<http://www.safestreetsalliance.org/assets/media/Reilly_Complaint.pdf>
5. Oregon Health Authority. Oregon Medical Marijuana Program Grower Data. Email to the author. 17, March, 2015.
6. Gartner, Monika. Testimony: Let me tell you what it’s like to live in my house now - after an illegal pot grow center moved into the barn. Letter to the author. 23, April, 2015.

Updated 10-7-15



10-26-14 Public Testimony - Clackamas County Planning Commission

Good evening Commission. My name is Shirley Morgan, from Welches.

As a national advocate for public safety, quality of life and protection of property values , I commend the commission for the development of land use restriction's, however voters were not told that marijuana would be redefined as an agricultural crop and grown in all exclusive farm use areas without any neighbor notification, conditional use permits, or required hours of operation.

We are seeing large industrial complexes being leased by out-of-state investors to open up mega recreational marijuana facilities of which we already have one local businessman who has tried to lease space at an industrial complex in Boring and was told that the entire facility, 73,000 sq. feet had been potentially leased to marijuana growers, this is the plywood cabinet maker location in Boring. When a local businessman who has lived in the area operating a legitimate business and wants to expand his business by 10,000 sq. ft. only to be told all of the local industrial land has been leased out to pot growers, something is seriously wrong.

We are also seeing compounds and large greenhouse structures showing up in all of our rural residential and exclusive farm use properties throughout the state.

- One is 300' x 700' and enclosed by 6' high non see through fence with 10 rows of barbed wire on the top and has blocked the view of surrounding neighbors.
- We are seeing 160' x 60' x 30' high greenhouses with commercial fans that sound like small airplane engines that are being run 24/7
 - On Sunday Oct. 11th in an FF10 area in Clackamas County in Colton, there was a medical marijuana greenhouse possible pot rip off, with the firing of weapons at 7:30am and neighbors in the area were threatened by the grower running around in the road firing off weapons and yelling obscenities, it took 45 minutes for law enforcement to arrive. These aren't just bad neighbors, this is a consistent theme of behavior that we are seeing around the State in many of the marijuana grow site locations.
- In our Rural Residential, Timber AG and EFU areas horse stables are being purchased just to grow marijuana
- We are concerned by:
 - 100' setbacks in EFU which should be at least 200' on frontage roads or from neighboring homes
 - Removal of large numbers of trees
 - the illegal excavation of ponds to capture underground water
 - No marijuana wholesaling or retailing should be allowed outside the urban growth boundaries or in our rural commercial RC and rural tourist commercial RTC areas on Highway 26 on Mt. Hood. Not only are many of these locations located right in the heart of our limited restaurant and tourist store areas, but marijuana wholesale facilities will be holding bins for receiving, storing, and delivering finished marijuana products both wholesale and retail, making them targets for armed robberies in areas with limited law enforcement.

We are alarmed that the Clackamas County Zoning and Planning commission in their 10/26/15 meeting is now considering expanding marijuana production use to our industrial areas, when they have already expanded use to the timber zones and agricultural zones along with the exclusive farming use areas which are state controlled. It appears that we will now be back to allowing marijuana production in just about every zone in the County. Allowing both industrial marijuana production and EFU, Timber AG, and Agricultural 10 and potentially in our rural residential areas with possibly conditional use permit requirements we will also expand the risks to our local communities.

We must all be reminded that marijuana is still a federally illegal drug and brings with it a lot of risks, such as the shootings and medical marijuana rip offs putting the surrounding neighbors at risk.

Do we need a fatal shooting in Clackamas County before we heed the warning? Multnomah County has seen 4 fatal shootings at medical marijuana grow sites in the last five months, and the most recent and senseless killing of Elizabeth Kemble who was hit at 8am in a cross walk in Gresham, by a driver high on marijuana, should bring accountability to us all.

Leadership is a challenge, but leaders who acquiesce to out-of-state drug dealers and pro marijuana lobbyists over the rights and protections of the local citizens who have lived in Clackamas County all of their lives, should be reminded that State laws that require local governments to break Federal laws are corrupt laws and the voters should have the final say about their public safety, quality of life, and protection of their property values.

Sincerely,

Shirley Morgan

P. O. Box 1351

Welches, Oregon 97067

<http://www.clackamas.us/planning/marijuana.html#past>

Upcoming Meetings and Public Hearings

- Oct. 12, 2015 Planning Commission Study Session**
6:30 p.m. Auditorium, Development Services Building 1st floor (no public testimony)
-  
- Oct. 26, 2015 Planning Commission Public Hearing**
6 p.m. Abernethy Center Ballroom, 606 15th St, Oregon City (public testimony permitted)
- Nov. 2, 2015 Planning Commission Public Hearing (continued, if needed)**
6 p.m. Abernethy Center Ballroom, 606 15th St, Oregon City (public testimony permitted)
- Nov. 10, 2015 Board of County Commissioners Planning Session**
1:30-3:30 p.m. BCC Hearing Room, Public Services Building 4th floor (no public testimony)
- Nov. 23, 2015 Board of County Commissioners Public Hearing**
9:30 a.m. BCC Hearing Room, Public Services Building 4th floor (public testimony permitted)
- Dec. 2, 2015 Board of County Commissioners Public Hearing**
9:30 a.m. BCC Hearing Room, Public Services Building 4th floor (public testimony permitted)

The draft regulations allow marijuana facilities – production/grow, processing, wholesaling and retailing/dispensaries – with conditions (see draft ZDO Section 841), in zones shown below.

ZONING DISTRICT	MARIJUANA BUSINESS			
	Production /Grow	Processing	Wholesaling	Retailing/Dispensary
URBAN ZONES				
Business Park (BP), Light Industrial (LI), General Industrial (GI)	PROHIBITED	Primary use	Primary use	PROHIBITED
Village Office (VO)	PROHIBITED	Primary use (not primary processing)	PROHIBITED	PROHIBITED
Corridor Commercial (CC), General Commercial (C-1), Station Community Mixed Use (S/MTU), Office Commercial (OC)	PROHIBITED	Primary use (not primary processing)	PROHIBITED	Primary use***
Neighborhood Commercial (NC), Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RT), Planned Mixed Use (PMU), Regional Center Office (RCO)	PROHIBITED	PROHIBITED	PROHIBITED	Primary use***
RURAL ZONES				
Exclusive Farm Use (EFU), Ag/Forest (AG/F)	Primary use*	Primary use*	PROHIBITED	PROHIBITED
Timber (TBR)	Primary use*	PROHIBITED	PROHIBITED	PROHIBITED
Rural Residential Farm Forest 5 Acre (RRF5) and Farm Forest 10 acre (FF10)	Primary use** or prohibited*	Conditional use** or prohibited*	Conditional use* or prohibited*	PROHIBITED
Rural Commercial (RC), Rural Tourist Commercial (RTC)	PROHIBITED	PROHIBITED	Primary use	PROHIBITED
Rural Industrial (RI)	PROHIBITED	Primary use*	Primary use	PROHIBITED

*Conditions for production and processing are set for minimum yard depth (set back from lot line), access, odor, lighting, security cameras, water and secure disposal.
 **Conditions for production and processing in rural residential zones include those mentioned above, as well as requirements that the owner lives on the property, that property be at least 5 acres in size, that the business be confined to a completely enclosed building, specified building size limits and submission of a noise study.
 ***Conditions for retailing include operating hours, odor, window service (not allowed), secure disposal, minors (not allowed on premises and accompanied by a parent or guardian), no co-location of related activities and uses, and minimum separation distances between dispensaries and other dispensaries, schools, public parks, libraries, light rail transit stations, public housing sites, daycare facilities and, in certain circumstances, residentially-zoned property.
 †Staff proposed two options.
 *Conditional use requires a public hearing.

All of the pink areas are being identified as potential locations for the allowing of marijuana wholesaling.

- Town Center (TBR)
- Ag/Forest (AG/F)
- Exclusive Farm Use (EFU)
- Farm Urban (FU)
- Rehabilitated Residential 2 acre (RR2)
- Farm Forest 10 acre (FF10)
- Rural Residential Farm Forest 5 acre (RRF5)
- Rural Arts Residential (RA) 1 and 2 ac (RA1, RA2)
- Urban Low Density Residential (UL1, UL2, UL3)
- Urban Low Density Residential (UL1, UL2)
- Urban Low Density Residential (UL1, UL2, UL3)
- Village Small Lot Res. (VSL1, VSL2)
- Village Standard Lot Res. (VSL)
- Medium Density Residential (MDR)
- Medium High Density Residential (MHR)
- Mountain Residential Resort (MRR)
- Planned Medium Density Residential (PMDR)
- Village Townhouse (VT)
- High Density Residential (HDR)
- Special High Density Residential (SHDR)
- Regional Center Special High Density Res. (RCHDR)
- Village Apartment (VA)
- Neighborhood Commercial (NC)
- Community Commercial (CC)
- Rural Commercial (RC)
- Rural Tourist Commercial (RTC)
- Village Commercial (VC)
- Office Apartment (OA)
- Office Commercial (OC)
- Regional Center Office (RCO)
- Village Office (VO)
- General Commercial (GC)
- Station Community Mixed Use (S/MTU)
- Regional Center Commercial (RCC)
- Retail Commercial (RT)
- Planned Commercial (PC)
- Corporate Commercial (CC)
- General Industrial (GI)
- Light Industrial (LI)
- Business Park (BP)
- Corporate Industrial (CI)
- Rural Industrial (RI)



LOCAL NEWS

Where there's smoke ...

■ New Hwy. 26 storefront offers tobacco, pipes, with an eye on adding marijuana

By Fay Donahoe
The Mountain Times

Smoke on the Mountain is a new business in the Hoodland community. At this point Smoke currently offers cigars, cigarettes, tobacco and marijuana pipes and accessories.

The storefront is located at the corner of Arrah Wanna Blvd. and Hwy. 26.

Sole proprietor, Stewart Schmidt, has big plans for the future which go well beyond the current inventory.

"I do not want to be misleading; it is my plan to become a medicinal and recreational marijuana dispensary," Schmidt said.

Schmidt opened Smoke on the Mountain on July 2.



Schmidt

"The response from the community has been overwhelmingly warm and receptive", he said. "I had regular customers within the first week of being open."

After working for Northwest Natural for 10 years Schmidt knew he wanted to be in business for himself. While commuting from West Linn to Bend where his daughter lives, Schmidt saw an opportunity to start a business in Welches.

One aspect that sets Smoke apart from the local competition is not only its low pricing on tobacco products but also allowing customers to place special orders for the store to carry in stock.

Schmidt noted that he is happy to serve the local community and the majority of his business has been local

residents and via word of mouth.

Two focal points of Smoke's business are to do everything legally and to use local artisans for the glass and wood work of products sold in the store.

"Doing everything by the law is of extreme importance," Schmidt said. This includes checking identification of customers, product tracking and security.

Schmidt currently holds a medicinal marijuana dispensary license issued by the Oregon Health Authority. He plans to apply for a recreational wholesaler's license for recreational marijuana in January 2016 when applications are being accepted.

According to Oregon.gov retail recreational marijuana stores will most likely be able to open sometime in the third quarter of 2016. Smoke looks forward to the opportunity to expand its business during that time.

The above article location of which is being leased is located right on Hwy 26 in Welches



16 **SECTION 15.** Section 21, chapter 1, Oregon Laws 2015, is amended to read:

17 **Sec. 21.** (1) The wholesale sale of marijuana items is subject to regulation by the Oregon Liquor
18 Control Commission.

19 (2) A marijuana wholesaler must have a wholesale license issued by the commission for the
20 premises at which marijuana items are received, [*kept,*] stored[,] or delivered. **To hold a wholesale
21 license under this section, a marijuana wholesaler:**

22 (a) **Must apply for a license in the manner described in section 28, chapter 1, Oregon
23 Laws 2015;**

24 (b) **Must, until January 1, 2020, provide proof that an applicant listed on an application
25 submitted under section 28, chapter 1, Oregon Laws 2015, has been a resident of this state
26 for two or more years, and must provide proof that the applicant is 21 years of age or older;**

27 (c) **May not be located in an area that is zoned exclusively for residential use; and**

28 (d) **Must meet the requirements of any rule adopted by the commission under subsection
29 (3) of this section.**

30 (3) **The commission shall adopt rules that:**

31 (a) **Require a marijuana wholesaler to annually renew a license issued under this section;**

32 (b) **Establish application, licensure and renewal of licensure fees for marijuana whole-
33 salers;**

34 (c) **Require marijuana items received, stored or delivered by a marijuana wholesaler to
35 be tested in accordance with section 92 of this 2015 Act; and**

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19 (2) A marijuana wholesaler must have a wholesale license issued by the commission for the
20 premises at which marijuana items are received, [*kept,*] stored[,] or delivered. **To hold a wholesale
21 license under this section, a marijuana wholesaler:**

22 (a) **Must apply for a license in the manner described in section 28, chapter 1, Oregon
23 Laws 2015;**

24 (b) **Must, until January 1, 2020, provide proof that an applicant listed on an application
25 submitted under section 28, chapter 1, Oregon Laws 2015, has been a resident of this state
26 for two or more years, and must provide proof that the applicant is 21 years of age or older;**

27 (c) **May not be located in an area that is zoned exclusively for residential use; and**

28 (d) **Must meet the requirements of any rule adopted by the commission under subsection
29 (3) of this section.**

30 (3) **The commission shall adopt rules that:**

31 (a) **Require a marijuana wholesaler to annually renew a license issued under this section;**

32 (b) **Establish application, licensure and renewal of licensure fees for marijuana whole-
33 salers;**

34 (c) **Require marijuana items received, stored or delivered by a marijuana wholesaler to
35 be tested in accordance with section 92 of this 2015 Act; and**

Gilevich, Shari

From: Wesley Row [wesley@rowconsulting.com]
Sent: Wednesday, October 21, 2015 7:16 AM
To: Gilevich, Shari
Subject: ZDO-254

Shari Gilevich
Clackamas County
Planning & Zoning Division
150 Beaver Creek Road
Oregon City, OR 97045

Dear Ms. Gilevich:

I am strongly opposed to any new land use regulations that will permit the production, processing, and/or wholesaling of marijuana in Clackamas County rural zones. Marijuana cultivation and possession is illegal under Federal law, and cultivation and possession of "non-personal use quantities" is a felony under Oregon's new recreational marijuana laws. It does not make any sense why the county would pass land use actions that are in opposition to the law.

The proposed permitted uses would also place a heavy burden on County resources and its citizens. Marijuana cultivation attracts a high level of crime and organized crime. Residents of rural and rural residential areas already experience an uncomfortable level of crime in their areas. Attracting more criminals and more sophisticated criminals would add an unnecessary strain on your rural residents. In addition, County resources are stressed by very limited financial resources. The county simply doesn't have the money to handle the additional law enforcement demand that this would create.

As a long-time resident and business owner in rural Clackamas County, I ask that you please listen to the needs of your rural county residents and strongly oppose ZDO-254 and any other new rural land use changes that permit the production, processing, and/or wholesaling of marijuana.

Regards,
Lee Wesley Row, III
20490 S, Indigo Dr
Oregon City, OR 97045

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ZDO-254
EXHIBIT 26
Page 1 of 1

Gilevich, Shari

From: Sue Browne [subrowne@canby.com]
Sent: Wednesday, October 21, 2015 3:43 PM
To: Gilevich, Shari
Subject: Marijuana Land Use Amendments (proposed)---EFU Zoning

I would appreciate it if you could define the term "primary" as it is used under "production/grow" and "processing" in the EFU Zoning of your printouts.

The Board of County Commissioners added an amendment to the Clackamas County Code (ordinance No 04-2015) to chapter 8.09. The Commission found that in the case of medical marijuana facilities that "the public safety and welfare are best protected when located in areas that are well served by law enforcement". Please explain to me why medical marijuana facilities should be treated differently than production/grow and processing facilities. Production/grow and processing facilities have large amounts of cash on hand, crop to be stolen, omit odors, increase traffic, devalue neighboring property and reduce the security and safety of neighbors. Shouldn't those of us living in the rural areas be afforded the same consideration as those living in less rural areas---I certainly think so!

All of us living in the rural areas of Clackamas county are very much aware that law enforcement and fire protection are pretty much at a minimum.

We live out of the urban areas for the privacy, beauty and to be good stewards of the land---not to have our property devalued and security and safety threatened by a production/grow and processing facility next door.

I truly hope the county can come to a solution that will keep all of us secure, not just those in less rural settings.

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

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EXHIBIT 27

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Pollack, Kay

From: ZoningInfo
Sent: Thursday, October 22, 2015 9:32 AM
To: Pollack, Kay
Subject: FW: Planning File ZDO-254

From: Katherine Moore [mailto:kitty_m@pacbell.net]
Sent: Thursday, October 22, 2015 9:22 AM
To: ZoningInfo
Subject: Planning File ZDO-254

I agree with the petition to forbid marijuana-related activities on my land or the recreational/residential area around it. Marijuana cultivation usually involved regrading and an overdose of fertilizer. Both disturbances of the land would damage Sandy River, which is just below the area.

Katherine Moore
Map: 26E24DD04000 & 26E24DD03800

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ZDO-254

EXHIBIT 28

Page 1 of 1

From: Bill Neuwerth [bill@glacierheatingandair.com]
Sent: Friday, October 23, 2015 10:25 AM
To: Gilevich, Shari
Subject: comments on proposed marijuana regulations

From: Bill
Sent: Wednesday, October 21, 2015 10:56 AM To sharig@clackamas.us
Subject:

When the marijuana initiative was passed we purchased RRF5 property on 4.2 acres in rural Clackamas county. It was within your rules at that time. We set up an agricultural greenhouse according to the existing agricultural code and were growing medical marijuana. I am 65 years old and have no intention of inconveniencing the neighbors.

I set this up with a \$14,000, state of the art carbon filter system and the quietest fans (the fans measure less than 40 decibels at the property line) we could buy so as to not offend the neighbors. The filters and fans are more expensive than the greenhouse. We have never had a complaint and the neighbors do not even know what we are growing or doing. We keep traffic to the absolute minimum. All medical customers have their product delivered to them. They are not allowed to come to the location!!! We do not want to inconvenience our neighbors in that way either!

From what can determine the new regulations you are considering are meant to mitigate the issue of noise, smells, and the operation of the business inconveniencing or offending the neighbors. What we are presently doing is addressing these issues without locating hundreds of feet from the property line. On this property it is impossible to locate 100 feet from one of our property lines. Your proposed changes of X number of feet from lot lines very well may still allow operations that are still too smelly, noisy and offensive to the neighbors. At the same time our property would be disallowed even though we exceed the goals you are trying to achieve with your rules.

Right across the road from our farm is a 10 acre tree farm. On the west side is a tree farm on more than 5 acres. Approximately 1,000 feet to the north of us is another 20 acre plus tree farm. On our southern border there is a man with a warehouse complex doing fertilizer and commercial manufacturing.

I feel our operation is achieving every goal you have for this kind of operation. The distances from neighbors is irrelevant as we already achieve the desired outcome! We have invested a considerable amount of money on this project. Your proposed changes to the rules will shut us down at considerable loss.

We are consulting with attorney Margolis on this issue as are many others it seems. I will be at Mondays commission meeting.

Thank you Bill Please forward a copy of this to each of the commissioners. Thanks again Bill

--
BEGIN-ANTISPAM-VOTING-LINKS

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Teach CanIt if this mail (ID 03PwFvxec) is spam: Spam:
<https://mhub.clackamas.us/canit/b.php?i=03PwFvxec&m=bf078810af78&t=20151023&c=s> Not spam:

Gilevich, Shari

From: Robert Morris [bobhadavar@gmail.com]
Sent: Friday, October 23, 2015 4:48 PM
To: Gilevich, Shari
Subject: Marijuana Laws and Regulations.

Dear Ms. Gilevich,

Please review the referenced pdf and do not allow recreational marijuana production or sales in Clackamas County. We will suffer regrettable consequences if recreational marijuana sales is permitted.

https://www.whitehouse.gov/sites/default/files/ondcp/issues-content/marijuana_and_public_health_one_pager_-_final.pdf

Sincerely,
Pastor Bob Morris

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EXHIBIT 30
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The Public Health Consequences of Marijuana Legalization

The Obama Administration continues to oppose legalization of marijuana and other illegal drugs because this approach runs counter to the public health approach to drug policy. Evidence shows our drug problem is a major public health and safety threat, and drug addiction is a disease that can be successfully prevented and treated. Legalizing drugs would increase their availability and normalize their use, leading to increased negative health consequences, particularly among young people. Drug legalization also undermines preventative health strategies, a keystone in improving overall public health in the United States.

MARIJUANA USE POSES SIGNIFICANT RISKS TO PUBLIC HEALTH

Marijuana places a significant strain on our health care system, and poses considerable danger to the health and safety of the users themselves, their families, and our communities. We know that marijuana use, particularly long-term, chronic use that began at a young age, can lead to dependence and addiction.ⁱ Marijuana is not a benign drug:

- In 2011, approximately 4.2 million people met the diagnostic criteria for abuse or dependence on marijuana.ⁱⁱ
- Marijuana use is associated with addiction,ⁱⁱⁱ respiratory illnesses,^{iv} and cognitive impairment.^v
- Marijuana is also the second leading substance for which people receive drug treatment^{vi} and a major cause for visits to emergency rooms.^{vii}
- Studies also reveal that marijuana potency has almost tripled over the past 20 years,^{viii} raising serious concerns about implications for public health – especially among adolescents, for whom long-term use of marijuana may be linked with lower IQ (as much as an average 8 point drop) later in life.^{ix}

INCREASED AVAILABILITY LEADS TO INCREASED HEALTH AND SAFETY COSTS

Scientific research shows us that increasing the availability of drugs can lead to increased use, and growth in the consequences of that use:

- Legality increases the availability and acceptability of drugs, as we see with alcohol and tobacco – which far outpaces the use of illegal drugs.^x
- Increased availability and acceptability of marijuana would likely lead to increased consumption of the drug.^{xi}
- Increased consumption leads to higher public health and financial costs for society. Addictive substances like alcohol and tobacco, which are legal and taxed, already result in much higher social costs than the revenue they generate. The cost to society of alcohol alone is estimated to be more than 15 times the revenue gained by their taxation.^{xii}

LEGALIZATION WILL NOT SOLVE PUBLIC HEALTH OR SAFETY CHALLENGES

Research also shows that policies that would make drugs more available would likely not eliminate the black market or improve public health and safety. Recent reports from the nonpartisan RAND Institute found that the potential economic benefits from legalization had been overstated.^{xiii, xiv}

- Marijuana legalization would not eliminate the black market for the drug.
- And dramatically lowered prices could mean substantially lower potential tax revenue for states.

It is for these reasons the Administration continues to oppose legalization, and instead focuses on drug prevention, treatment, support for recovery, and innovative criminal justice strategies to break the cycle of drug use and crime. This approach is helping improve public health and safety in communities across the United States.

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For more information, please visit ONDCP's Marijuana Resource Center:

www.whitehouse.gov/ondcp/marijuanainfo

- ⁱ Anthony, JC, Warner, LA, and Kessler, RC (1994) Comparative Epidemiology of Dependence on Tobacco, Alcohol, Controlled Substances, and Inhalants: Basic Findings from the National Comorbidity Survey, *Experimental and Clinical Psychopharmacology* 2(3):244-268. Available: <http://psycnet.apa.org/index.cfm?fa=buy.optionToBuy&id=1994-45545-001>
- ⁱⁱ Substance Abuse and Mental Health Services Administration. *Results from the 2011 National Survey on Drug Use and Health: Summary of National Findings*. U.S. Department of Health and Human Services. [September 2012]. Available: <http://www.samhsa.gov/data/NSDUH/2k11Results/NSDUHResults2011.htm#Fig7-2>
- ⁱⁱⁱ Anthony, JC, Warner, LA, and Kessler, RC (1994) Comparative Epidemiology of Dependence on Tobacco, Alcohol, Controlled Substances, and Inhalants: Basic Findings from the National Comorbidity Survey, *Experimental and Clinical Psychopharmacology* 2(3):244-268. Available: <http://psycnet.apa.org/index.cfm?fa=buy.optionToBuy&id=1994-45545-001>
- ^{iv} Polen MR, Sidney S, Tekawa IS, Sadler M, Friedman GD. Health care use by frequent marijuana smokers who do not smoke tobacco. *West J Med* 158(6):596-601, 1993. Available at <http://www.ncbi.nlm.nih.gov/pubmed/8337854>
- ^v Meier et al., "Adolescent-onset cannabis and neuropsychological health." *Proceedings of the National Academy of Sciences*. [August 27, 2012]. Available: <http://www.pnas.org/content/early/2012/08/22/1206820109>
- ^{vi} Substance Abuse and Mental Health Services Administration. *Treatment Episode Data Set (TEDS), Substance Abuse Treatment Admissions by Primary Substance of Abuse, 2010*. U.S. Department of Health and Human Services. [2012]. Available: <http://www.dasis.samhsa.gov/web/quicklink/US10.htm>
- ^{vii} Substance Abuse and Mental Health Services Administration. *Highlights of the 2010 Drug Abuse Warning Network (DAWN) Findings on Drug-Related Emergency Department Visits*. U.S. Department of Health and Human Services. [July 2012]. Available: <http://www.samhsa.gov/data/2k12/DAWN096/SR096EDHighlights2010.pdf>
- ^{viii} Mehmedic, Zlatko, et al., "Potency Trends for Δ^9 -THC and Other Cannabinoids in Confiscated Cannabis Preparations from 1993 to 2008." *Journal of Forensic Sciences*, Vol. 55, No. 5. [September 2010]. Available: <http://home.olemiss.edu/~suman/potency%20paper%202010.pdf>
- ^{ix} Meier et al., "Adolescent-onset cannabis and neuropsychological health." *Proceedings of the National Academy of Sciences*. [August 27, 2012]. Available: <http://www.pnas.org/content/early/2012/08/22/1206820109>
- ^x Substance Abuse and Mental Health Services Administration. *Results from the 2011 National Survey on Drug Use and Health: Summary of National Findings*. U.S. Department of Health and Human Services. [September 2012]. Available: <http://www.samhsa.gov/data/NSDUH/2k11Results/NSDUHResults2011.htm>
- ^{xi} Kilmer, Beau, et al., *Altered States? Assessing How Marijuana Legalization in California Could Influence Marijuana Consumption and Public Budgets*. RAND Corporation. [2010]. Available: http://www.rand.org/content/dam/rand/pubs/occasional_papers/2010/RAND_OP315.pdf
- ^{xii} Ellen E. Bouchery, Henrick J. Harwood, Jeffrey J. Sacks, Carol J. Simon, Robert D. Brewer. *Economic Costs of Excessive Alcohol Consumption in the U.S., 2006*. *American Journal of Preventive Medicine* - November 2011 (Vol. 41, Issue 5, Pages 516-524. DOI: 10.1016/j.amepre.2011.06.045). Available: [http://www.ajpmonline.org/article/S0749-3797\(11\)00538-1/fulltext](http://www.ajpmonline.org/article/S0749-3797(11)00538-1/fulltext)
- ^{xiii} Kilmer, Beau, et al., *Reducing Drug Trafficking Revenues and Violence in Mexico: Would Legalizing Marijuana in California Help?* RAND Corporation. [2010]. Available: http://www.rand.org/content/dam/rand/pubs/occasional_papers/2010/RAND_OP325.pdf
- ^{xiv} Kilmer, Beau, et al., *Altered States? Assessing How Marijuana Legalization in California Could Influence Marijuana Consumption and Public Budgets*. RAND Corporation. [2010]. Available: http://www.rand.org/content/dam/rand/pubs/occasional_papers/2010/RAND_OP315.pdf

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Gilevich, Shari

From: Clifford Spencer [cliffordspencer@ymail.com]
Sent: Saturday, October 24, 2015 5:21 PM
To: DeSantis, Kimberlee; Klepper, Emily; Cartasegna, Mary Jo; Howatt, Drenda; Hayes, Ernest; meekmark@worldstar.com; john@jdlc.com; Mark@staroilco.net; Grayj2011@hotmail.com; Holmes2410@gmail.com; Brian Pasko; mwagner@molalla.net; Chandler, Daniel; Krupp, Don; nandreen@bctonline.com; Renhard, Darcy; Boderman, Nathan
Cc: Gilevich, Shari
Subject: RE.: Proposed Zoning and Development Ordinance Amendments File ZDO-254

Clifford Spencer
"The Co-Op" Coordinator
P.O.Bx.8871
Portland, OR 97207

Clackamas County Commissioners, and
Planning Commission Members:

I am founder, and now 16+ years later the coordinator of a co-op assisting people in residential care facilities and people on end of life (hospice/palliative) care with implementation of the Oregon Medical Marijuana Act (OMMA), which polls indicate over 80% of Oregonians likely to vote support. I write to share my perspectives/serious concerns with the Proposed Zoning and Development Ordinance, File ZDO-254. My focus is on how this affects OMMA patients and the people who provide these patients with a therapeutic medicine their doctor recommends; other than not wanting over regulation of the OLCC aspect of cannabis, "social use" is not what I will be addressing. As currently proposed/written this ordinance goes WAY beyond "time, place and manner", as per HB 3400. I read it as, effectively, this proposed ordinance is either an attempt to make compliance with it so that only BIG Ag can afford compliance, or to, outrightly, make compliance with this proposed ordinance SO expensive (equipment, land, etc.), cumbersome, over regulated as to make compliance with the ordinance not possible for many OMMP gardens and their patients...ordinance medical gardens out of existence. I guarantee if this ordinance is passed, as it is currently being proposed, litigation challenging it's legality will be successful, and the costs to Clackamas County taxpayers will be significant; I think taxpayers would prefer their tax dollars be spent more wisely. An ordinance written realistically (in it's limitations, requirements, etc.) would make much more sense.

In addition to my paid job, I do 40 hours of this volunteer work; there is little room for much else, and I provide this "testimony" written because the meeting is on my night to see our terminal cancer patients for dispensing, follow up, assessing symptoms, and the efficacy/delivery modalities of the therapeutic cannabis. To date we have helped ease suffering with therapeutic cannabis for 77 patients since I began this endeavor.

One of my observations is that this seems to be an attempt at "broad brush strokes" addressing both medical (OMMA) and "social use" (OLCC/ M-91) aspects with the same "broad brush strokes". One may NOT fit a square peg in a round hole! For example, I read this proposed ordinance as Clackamas County imposing the same equipment requirements (i.e., equipment 841-2 "ODOR") for a small 200 sq. ft. garden as a 10,000 sq. ft. OLCC production garden. The same property requirements, too! (please see 841.03 A & B Marijuana Production and Marijuana Processing). The same property requirements for a 200 sq. ft. MEDICAL (OMMA) garden as a 40,000 sq. ft. OLCC Production garden? While the large OLCC gardens are generating income, and some of the larger medical gardens providing "excess" to dispensaries

(involved in "commerce") generate income, the small OMMA gardens our patients in residential care and on end of life care rely upon do not have that income. Typically, in residential care, the patient's only income is Social Security, and almost all of that goes to the residential care facility for that patient's care/room/board; what little is left is supposed to be used for toiletries(deodorant, shampoo, etc.) and clothing. These patients certainly cannot afford to go to dispensaries and buy the therapeutic cannabis their doctor recommends. Typically, by the time a hospice nurse or doctor refers a patient to us, the patient is bankrupt, having incurred devastating expenses like copays, transportation to/from the many appointments associated with their illness, etc., and they are no longer able to work. We provide our therapeutic cannabis and our human resources pro bono, for free to the patient; they, otherwise could not even afford to pay the costs of utilities and supplies. As individuals assisting these patients, we are not in a position to incur more expenses, or purchase large amounts of land to do what we do. I struggle to make this work for patients as it is! Please remember 40% of OMMP patients are low income. Burdening us with these overly regulated requirements (land, equipment, etc.) will, effectively prohibit our implementation of the OMMA, NOT the intent of HB 3400, allowing the county "time, place and manner".

I heard there was discussion of differentiating between "medical gardens" and large scale OLCC production gardens, but I read NOTHING in this proposed ordinance even mentioning this. Also discussed was "grandfathering in" existing medical gardens (compliant with the OMMA), exempting them from this proposed unrealistic over regulations; I see nothing in this proposed ordinance reflecting this.

Sadly, some people choose to NOT be good neighbors. Often these irresponsible neighbors are also irresponsible in other endeavors, like medical cannabis gardens. Rather than overzealous ordinances, have you considered requiring mediation? Recently, my neighbor strip logged his property adjacent to the private road leading to the property in which I have an interest. Instead of enjoying the ambiance of timber as I arrive and leave, I now get to have a view of stumps and burn piles. Instead of litigation or attempting to remedy this with over reaching ordinances, I discussed my concerns with the neighbor, and he agreed not only to allow me to replant native trees on his property and the property in which I have an interest that will screen the clear cut, burn piles and stumps, but he agreed to buy the trees and help with planting. In 841-2 E 1. LIGHTING, my read is that even a small crack of light visible between 7 pm and 7 am from an indoor garden would be a violation. This is SO over reaching that even a light on in a window in someone's home would be a violation if there was a medical (OMMA) garden in that home. In 3, "spilling into adjacent lots" would be better addressed by directing the lighting toward the property in question...light in total darkness travels. Again in this, mediation could more easily deal with this IF there was a problem, than an over reaching ordinance.

In 841-2, Security Cameras, once again, the wording is overly restrictive. If I have a right-of-way which is NOT "public", I should not be restricted from using a security camera on that "NOT public") area where I have an easement or right-of-way.

In 841-2 D. ODOR, the CFM requirement should be the square footage of the GARDEN, NOT BUILDING. What if the building is 10,000 sq.ft. and the garden is 200 sq. ft.? Should the garden have the financial burden of the CFM of the entire building? This is also impractical for temperature control. Requiring the same filtration equipment for a small, 200 sq. foot garden with no neighbor home within 200 feet to have the same filtration requirement as a 10,000 sq. ft. garden is absurd. I propose that no filtration system be required unless there is a neighbor home within 200 feet of a MEDICAL(OMMA) garden. Problems in this area can be mediated. It might simply take the gardener moving the exhaust to the other side of the building. Again, while larger gardens generating income can afford this equipment, noncommercial OMMA gardens cannot.

Regarding 841-1, 841.03 A, this is overly restrictive for medical gardens. While I could see this requirement for large 40,000 sq. ft. gardens, burdening smaller medical gardens with these requirements is overly restrictive. And, once again, any problems could be mediated. What if the building in 50 ft. from

the property line, but the neighbor's house is 100 yards from the property line? Better to allow mediation of specific problems/concerns than overly imposing broad brush strokes. The restriction should be 50 feet for medical (OMMA) gardens.

Regarding 841-3 1.2. A 5 (FIVE) acre minimum? Maybe for a 40,000 sq. ft. OLCC production garden, but medical (OMMA) gardens? The state law currently limits gardens in residential neighborhoods to 2 patient' number of plants (12 flowering plants), and in nonresidential areas to 48 mature plants. Just like the situation described earlier, of a neighbor has a problem, like visibility (doesn't like seeing the plants, for example) this could be mediated. But this requirements would, essentially, make it so only BIG Ag or BIG Canna could comply...is that the intent?! it would make it so smaller medical gardens could not afford it unless they were involved with "commerce". Maybe there is a distinction between large, production 40,000 sq. ft. gardens and medical (OMMP) gardens? Not the square peg into the round hole. We are talking here about a medicine a doctor recommends being made available to the patients, NOT just "social use"(OLCC). The OMMA, HB 3400, already restricts in residential neighborhoods the OMMA production of no more than 2 patients' number of plants (12 total mature plants). Perhaps not allowing the "grandfathering in" of gardens larger than 48 plants? OR allowing only a 4 patient garden (24 mature plants) on less than one acre, 6 patients' number of plants (36 mature plants) on less than 2 acres?

Regarding Pg. 841-3, "3. An owner of the subject property shall reside in a dwelling unit on the subject property" This, as written, precludes renters, lessors, and LLC's. Instead it could make the person responsible for the garden site responsible for compliance with the ordinance and security. Certainly OMMA gardens should NOT have these unnecessary restrictions. Nor should OLCC gardens.

Regarding 841-3 2. Marijuana production and processing shall be located entirely within 1 or more enclosed buildings. Many low income rural patients grow their years' supply of medicine outdoors, utilizing natural sunlight. Requiring them to erect greenhouses or other buildings, not to mention the permitting delays/requirements/expenses, would not be affordable, and it would not be necessary. Adding expensive equipment and electricity costs is not economically viable to some low income patients or their growers. This goes WAY beyond "time, place and manner"! I could understand fencing requirements; visibility from public access, or visibility from neighbors being mediated.

Regarding Pg. 841-1. 841.03 Access, I can understand traffic on an easement or right-of-way might be increased substantially from a 40,000 sq. ft. garden, and a petition appropriate. But a 200 ft. MEDICAL (OMMA) garden? The OMMA MEDICAL garden will generate MUCH less traffic, and should not be required to comply with the petition requirement.

Thank you for considering my perspectives/concerns/input regarding the proposed ZDO ordinance.

Respectfully,
Clifford Spencer

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Gilevich, Shari

From: Linda Cody [codylinda020@gmail.com]
Sent: Saturday, October 24, 2015 5:40 PM
To: Gilevich, Shari
Subject: land use planning for marijuana

I have little concern about the growing of marijuana in rural clackamas county. The processing and retail sale do cause concern. The change in neighborhood composition is troubling. Traffic, odor, noise would be brought to our now quiet and clean area.

I live east of Estacada on Divers Road and have family members residing one mile away on Porter road. Between our two properties is a former wholesale family owed Nursery with multiple greenhouses. That property was sold within the past year and the new owners have said they intend to commercially grow marijuana. The friendly feel of our area has already changed by the unfriendly attitude of these new people with their no trespassing signs and blocked driveways. can hardly wait for the razor wire guard dogs to arrive.

And yes, the very probable devaluation of our properties is of great concern.

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200-254
EXHIBIT 32
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From: KarenHillcatwmn@aol.com [mailto:KarenHillcatwmn@aol.com]
Sent: Sunday, October 25, 2015 9:30 AM
To: ZoningInfo
Subject: Marijuana Land Use Regulations Proposal ATTN: C. C. Board of Commissioners

October 25, 2015

I own five acres and a home at 12526 C. Casto Rd., Oregon City. I'm not sure that I will be able to attend the meeting scheduled for October 26th, but I wanted to tell you what I think about this proposal. I DO NOT WANT MARIJUANA GROWN, PROCESSED OR SOLD ANYWHERE, let alone in my neighborhood! I don't want to see it, smell it, or know that it's close to my property. I do not want the risk of criminals coming out to this area looking for "grow operations" so that they can steal the plants.

This area of the County is full of hard working, law abiding citizens, some of whom have children and grandchildren, and we absolutely do not see any benefit to being "hospitable" to the segment of our society that thinks using mind-altering drugs is a good or honorable thing to do!

It was disturbing enough when it became legal to indulge in the personal use of this brain-damaging drug. Then the push began. The supporters of this issue were not satisfied. They kept up their steady campaign for more freedoms to infiltrate our communities with their shops and dispensaries, and now they want to invade the peace and tranquility of our rural neighborhoods! Enough is enough! Stop the insanity!

Karen L. Hill
12526 S. Casto Rd.
Oregon City, Or. 97045
503-263-1678

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Pollack, Kay

From: ZoningInfo
Sent: Monday, October 26, 2015 7:57 AM
To: Pollack, Kay
Subject: FW: proposed land use change regarding marijuana -

From: Jo Becker [<mailto:Jojobkr@aol.com>]
Sent: Saturday, October 24, 2015 5:16 PM
To: ZoningInfo
Subject: proposed land use change regarding marijuana -

My name is Jo Becker and I am a resident of Stafford Hill Ranch located off of Schaeffer Road in Clackamas County. I am unable to attend any of the public hearings. I want to go on record as being categorically against any growing, selling, distribution of recreational marijuana in Clackamas County. Why is it that the State of Oregon is going against Federal law with regard to the legalization of marijuana? This state is controlled by the vote of ultra liberal Multnomah County and its voting block. Clackamas County has remained conservative in its approach to governance. Conservatives basically do not have an opportunity to change this state--Clackamas County, on the other hand, can and should remain as the anti-vote to the direction that this state is taking. As you travel to the southern part of Oregon, the signage on private land describes the anti-liberal bent of Oregon citizens. Please, do not take away one of the best things about Clackamas County. This decision should not be revenue driven. More money is not worth the potential addiction and all of the related problems of drug use. Our roads just got more dangerous with people driving while on marijuana. Let Clackamas County be a voice in the wilderness. Thank you, Jo Becker 503-686-0408

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From: JD Page [jd.mmnf@gmail.com]
Sent: Monday, October 26, 2015 5:40 AM
To: Gilevich, Shari
Subject: Unincorporated Clackamas zoning comment RE:Cannabis

Dear Ms. Gilevich,

Our company currently owns commercial property in Clackamas that has gone unused for over a decade and we have been considering transitioning the land to an indoor cannabis production and processing facility.

Our property is zoned as RRFF-5 (Rural Residential Farm Forest 5 Acre) and, in our mind, is a very commercial space, as it has been used solely for commercial purposes for decades. Our closest neighbor is a PGE substation, there are no other driveways nearby, and our entire property is fenced in on all sides.

Currently, our biggest challenge for licensing seems to be the zoning rules that are still being debated here in Clackamas county. The rules in question are (1) that RRFF-5 property must be a full 5 acres, and (2) that the owner must live at the property. (draft rules listed: <http://www.clackamas.us/planning/marijuanaregulations.html>)

Let me address the first issue first. Our property, on two connecting parcels, is just under 2 acres. It was obviously part of a 5 acre track in the past, but has been broken up over the years. In our view, given the very strict rules OLCC is formulating regarding security and building improvements, the mandatory 5 acre minimum for RRFF-5 that Clackamas county is proposing is unnecessarily excessive. A larger parcel, in and of itself, will not ensure a safer environment. The very comprehensive requirements imposed by OLCC for licensure are tailor made to ensure the safety and security of the facility and community. If a company can incorporate those stringent requirements, with heightened safety and security, I find it hard to believe that the addition of a few acres alone will make a property inherently "safer" or more secure.

On the second issue, the OLCC's draft rules seem to imply a cannabis business cannot be the site of a primary residence. On the other hand, unincorporated Clackamas draft rules seem to insist that the property owner themselves reside on site. These rules are in direct conflict with one another and creates an impossible scenario. No other industry has mandatory restrictions that require a primary residence where a business is operating and I do not think mandating a family reside on site enhances security in any meaningful way. Instead, I think it does the opposite. I know that my presence alone does not makes the site more secure, but the proposed extensive OLCC security regulations, which mandates 24 hour video surveillance definitely will create a safer and more secure business

My native Oregonian partners are eager to meet the state and county regulations so that we can provide a natural, organic product that exceeds expectations and maintains community safety. My partners wish to create opportunity for fellow Clackamas citizens, and to see their hard work result in a brighter future for themselves and their families. Clearly most of the cannabis businesses that will meet all the requirements set forth by the OLCC will be those with substantial resources, most provided by out of state funding. Despite the requirements that natives Oregonian own at least 51% of the cannabis businesses, I am sure that these "foreign" investors will find exceptions to the rule; they will ultimately dominate our markets. Please do not give more power to those out of state investors. Encourage the small but dedicated entrepreneurs to help make unincorporated Clackamas grow into the kind of success story we can all be proud of.

I sincerely believe removing the mandatory 5-acre and "on site" residency requirements of RRFF-5 zoned lots will go a long way towards fostering an environment which balances responsible business practices with health and safety in a newly emerging industry that can provide quality jobs for our state and local community.

Sincerely,

Justin Page
503-724-1449

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Page 1 of 1

From: Shirley Morgan [<mailto:shirley.morgan@aecinc.com>]

Sent: Wednesday, October 14, 2015 9:45 AM

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

Cc: Boderman, Nathan; Schmidt, Gary; Roberts, Craig; Ellington, Matt; Foote, John; Davis, Jeff; Brian.Pasko@gmail.com; Chandler, Daniel; Hughes, Jennifer; McCallister, Mike; Norman Andreen (nandreen@bctonline.com); Gail Holmes (Holmes2410@gmail.com); John Drentlaw (john@jldllc.com); John Gray; Mark Fitz; meekmark@worldstar.com; Michael Wagner (mwagner@molalla.net); Rogalin, Ellen; tomp234@frontier.com; 'sen.chuckthomsen@state.or.us' (sen.chuckthomsen@state.or.us); 'Rep Johnson'; Schmidt, Gary

Subject: Citizens for Public Safety, Quality of Life, Property Values Clackamas County Planning and Zoning Marijuana Land Use Testimony

Importance: High



FOR YOU INFORMATION

PUBLIC TESTIMONY ON BEHALF OF CITIZENS FOR PUBLIC SAFETY, QUALITY OF LIFE, PROPERTY VALUES REGARDING MARIJUANA PLANNING AND ZONING LAND USE REGULATIONS.

Testimony letter attached with an updated Just Like a Tomato Case Study File

***NOTICE:** This e-mail and any attachments contain confidential information that may be legally privileged. If you are not the intended recipient, you must not review, retransmit, print, copy, use or disseminate it. Please immediately notify us by return e-mail and delete it. If this e-mail contains a forwarded e-mail or is a reply to a prior e-mail, the contents may not have been produced by the sender and therefore we are not responsible for its content.*

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Received 10-14-15

10-26-14 Public Testimony - Clackamas County Planning Commission

Good evening Commission. My name is Shirley Morgan, from Welches.

As a national advocate for public safety, quality of life and protection of property values, I commend the commission for the development of land use restriction's, however voters were not told that marijuana would be redefined as an agricultural crop and grown in all exclusive farm use areas without any neighbor notification, conditional use permits, or required hours of operation.

We are seeing large industrial complexes being leased by out-of-state investors to open up mega recreational marijuana facilities of which we already have one local businessman who has tried to lease space at an industrial complex in Boring and was told that the entire facility, 73,000 sq. feet had been potentially leased to marijuana growers, this is the plywood cabinet maker location in Boring. When a local businessman who has lived in the area operating a legitimate business and wants to expand his business by 10,000 sq. ft. only to be told all of the local industrial land has been leased out to pot growers, something is seriously wrong.

We are also seeing compounds and large greenhouse structures showing up in all of our rural residential and exclusive farm use properties throughout the state.

- One is 300' x 700' and enclosed by 6' high non see through fence with 10 rows of barbed wire on the top and has blocked the view of surrounding neighbors.
- We are seeing 160' x 60' x 30' high greenhouses with commercial fans that sound like small airplane engines that are being run 24/7
 - On Sunday Oct. 11th in an FF10 area in Clackamas County in Colton, there was a medical marijuana greenhouse possible pot rip off, with the firing of weapons at 7:30am and neighbors in the area were threatened by the grower running around in the road firing off weapons and yelling obscenities, it took 45 minutes for law enforcement to arrive. These aren't just bad neighbors, this is a consistent theme of behavior that we are seeing around the State in many of the marijuana grow site locations.
- In our Rural Residential, Timber AG and EFU areas horse stables are being purchased just to grow marijuana
- We are concerned by:
 - 100' setbacks in EFU which should be at least 200' on frontage roads or from neighboring homes
 - Removal of large numbers of trees
 - the illegal excavation of ponds to capture underground water
 - No marijuana wholesaling or retailing should be allowed outside the urban growth boundaries or in our rural commercial RC and rural tourist commercial RTC areas on Highway 26 on Mt. Hood. Not only are many of these locations located right in the heart of our limited restaurant and tourist store areas, but marijuana wholesale facilities will be holding bins for receiving, storing, and delivering finished marijuana products both wholesale and retail, making them targets for armed robberies in areas with limited law enforcement.

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We are alarmed that the Clackamas County Zoning and Planning commission in their 10/26/15 meeting is now considering expanding marijuana production use to our industrial areas, when they have already expanded use to the timber zones and agricultural zones along with the exclusive farming use areas which are state controlled. It appears that we will now be back to allowing marijuana production in just about every zone in the County. Allowing both industrial marijuana production and EFU, Timber AG, and Agricultural 10 and potentially in our rural residential areas with possibly conditional use permit requirements we will also expand the risks to our local communities.

We must all be reminded that marijuana is still a federally illegal drug and brings with it a lot of risks, such as the shootings and medical marijuana rip offs putting the surrounding neighbors at risk.

Do we need a fatal shooting in Clackamas County before we heed the warning? Multnomah County has seen 4 fatal shootings at medical marijuana grow sites in the last five months, and the most recent and senseless killing of Elizabeth Kemble who was hit at 8am in a cross walk in Gresham, by a driver high on marijuana, should bring accountability to us all.

Leadership is a challenge, but leaders who acquiesce to out-of-state drug dealers and pro marijuana lobbyists over the rights and protections of the local citizens who have lived in Clackamas County all of their lives, should be reminded that State laws that require local governments to break Federal laws are corrupt laws and the voters should have the final say about their public safety, quality of life, and protection of their property values.

Sincerely,

Shirley Morgan

P. O. Box 1351

Welches, Oregon 97067

<http://www.clackamas.us/planning/marijuana.html#past>

Upcoming Meetings and Public Hearings

- | | |
|---------------------------------|---|
| Oct. 12, 2015
6:30 p.m. | Planning Commission Study Session
Auditorium, Development Services Building 1st floor (no public testimony) |
| |   |
| Oct. 26, 2015
6 p.m. | Planning Commission Public Hearing
Abernethy Center Ballroom, 606 15th St, Oregon City (public testimony permitted) |
| Nov. 2, 2015
6 p.m. | Planning Commission Public Hearing (continued, if needed)
Abernethy Center Ballroom, 606 15th St, Oregon City (public testimony permitted) |
| Nov. 10, 2015
1:30-3:30 p.m. | Board of County Commissioners Planning Session
BCC Hearing Room, Public Services Building 4th floor (no public testimony) |
| Nov. 23, 2015
9:30 a.m. | Board of County Commissioners Public Hearing
BCC Hearing Room, Public Services Building 4th floor (public testimony permitted) |
| Dec. 2, 2015
9:30 a.m. | Board of County Commissioners Public Hearing
BCC Hearing Room, Public Services Building 4th floor (public testimony permitted) |

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To: Clackamas County Board of Commissioners
Re: Public Hearing 10/26/15

I regret that I am unable to attend in person. I wanted to personally express my opposition to growing Marijuana in my community. Contrary to popular opinion it is not harmless. Historically it has never been defined as an agricultural product and I don't think we have that authority to redefine it.

When my great grandfather Richard Alfred Schoenborn chose to live on this land the community was more important to him than money. He was important in the community because of his integrity not his financial status.

I realize that not everyone will respect integrity and community values. My grandfather Victor H. Dunton was a Clackamas County Deputy Sheriff, probably the first deputy to be killed in the line of duty in 1934. They found his body below the Willamette Falls fish ladder.

I ask you to make your decision based on community values, not money.

Victor H. Dunton
25196 S. Schoenborn Rd.
Mulino, OR

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October 26, 2015

Testimony of David Morgan and Susan Tate, Farmers

Clackamas County Planning Commission

Re: Marijuana Land Use Regulations

We are testifying to request the County strongly consider treating small acreages in AG/F Zones the same as FF10 and RRF5 Zones with regard to marijuana land use regulations.

Please see exhibits attached. Sixty-four percent (64%) of Ag/F parcels measure 10 acres or less – a total of 1,816 parcels. **64%**! These neighborhoods of small acreages are no different than FF-10 or RRF5 neighborhoods and we respectfully request that the same more restrictive special standards be applied.

With regard to total acreage in AG/F lands, only 20% of the acreage would be affected by additional special standards. 80% of AG/F lands could be considered the same as EFU – the only natural resource zone required by state law to allow marijuana cultivation. **Of the 36,232 acres zoned AG/F in Clackamas County, only 7,458 AG/F acres would be affected by increasing special standards.**

By limiting the impacts of marijuana cultivation on small AG/F parcels, neighbor-to-neighbor conflicts could be greatly reduced. **Which would, in addition, greatly reduce the demands on Clackamas County government and enforcement agencies.** At the same time, the impacts would be minimal to total acreage available for marijuana cultivation.

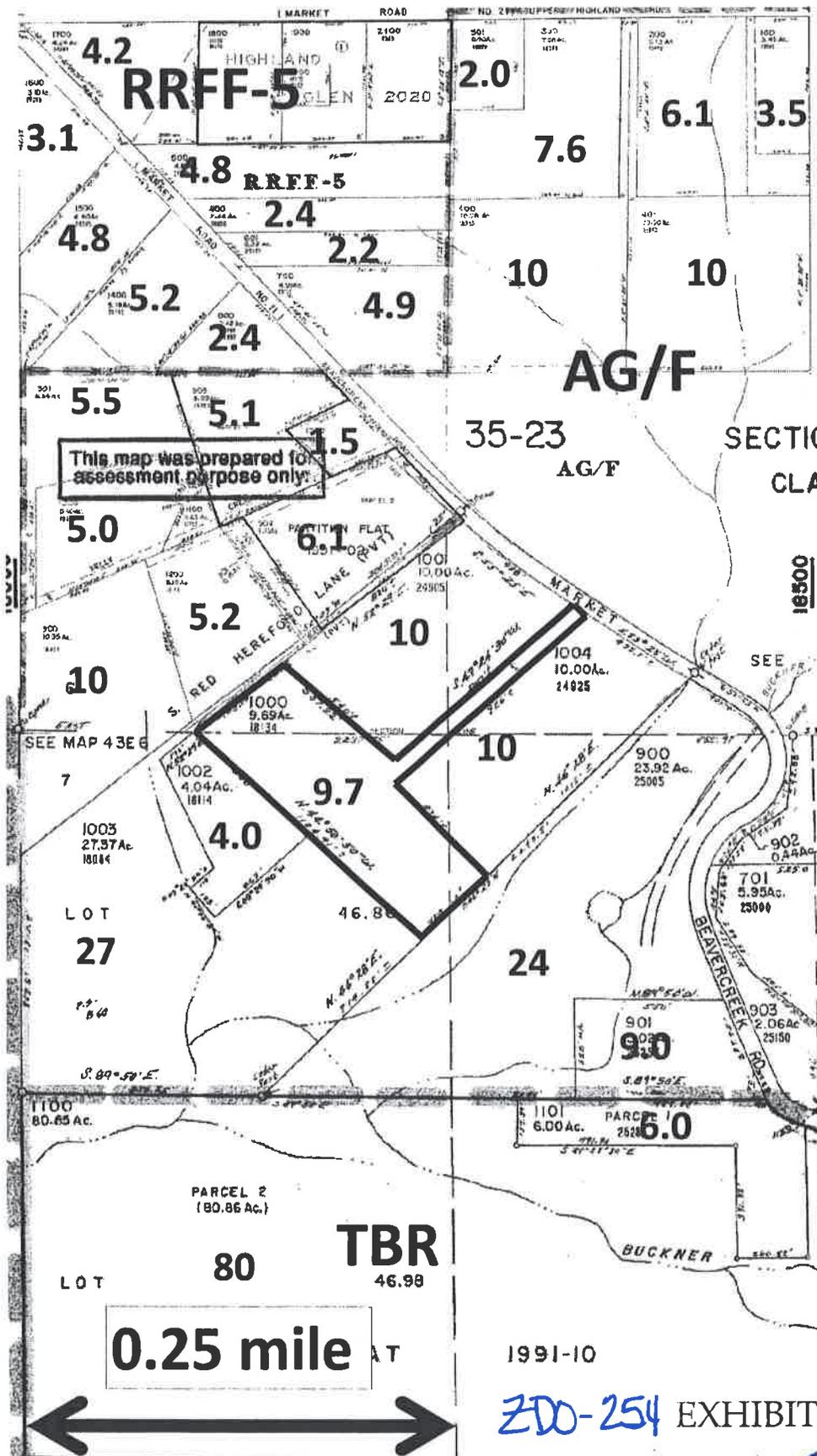
As 25 year residents of Clackamas County, we raise cattle, pigs and hay on our small farm in Beaver Creek. We are not opposed to cannabis cultivation in rural Clackamas County, however we are very concerned about the preservation and livability of our rural neighborhood. Large industrial fans, close proximity of grow sites, and a host of other interesting by-products associated with cannabis production could make life in our currently lovely neighborhood unpleasant, maybe unlivable.

There are currently two (2) separate medical marijuana grow sites next to and close to our farm. Both of them will have issues when the new state and county regs go into effect, but our main concern is industrial fans. The grow that is close to our farm runs a fan that is basically a jet engine. More industrial fans in our valley would be a disaster. **That is why we are particularly interested in a special standard for noise for small acreages in AG/F.**

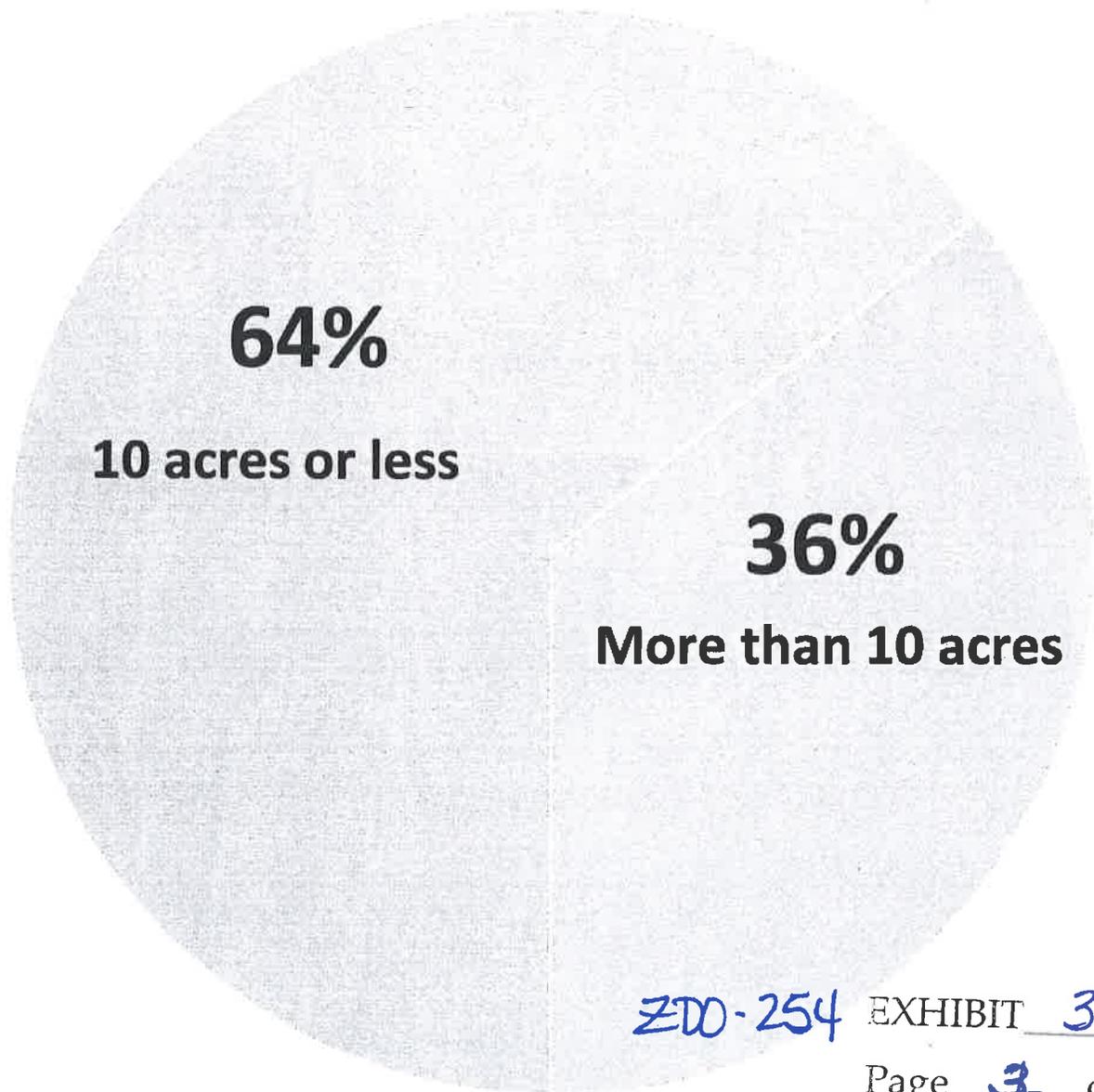
It is said that good fences make good neighbors. In rural Clackamas County, good land use planning makes good neighbors.

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Parcel Sizes in the Red Hereford Lane Area



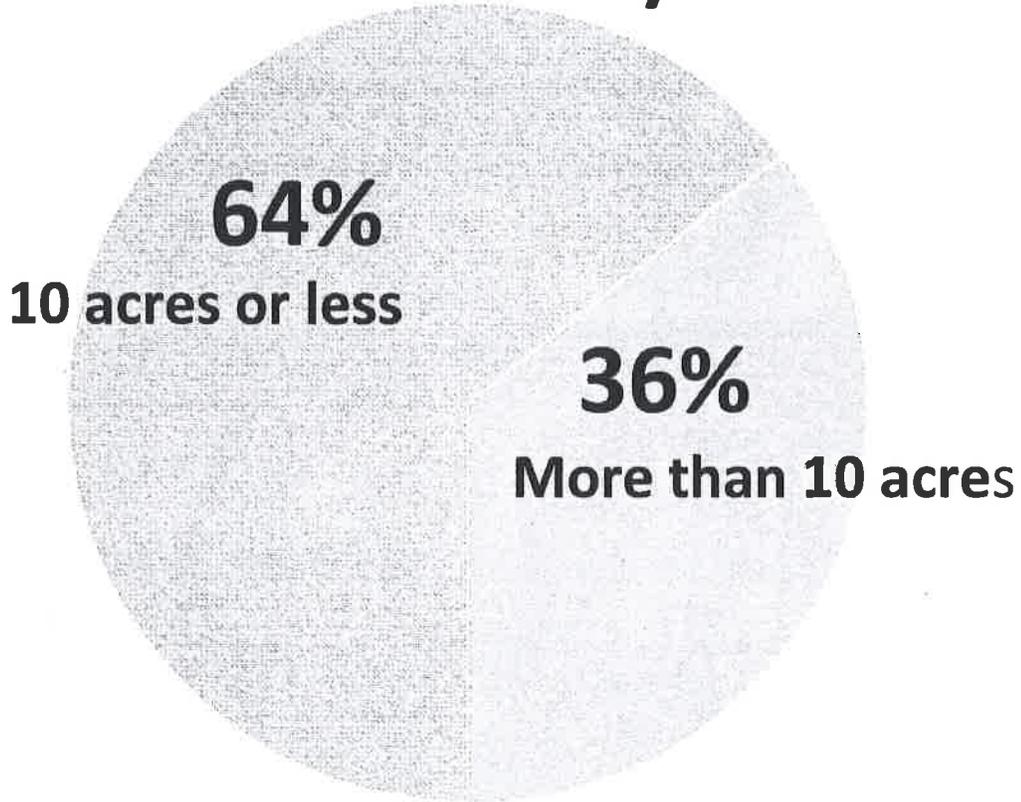
AG/F Land Parcel Sizes in Clackamas County



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Source: Clackamas County Soil and Water
Conservation District, October 2015

Parcels - AG/F



Acres – AG/F



EXHIBIT 38

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Special Standards	AG/F	RRFF-5 FF-10
Set backs	✓	✓
Access	✓	✓
Odor	✓	✓
Lighting	✓	✓
Security cameras	✓	✓
Water	✓	✓
Secure disposal	✓	✓
Noise	⊗	✓
Owner on-site	⊗	✓
Minimum 5 acres	⊗	✓
Enclosed building	⊗	✓
Maximum building size	⊗	✓

MARIJUANA

We do not want or support zone changes for the purpose of allowing the growth and sale of marijuana in Clackamas County or any other county in the state of OREGON.

This drug is bad and will add more need for law enforcement, medical, mental health and will destroy families, values etc.

No amount of taxation to be used for schools and other purposes is worth the added burden to police the people who will use this drug for recreation.

Good people follow rules, Bad people make their own laws---NO LAWS.

Ballot Measure 91 was financed by out of state donors. The vote was 56% yes and 43% no.

DO NOT CORRUPT OREGON

Medical marijuana has caused increased robberies and thefts, thus clogging up the justice system.

We have too many laws already and not enough personnel to handle the demands.

If marijuana is so good for people, why do we have police risk their lives at the Mexican border to stop smugglers?

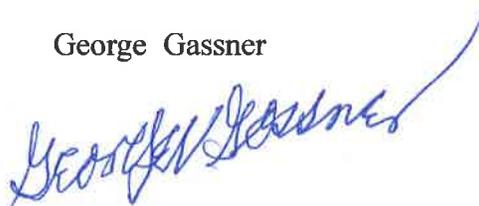
Clackamas County, please do not allow the sale or production of MARIJUANA.

WE DO NOT NEED THIS INDUSTRY!!!!!!!!!!!!!!!!!!!!!!!!!!!!

October 26, 2015

Marie Gassner

George Gassner



ZDO-254

EXHIBIT 39

Page 1 of 1



Leading the Logical Path for Medical Cannabis

Medical Cannabis/Cannabinoid Research
Medical Cannabis Processing/Cultivation Technology
Medical Cannabis Standardization and Compliance Specialists
www.CANNALOGIX.org - 1-844-CANNALOGIX

Greetings,

My name is Braxton Creel, I am an OMMP patient and most importantly Clackamas County Resident. I am the Medical Liaison for Willamette Valley NORML, but I am also founder and Exec. Director of Cannalogix Foundation, we are a non-profit organization that caters to OMMP patients who are extremely sick and usually in the period known as end-of-life. We have several compassionate growers that work from their homes and farms in Clackamas County that collectively care for the State of Oregon's most needy patients. These are productive citizens of Clackamas County that make a huge difference in peoples' lives. Their neighbor's are not scared, they aren't concerned about their safety and they aren't trying to stop these growers from helping the sick either.

It is widely known in the Medical Cannabis Community that we are being "represented" by lobbying groups, Business Interest Groups and Out of State interests. As a patient, grower and provider in Clackamas County I want to make it clear that they do not represent me. The current draft of zoning ordinances are obviously written to protect the groups and businesses that have been making a profit off the backs of patients and obviously do not represent those of us that are in this industry to help sick people, nor do they represent those of us that are towing the line of patients that have been impacted by their lobbying efforts thus far...

The proposed Zoning laws are not reasonable on a variety of levels, HB 3400 gave the county the ability to regulate recreational marijuana retail stores, processing and production facilities with regards to "time, place and manner", however, that is for recreational marijuana stores and production facilities only. By adding in medical cannabis to that category, Clackamas county is irresponsibly governing the needs of all of the Clackamas County residents regardless of their current position on cannabis.

As the Medical Liaison for Willamette Valley NORML, it is my job to review and compile studies of cannabis and it's medicinal values. On a weekly basis new studies from around the World are being published shaping the future of medical care for millions of patients suffering hundreds of diseases that plague people in every part of the World, not just Clackamas County. Additionally, cannabis has been proven to provide relief and symptom control when pharmaceutical options have been exhausted. By imposing these types of zoning requirements, Clackamas county is putting patient's lives at risk could potentially be placing themselves in a position of liability and or litigation.

As an OMMP patient/resident of Clackamas County, a Medical Cannabis Researcher and an advocate for patients' rights, I ask that the passing of any new zoning ordinances be placed on hold until we can reach a compromising solution, so that my staff and I may be able to share some research statistics specifically in regards to Clackamas County and present some possible solutions to continue serving the needs of the people of Clackamas County and at the same time address the issues and concerns that have perpetuated the drafting of these measures. Sorry for taking so much time, I am available to meet and discuss what I can bring to the table to help those of you making decisions for the residents of Clackamas County to make the most informed decision on these matters. Thank you for your time.

Respectfully,


Braxton Creel, Executive Director
Cannalogix Foundation

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Medical Liaison – Willamette Valley NORML

UP
I support the growing of commercial residential
marijuana in exclusive farm use zoning.

~~see other side for name & address~~

Mike Hickey
15280 SE 262ND
Boring OR 97009

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Page 1 of 1



Green Business Law, LLC

315 Commercial St SE, Suite #319
Salem, OR 97301
Bradley@greenbusinesslaw.us
Office: 503-841-6586

Bradley M. Steinman

Attorney at Law

Cell: 847-917-9673

Date: October 26, 2015

To: Clackamas County Commissioners; Clackamas County Planning and Zoning

From: Bradley Steinman

Re: File ZDO-254, Proposed Zoning and Development Ordinance Amendments – Marijuana-Related Land Uses

Dear Clackamas County Commissioners and Planning,

I represent Mr. Phil Levesque, one of the 3,448 registered medical marijuana growers of Clackamas County. This written comment identifies certain grounds upon which my Client opposes the proposed Zoning and Development ordinance amendments contained in ZDO-254.

Two options are now proposed for medical marijuana production and processing: comply with the same standards as recreational marijuana or provide a larger setback of 200 feet in lieu of complying with the odor, lighting (for other than grow lights), water, waste management, and noise standards. **The reason for this approach is misguided, because the state law does not provide for the county to apply “reasonable regulations” to marijuana grow sites, until March 1, 2016, when section 89 of HB 3400 becomes operative. Until such time, no regulation of medical marijuana production is reasonable, as the state has expressly preempted and occupied the field.**

My client opposes the ZDO-254, Proposed Zoning and Development Ordinance Amendments related to marijuana production for the following specific reasons:

- 1.) County has no authority to regulate medical marijuana grow sites until March 1, 2016. As such, any regulations whatsoever at this juncture would be unreasonable.
- 2.) Failure to adequately distinguish between medical and recreational marijuana uses and state laws applicable to medical v. recreational marijuana – see, Section 6, Chapter 1, Oregon Laws 2015 exemption for compliance with OMMA.
- 3.) 100 foot lot line setback requirement. 841.03(A)
- 4.) 841.03(H)(1) – the subject property shall be a minimum of five acres.
- 5.) A maximum of 5,000 square feet of building space may be used for all activities associated with marijuana production on the subject property. 841.03(H)(2)
- 6.) Requirement that property owner live in dwelling unit on the subject property 841.03(H)(3)

- 7.) The Amendments as proposed would have the effect or purpose of preventing my Client from producing marijuana seed and marijuana seed products for medical use by limiting his ability to grow outdoors, preventing him from being able to grow at all due to the size of his 'subject property' and where his property is zoned, and impose burdensome, duplicative, and conflicting regulations that are in conflict with state law, by either requiring what state law prohibits, or prohibiting what state law allows, or allowing what state law prohibits.

Facts

The Clackamas County Board of Commissioners is considering amending the Zoning and Development Ordinance (ZDO) to add land use regulations for marijuana. House Bill 3400 specifies that marijuana is a crop for purposes of the definition of farm use in ORS 215.203 and clearly permits the production and small-scale processing of marijuana in Exclusive Farm Use zones. House Bill 3400 also prohibits marijuana-related farm dwellings, farm stands and commercial activities in conjunction with farm use.

The county's community/industry Marijuana Land Use Regulations Advisory Task Force met Aug. 12, 19 and 26 to discuss policy issues. Meeting audio recordings, agendas, handouts and summaries are available below. On Aug. 24 the County Planning Commission held a study session to discuss possible marijuana land use regulations. The meeting agenda, packet and audio recording are all available online at: <http://www.clackamas.us/planning/marijuana.html>.

The first draft of county regulations was drafted by Planning and Zoning Division staff, and sent to the Oregon Department of Land Conservation and Development on Sept. 21, 2015, as required by state law. A second draft of the proposed regulations, including amendments requested by the county Planning Commission, were issued on October 14.

My client is a registered medical grower in an area located in unincorporated Clackamas County, and who will be detrimentally affected by the provisions of the proposed amendments, in that he will be inhibited our prevented from producing nursery stock – marijuana seeds and limited marijuana retail product.

Discussion

Municipalities may enact ordinances that deal with issues of local concern, as long as those ordinances don't conflict with state laws. *La Grande v. Public Employees Retirement Bd.*, 281 Or 137, 143, 576 P 2d 1204 (1978), *adhered to on rehearing* 284 Or 173, 586 P 2d 765 (1978). *See also Or. Const., Art. XI, sec. 2 and Or. Const., Art. IV, sec. 1(5)* (giving a city authority to determine the organization of its government and the scope of its governmental power). Here, however, because marijuana is propagated through clippings, medical cannabis being cultivated at a licensed medical marijuana grow site is undeniably nursery stock about which most Oregon counties are expressly preempted from regulating by ordinance, including zoning and business license ordinances.

The State of Oregon has legalized the medical use of marijuana under certain circumstances. State laws governing the growth, cultivation, and transfer of marijuana supersede and preempt and occupy the field of any and all Local government ordinances which may purport to restrict the same beyond the guidelines established by the State. State law preempts conflicting local ordinances, and occupies the field of medical marijuana.

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For purposes of ORS 475.300 to 475.346, seeds of the plant Cannabis family Cannabaceae are a propagant of nursery stock as defined in ORS 571.005. HB 3400, SECTION 88f. (1). Marijuana is propagated either by seeds or cuttings from a mother plant. ORS 475.302 defines a “Marijuana grow site” as a location registered under ORS 475.304 where marijuana is *produced* for use by a registry identification cardholder.

ORS 633.738(2) provides:

Except as provided in subsection (3) of this section, **a local government may not enact or enforce a local law or measure, including but not limited to an ordinance, regulation, control area or quarantine, to inhibit or prevent the production or use of agricultural seed, flower seed, nursery seed or vegetable seed or products of agricultural seed, flower seed, nursery seed or vegetable seed.** The prohibition imposed by this subsection includes, but is not limited to, any local laws or measures for regulating the display, distribution, growing, harvesting, labeling, marketing, mixing, notification of use, planting, possession, processing, registration, storage, transportation or use of agricultural seed, flower seed, nursery seed or vegetable seed or products of agricultural seed, flower seed, nursery seed or vegetable seed.

“Limited marijuana retail product” has the meaning given that term in section 2, chapter 784, Oregon Laws 2015 (Enrolled Senate Bill 460), and includes marijuana seeds, flowers, and immature cannabis plants.

ORS 633.738(1)(b) defines ‘Nursery seed’ to mean any propagant of nursery stock as defined in ORS 571.005.

ORS 571.005(5), in turn, defines ‘nursery stock’ to include:

...all botanically classified plants or any part thereof, such as floral stock, herbaceous plants, bulbs, buds, corms, culms, roots, scions, grafts, cuttings, fruit pits, seeds of fruits, forest and ornamental trees and shrubs, berry plants, and all trees, shrubs and vines and plants collected in the wild that are grown or kept for propagation or sale.

“Nursery stock” does not include:

- (a) Field and forage crops.
- (b) The seeds of grasses, cereal grains, vegetable crops and flowers.
- (c) The bulbs and tubers of vegetable crops.
- (d) Any vegetable or fruit used for food or feed.
- (e) Cut flowers, unless stems or other portions thereof are intended for propagation.

Section 89 of HB 3400 permits some regulation of existing medical marijuana growsites.

SECTION 89. Section 2, chapter 79, Oregon Laws 2014, was amended in HB 3400 to read:

(1) For purposes of this section, “reasonable regulations” includes:

- (a) Reasonable limitations on the hours during which the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may operate;**

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(b) Reasonable conditions on the manner in which a marijuana processing site or medical marijuana dispensary may transfer usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;

(c) Reasonable requirements related to the public's access to the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary; and

(d) Reasonable limitations on where the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may be located.

(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of marijuana grow sites of persons designated to produce marijuana by registry identification cardholders, marijuana processing sites and medical marijuana dispensaries that are located in the area subject to the jurisdiction of the city or county.

SECTION 57. Section 58, chapter 1, Oregon Laws 2015, is amended to read:

“ Sec. 58. The provisions of sections 3 to 70, chapter 1, Oregon Laws 2015, are designed to operate uniformly throughout the state and are paramount and superior to and fully replace and supersede any municipal charter amendment or local ordinances inconsistent with the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015. Amendments and ordinances that are inconsistent with the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015, are repealed.”

HB3400 §33, amends M91 §59, and addresses only RECREATIONAL marijuana – not medical.

This is due to the exemption provided by Measure 91's subsection 6, which was not changed by HB 3400 or any of the other new laws passed by the legislature this year, and exempts folks operating in compliance with and in the scope of the OMMA from being subject to certain provisions of HB 3400 – including Sections 33 and Sections 34.

SECTION 33. Section 59, chapter 1, Oregon Laws 2015, is amended to read:

Sec. 59. (1) For purposes of this section, “reasonable regulations” includes:

(a) Reasonable conditions on the manner in which a marijuana producer licensed under section 19, chapter 1, Oregon Laws 2015, may produce marijuana;

(b) Reasonable conditions on the manner in which a marijuana processor licensed under section 20, chapter 1, Oregon Laws 2015, may process marijuana;

(c) Reasonable conditions on the manner in which a marijuana wholesaler licensed under section 21, chapter 1, Oregon Laws 2015, may sell marijuana at wholesale;

- (d) Reasonable limitations on the hours during which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may operate;
- (e) Reasonable conditions on the manner in which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may sell marijuana items;
- (f) Reasonable requirements related to the public's access to a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; and
- (g) Reasonable limitations on where a premises for which a license may be issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, may be located.
- (2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015, from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015.
- (3) Regulations adopted under this section must be consistent with city and county comprehensive plans and zoning ordinances **and applicable provisions of public health and safety laws.**

Section 33 is operative on January 1, 2016. Section 89 is operative on March 1, 2016 (per Section 179(1)). The opt-out provisions are effective as of June 30, 2015.

These state law enactments effect this discussion in these ways:

1. Section 33(2), by referencing the GMO law ('Notwithstanding ORS 633.738') reinforces the argument that there can be no 'reasonable regulation' of growsites cultivating nursery stock, and that 'nursery stock' includes "Marijuana."
2. Section 89, by not being effective until March 1, 2016, strengthens the argument that local governments are currently without authority to regulate medical marijuana growsites.
3. The opt-out provisions of Sections 133-135, by omitting medical marijuana growsites, evinces legislative intent that medical marijuana growsites cannot be banned by cities or counties.

This ordinance, to the extent it prohibits or prevents or has the effect of inhibiting or preventing my client from being able to produce marijuana seed, will be subject to challenge in court.

Under Oregon State law, marijuana *shall* (must) be treated like other medicines. There is no reason to be enacting an illegal discriminatory policy against sick people - persons who suffer from debilitating medical conditions, or medical marijuana registry cardholders. This amendment would impede Patient's access to

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medicine, which they have a right to under Oregon state law, and vested constitutional rights, privileges, and immunities under State law.

To the extent the Ordinance amounts to a functional ban of existing grow sites, it is a taking, for which just compensation will be required to be owed to my client, and I imagine many others. And to the extent it prohibits or would prohibit the *establishment* of, or impede the production of expanded or new production operations of any new or existing medical marijuana grow sites, it is in conflict with state law, and would be, or already is, repealed because it is expressly preempted.

Moreover, marijuana should not be in public view, to the extent it is medical, it is inherently private activity by law. See, HB 3400 SECTION 87b. Amending ORS 475.316:

“A person is not exempt from the criminal laws of this state for possession, delivery or manufacture of marijuana, aiding and abetting another in the possession, delivery or manufacture of marijuana, or any other criminal offense in which possession, delivery or manufacture of marijuana is an element, and the person may not assert the affirmative defense established in ORS 475.319, if the person, in connection with conduct constituting an element of the offense:

(2) Engages in the medical use of marijuana in a **public place**, as defined in ORS 161.015, or public view..”

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 not simply being a good neighbor – it is a requirement of state law. The 100 foot set-back, among other proposed amendments, would violate the ‘right to farm’ of my Client that come along with marijuana being defined and regulated as a crop, and protected by the State’s preemptive Seed Bill, and falls under the occupied field of the Oregon Medical Marijuana Act. Simply put, the state has indicated that the County has no room to adopt the amendments as proposed.

In connection with this letter, my client respectfully requests the following:

- 1.) That this letter be included in the record regarding the proposed ordinance;
- 2.) That the entire record, including a transcript of any oral testimony presented to the Planning Commission, be provided to the County Commission for its review before deciding whether to enact the proposed ordinance;
- 3.) That the County keep my client notified of any further proceedings regarding the proposed ordinance; and
- 4.) That the County direct all notices and other communications regarding this matter to me.

Very truly yours,

Bradley M. Steinman, OSB # 136110
Attorney at Law
Green Business Law, LLC

TESTIMONY TO CLACKAMAS COUNTY ON FILE ZDO-245 PROPOSED ZONING AND
DEVELOPMENT ORDINANCE AMENDMENTS-MARIJUANA-RELATED LAND USE
26 October 2015

My name is **BERNARD MERRILL** and I live at **4333 S.E. ROBIN ROAD, Oak Grove**, in unincorporated Clackamas County.

My testimony will be short because it deals with the production and processing of marijuana in residential areas zoned R-8.5, and with growers who have limited their current planting to 12 plants.

I note, to my dismay, that these proposed regulations would apply only to addresses where there are more than 12 mature marijuana plants, and therein, to quote Shakespeare, "lies the rub."

The Planning and Zoning staff tell me that there is legislative history to support the decision that where there are 12 or less marijuana plants, there is a great likelihood that no regulation, at least within zoning issues, are being considered. But here is the reality:

- Summer growing and fall harvesting of 12 mature plants on Robin Road made outdoor activities this year untenable. We had to move guests in-doors from outside BBQ's and dining because of the odor from these mature plans.
- Neighbors next door to a 12 mature plant grow indicate that they cannot sleep with their bedroom window open due to the odor. The plants are less than 12 feet from their property line.
- Real estate agents, but NOT the Real Estate Association, indicate that they are having difficulty showing homes within the best-selling summer months if the prospective buyer walks outside of a house for sale and asks "What's that smell."
- If I was not retired, and still practicing law, I would advise any clients who were considering selling their home that failure to advise potential buyers of a next door or neighborhood grow might create liability on their part for "failure to disclose a material fact" that would affect property values.

I am aware that you will hear from some industry advocates that 12 mature plants is too low a number. But the impact from 12 mature, in-the-ground plants has affected the livability of our neighborhood. It is unlikely that growers who have plants in the ground will ever sell, since they are guaranteed a cash-crop for the foreseeable future, thereby negatively impacting the property value of all homes within the "odor zone" of their grow.

In addition, think about what this means if one is negatively affected by a neighbor's grow. Will I look over my neighbor's fence, hoping to catch them violating the 12-

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Ben Merrill testimony
26 October 2015
Page 2

plant limit? Will I constantly call the county complaining of a nuisance because of the impact that the grow and harvesting has on my livability? Will I try to sell my house, at a reduced property value because of the grow but hide that fact from a potential buyer? Will I vote against politicians who refuse to do anything about the impact grows are having on neighborhoods?

Please note that retailing of marijuana is subject to numerous odor controls and prohibitions. But the current standard of 7:1, seven parts to one part, that trips a clean air violation is very difficult to establish as a basis for a complaint. Private nuisance suits are not very successful and simply create bad neighbors.

At the very least, I encourage the county to inspect reported residential grows when complaints arise, no matter what the number of plants, and to chart and track the grows in neighborhoods and communities. A data base is needed if the county finds that it needs to revisit the impact that residential grows are having on the communities that find themselves trapped in a spiraling case of reduced property values (and hence declining property taxes) and livability standards that no one is currently able to address. Failure to act now to establish the impact that grows are having on neighborhoods will create a world of woe further down the line when residents are angry, property values and concomitant property taxes are lower, and grows are entrenched and defensible as "taking property without due compensation." The county will find that it has paid dearly for not addressing these issues up front and now.

Thank you.

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My name is Jean Roberts and I live outside of Sandy.

I am for allowing the citizens of Clackamas County to revote in Nov. 2016 because it is **WE** who are being most impacted, however regarding land use these are my recommendations:

- We do not want pot grows and the pollution they bring in our RRF5 and 10 rural residential lands
- It was the urban areas who voted yes for marijuana legalization yet it will be the rural areas who voted **NO** who **ARE** being most impacted.
- I see no valid reason to have marijuana wholesalers as anyone 21 can grow their own and buy from a dispensary. Having a wholesaler in the middle of our communities simply expands visibility and makes it another target for robberies and fatal shootings. Even Colorado and Washington have never heard of a pot wholesaler, yet Oregon is proposing it?
- Our rural residential areas have only 1 deputy patrolling at any given day from Boring to the Warm Springs border.
- If they are not in the area, it can take as long as 1 hour or more for them to arrive to an emergency.

With that we are asking that there be no commercial growing, processing, wholesaling or retailing allowed in our rural residential, rural or rural tourist commercial areas. By expanding this **federally illegal drug** to vulnerable areas in our County, you are putting our public safety, quality of life and property values at risk.

Thank you.

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Good Evening Commission:

My name is Rocky Roberts and I live East of Sandy.

In relation to land use issues, I want to point out that **we are not the few that are complaining**, we are the **many ACROSS THE STATE** who now live with the everyday pot smell of skunks in the middle of our rural residential communities, that is simply not acceptable.

- So **NO**, it should not be allowed in our **RRFF5 and 10 properties**
- I also feel “grandfathering” or any variance from regulations should not be allowed, such as variance from setbacks. Rewarding bad behavior is wrong.
- Citizens have been subjected to incidents of threats with firearms, “F---“off signs painted on buildings, murders – execution style, and traffic deaths. Is the increase in criminal activity really worth it? Ask our police!

Though we appreciate the steps that the land use commission has made in terms of trying to mitigate what shouldn't be allowed in our rural communities to begin with, we are disturbed by the expansion of allowing marijuana grows and processing into our Timber, Ag10, and industrial zones.

Our Clackamas County leaders have been given by law the right to Opt out of having a federally illegal drug in our community and refer it back to the voters in November of 2016 and we hope that they review this option but in the meantime, we request that our planning commission not allow any marijuana growing, processing, wholesaling or retailing in our rural residential or rural commercial communities.

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October 26, 2015

Good evening commission, my name is Laura Underwood from Sandy.

I am opposed to having any medical or recreational grows or processing sites in my rural residential community and I support prohibiting marijuana growing, processing, wholesaling or retailing in my rural residential community.

I am opposed to this because I am currently living next to one who has lied about their original intentions to the previous owner on their conditional use permit when they said they were going to continue the 38 year old candy making tradition that made the business an iconic fixture in our community, when in essence they were going to not only produce candy but other food infused with marijuana.

They basically stripped the land by:

- Removing a lot of trees.**
- Not to mention improper grading, for the sole**

purpose of growing marijuana.

- **They have illegally excavated a huge holding pond to trap underground water which will eventually impact the neighbors in a negative manner with pesticide runoff, an ecological disgrace.**

Is this a model of someone creating good relationships in their neighborhood? Can they be trusted to be in compliance in regards to regulations in the marijuana industry when they have already been deceitful?

We as a neighborhood were never given the notification of a change in the conditional use permit for the new marijuana infused candy making business. It is a much different candy when a drug is added to it, therefore vastly changing the product.

Sincerely,

Laura Underwood

48400 SE Wagoneer Loop

Sandy, Oregon 97055



October 26, 2015

P. O. Box 1351-Welches, Or

Good evening Commission. My name is Shirley Morgan, from Welches.

As a national advocate for public safety, quality of life and property values. I commend the commission for the development of land use restrictions however voters were not told that marijuana would be redefined as an agricultural crop and grown in all exclusive farm use areas without any neighbor notification or conditional use permits, therefore voters should have the right to revote on this.

- We are seeing large industrial complexes leased by out-of-state investors to open up mega recreational marijuana facilities
- Compounds that are 300' x 700' and enclosed by 6' high non see through fence with 10 rows of barbed wire on the top and has blocked the view of surrounding neighbors are being built
- We are seeing 160' x 60' x 30' high greenhouses with commercial fans that sound like small airplane engines that are run 24/7
- In our rural residential, timber ag and EFU areas horse stables are being purchased just to grow pot
- We are also troubled by:
 - 100' setbacks in EFU which should be at least 200' on frontage roads
 - Removal of large numbers of trees
 - the illegal excavation of ponds to capture underground water
 - no marijuana growing, processing, wholesaling or retailing should be allowed in our rural residential or rural commercial communities and we do not want marijuana wholesaling in our rural and tourist commercial areas on our frontage Highway 26 road in the Mt. Hood area due to limited law and code enforcement.

If the commission is going to allow marijuana growing in our industrial lands, as well as in timber or agricultural lands and the State has already opened the door of default to all of our exclusive farm use, the question remains, where can't you grow pot in Clackamas County and there are two key important components that make these types of ordinances successful, sufficient code and law enforcement of which Clackamas County has neither.

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CASE STUDY: 25251 S Elwood, Colton, Oregon owned by Judith Lucke. Home is 4224 sq. ft. sold for \$547,000 on April 30, 2014, 4.88 Acres-FF10-Forest Farm. Owner has been approach regarding the skunk smell of marijuana and the use of large commercial fans in green houses that sound like small airplane engines running 24/7, but he has no desire to accommodate local neighbors. On Sunday, October 11th, neighbors were awakened at 7:30am to the firing of various weapons coming from this property. The pot grower approached neighboring homes waiving his gun saying that he would get whoever robbed his pot grow. He also posted a fake head on his fence post that said, I love to steal, with simulated blood running out of the mouth of the head. Do we call this a good neighbor?



Black Plastic fencing

To hear what a large commercial fan sounds like listen to the below link and then imagine what it might sound like next to your house 24/7.

<http://www.bing.com/videos/search?q=youtube%ee%80%81+sounds+of+a+large+%ee%80%80commercial+greenhouse+fan&qpv=you+tube+sounds+of+a+large+commerical+greenhouse+fan+&FORM=VDRE#view=detail&mid=1BABF85FCAF0F8A301F41BABF85FCAF0F8A301F4>

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October 26, 2015

Clackamas County Commissioners

RE: Marijuana Production and Processing in RRF5 Zone

Dear County Commissioners:

Thank you for your work and allowing public testimony today. I am here to fight for the "underdogs." We are not big business. We are just an Oregonian family doing what we can to participate in a new industry. I am here today to testify for my husband who is a medical cannabis farmer. I urge you to consider "underdogs" like him (us) and not focus solely on big business. We probably won't see another "new" industry or boom like this again in our lifetime.

The proposed rules from October 4, 2015 outlines the conditional use permit perimeters for RRF5 zoning. This section is why I am here today.

My husband currently has an indoor medical marijuana production facility in Clackamas County on a RRF5 property. He leased this property two years ago and has invested almost our entire life savings over the past two years for electrical upgrades, etc. This is in accordance to OMMP, PGE and County codes with proper permits and inspections. The landlord has 3 outbuildings and a residence, which he and his family reside in. This parcel is only 2.09 acres. We are being hit three times over with the proposed conditional use permit for RRF5 zone. If these rules are approved we will lose everything we have worked for. So, I am here to put up a fight for those in my position, I know we aren't the only underdog in this room. If you drove past my husbands' facility, and probably most existing facilities, you wouldn't even take a second look. You wouldn't even know what is happening inside. It looks just like any other building. I am here fighting for our future. My husband has invested everything we have into developing this facility. We do not have partners or investors with money to help us, it's just us. No money coming from Colorado, Washington or California. We committed to a 5 year lease and 3 years still remain, we hope.

Current Clackamas County RRF5 definition has lot sizes from 2 to 5 acres. I would like to request that the commission consider allowing marijuana businesses on lots 2 to 5 acres in the RRF5 zone.

Our Concerns on the Proposed Rules:

- 1) RRF5 5acre minimum:
 - a. Will destroy existing compliant operations;
 - b. Will limit property owners with lots less than 5 acres from leasing & gaining rental income;
 - c. Will limit property owners from receiving much needed upgrades to existing structures on their properties.

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- 2) 200 feet property line setback:
 - a. Will destroy existing compliant operations;
 - b. No other industry has such a severe setback, why for marijuana? What other industry requires such a severe requirement? Do liquor stores, bars & taverns, gun dealers, pharmacies, strip clubs or pawn shops?
- 3) Business owner (Licensee) to reside on premises:
 - a. What other industry does Clackamas County or the State of Oregon require the business owner to be living on the premises? Do you require a liquor store owner, bar owner, strip club owner, Jewelry Store Owner, Tobacco Store Owner or Pharmacist to reside on the premises of their businesses?
- 4) Public hearing for conditional use permits:
 - a. Why are we giving crooks such easy access to this information?
 - b. Does Clackamas County require a public Hearing for liquor stores & bars or are those hearings conducted by the OLCC? Would you require a public hearing for the new tobacco mart, gun dealer, pharmacy, diamond & jewelry store or strip club?

I recommend:

- A) RRF5 conditional use permits allow for parcels between 2 and 5 acres in size;
- B) If 5 acres will be the minimum this should **only apply to outdoor production** (including greenhouses) (however, this minimum still seems excessive);
- C) Remove the 200 feet property line setback, reduce this to current ordinance code (ie: 2 acres 10 feet; 5 acres 20 feet);
- D) Remove the requirement for the business owner (licensee) to reside on the premises.

I read your priorities listed online. Most of you have priorities of bringing in big business while at the same time stating you want to support local economy and economic growth by creating jobs. I want you to please consider giving those of us in your county a fighting chance, all of us underdogs, before big business of this industry gets a hold. It is not fair to restrict so rigidly or with such broad brush strokes. We need compromise. Please consider my testimony today.

Sincerely,

Sarah Bennett

503-616-6475

sarahbennettpdx@hotmail.com

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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.

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.

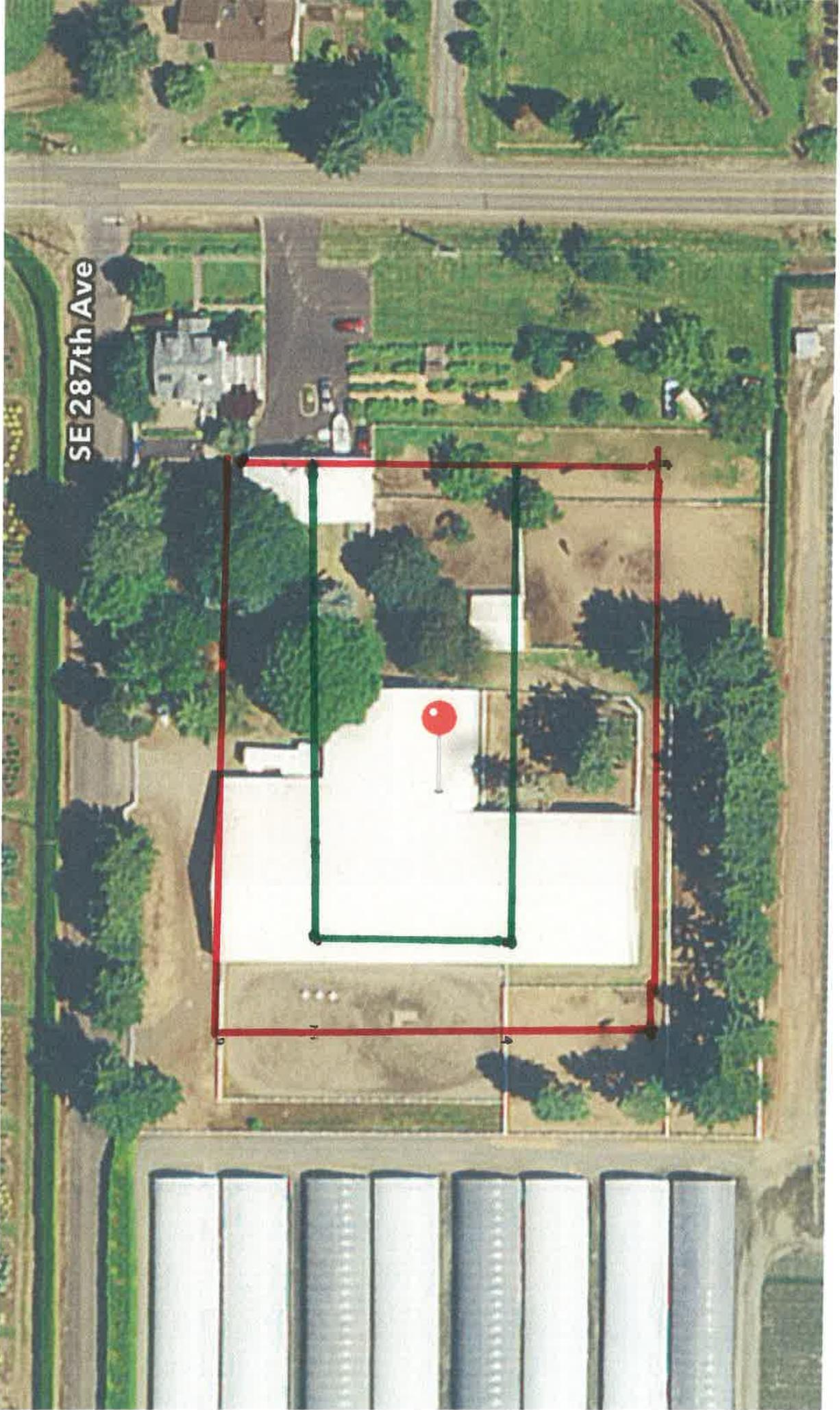
5. It is recommended that Rural Residential Zoning Districts be allowed to grow medical marijuana for up to four (4) medical cards, or 24 plants, on property of less than an acre; and eight (8) medical cards, or 48 plants, on property of one (1) acre or more.

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SE 287th Ave

50'
100'

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Good Evening,

My name is Kathleen Zinno, I am a resident of Clackamas County and West Linn as well as an OMMP patient. My reason for coming here tonight is simply to plead with you to not pass these proposed zoning ordinances. They are written to where my grower will no longer be able to serve me and that is something that could potentially kill me.

I have a condition called Intracranial Hypertension, essentially, my brain produces more CSF than my body will allow it to drain and without medical cannabis I am unable to open my eyes, much less get out of bed, walk around or even stay off of hospice. Prior to 3 years ago when I found Medical Cannabis I would have never touched it, my whole life I was told that cannabis was evil, poison and would ruin my life, today I have been gifted with the knowledge that is quite the opposite of evil, most definitely medicine and it has indeed saved my life.

It takes about 3 pounds of cannabis every month or about an ounce and a half a day in cannabis flower that has been concentrated into oil and taken in multiple dosages throughout the day, I have been tossed around the system, thrown out of garden after garden by some of the biggest growers in the area because in reality I consume twice as much in one month as most patient's do in a year. However, as you can tell by my ability to speak, hold myself up and walk around that it does not make me intoxicated to a point where I cannot function, in fact, it has allowed me to go back to work after 5 years.

Since my body has such a broad endo-cannabinoid deficiency, when I take cannabis it is like a wave of relief, my headache disappears, my vision restores and I am no longer dizzy or nauseated. If I lose my current grower due to the new proposed zoning ordinances, I will lose my job, be forced back into bed and I will lose years of advances that I have made since I discovered medical cannabis and I plead with you not to impact my potential to live. Thank you for your time and attention to this matter.

Regards,

Kathleen Zinno,
West Linn, Clackamas County, Oregon

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2013 ORS § 30.932¹

Definition of nuisance or trespass

As used in ORS 30.930 (Definitions for ORS 30.930 to 30.947) to 30.947 (Effect of siting of destination resorts or other nonfarm or nonforest uses), nuisance or trespass includes but is not limited to actions or claims based on noise, vibration, odors, smoke, dust, mist from irrigation, use of pesticides and use of crop production substances. [1993 c.792 §33; 1995 c.703 §2]

2013 ORS § 30.938¹

Attorney fees and costs

In any action or claim for relief alleging nuisance or trespass and arising from a practice that is alleged by either party to be a farming or forest practice, the prevailing party shall be entitled to judgment for reasonable attorney fees and costs incurred at trial and on appeal. [1993 c.792 §36]

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When considering these amendments it would be wise to consider that the intention of Measure 91 is to transform the black market into a taxed, controlled, and regulated system. Unreasonable restrictions of a farm crop in an agriculture zone will only create the next generation of black marketers.

In the proposed amendment, **841.02 PROCEDURE**, It states, "Marijuana production and processing shall be subject to the following standards and criteria:

Minimum Yard Depth. "No land area or structure used for marijuana production or processing shall be located closer than 100 feet from any lot line."

The assumption of the need for a 100 foot lot line set-back must be to curtail negative impact to adjacent landowners from irresponsible farming practice. Otherwise, what would be the 'reasonable' purpose of such an amendment?

ORS 30.932 and 30.938 were implemented to define and provide remedy for infringement.

ORS 30.932, Definition of nuisance or trespass,

"Nuisance or trespass includes but is not limited to actions or claims based on:

- Noise
- Vibration
- Odors
- Smoke
- Dust
- Mist from irrigation
- Use of pesticides
- Use of crop production substances

ORS 30.938, Attorney fees and costs,

"The prevailing party shall be entitled to judgment for reasonable attorney fees and costs incurred at trial and on appeal.

Considering the aforementioned I respectfully recommend the following:

- 1) Ag exempt structures and land area must comply with 'trespass and nuisance' conditions.
- 2) Conformance with ORS 30 would prevent negative impact to adjacent property livability and property value.
- 3) Since these structures would not be problematic they should NOT be subject to a 100 foot set-back.
- 4) Exempt agricultural structures must be grandfathered.
- 5) The use of 'time-place-manner' (TPM) in regards to 'location', is not 'reasonable' as intended in House Bill 3400.
- 6) The 'reasonable' right-to-farm in EFU must be upheld OR it will be challenged.

Please consider these recommendations and advise staff to modify accordingly.

Thank you.

Peter Sansone

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10/26/2015

Clackamas County Commission-

I would like to share my concerns regarding the right to process cannabis in my Zone. All farms in Clackamas county should bare the right to process their material at some level. Mold is an issue and potential health risk in our zone. Therefor, early harvesting and processing techniques are critical to any outdoor or greenhouse operation. Farms should also have the right and ability to make edibles and tinctures.

May I propose:

-Processing Regulations instead of Banning in Certain zones

-No solvent based extraction in critical zones (possibly)

-Only non combustible methods such as Rosin heat press, Ice and water (in certain critical zones)

-Solvent based extraction facilities may obtain an extra permit, instead of forbidding those ext ration methods. Permits will require strict and safe regulations making sure that its done in a safe and eco-friendly manner.

It is extremely important that we are granted to right to process out crops.

Thank You-

Bryan Garfinkel
206.769.3073
Ops Manager, Oregon Girl Gardens

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From: C & B [cbwal999@gmail.com]
Sent: Tuesday, October 27, 2015 7:27 AM
To: Gilevich, Shari
Subject: Cannabis

As a Oregon native and Clackamas County property owner I think we need some perspective on this issue. Clackamas county and much of Oregon's economy depends on agriculture and the jobs and tax revenue it creates. The business of agriculture changes as do the crops and demand for them. At one point in time berries fields were the primary crop. As times and demands changed agriculture made a move to nursery stock and Christmas trees. Marijuana is legal in the state of Oregon and agriculture zoning laws do not need to be altered to allow the growing of Cannabis. All crops we grow have some negative effect on someone. Christmas tree harvesting uses helicopters which produce noise and the tractors and trucks leave mud on the roads. Drive by a cabbage field on a warm February day and tell me how that odor works for you. Do we ban the cabbage farmer?

-- The city of Sandy Oregon has over 35 businesses with OLCC liquor licenses. Any child walking through Sandy will be bombarded with signs advertising tobacco and alcohol. Yet we have no 'unwantedbooze.com zealots. A discrete marijuana dispensary should be allowed to operate and provide to consumers what the Oregon laws allows.

C.D. Walpole Brightwood Oregon

--

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

Spam

Not spam

Forget previous vote

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BOARD OF COMMISSIONERS

OCT 26 2015

KDS

CLACKAMAS COUNTY

BOARD OF COMMISSIONERS

2051 KAEN ROAD

OREGON CITY, OR 97045

REF. PLANNING FILE ZDO-254

OCT. 23, 2015

KURT KESSLER

RHODODENDRON OR 97049

503 622 3524

DEAR SIRs,

I AM TOTALLY AGAINST ANY PERMISSION BEING GRANTED TO ANY MARIJUANA PROCESS EAST OF THE CITY OF SANDY, OR. WE HAVE A VERY CLEAN AND PLEASANT RECREATION AREA HERE THAT IS MOST SAFE AND ACCOMODATING, ESPECIALLY TO JUVENILES. TO ADMIT ANY MARIJUANA PROCESS IN THIS AREA WOULD BE A DESTRUCTIVE ASSAULT UPON OUR VERY CLEAN AND PLEASANT RECREATION AREA. SUCH ACTION WOULD BE EXCESSIVELY DESTRUCTIVE TO OUR SAFE AND PLEASANT JUVENILE ACTIVITIES. PLEASE VOTE AGAINST ANY MARIJUANA PROCESS EAST OF SANDY, OREGON.

ALSO, PLEASE VOTE AGAINST ALLOWING THE PLACEMENT OF MARIJUANA IN ANY FOODSTUFFS, ESPECIALLY SUGAR DOODLES AIMED AT CHILDREN.

THANK YOU FOR YOUR CONSIDERATION.

Kurt Kessler

KURT KESSLER

ZDO-254

EXHIBIT 54

Page 1 of 1

(END)

From: Brad Troutner [brad.troutner@gmail.com]
Sent: Wednesday, October 28, 2015 5:41 AM
To: Gilevich, Shari
Cc: McCallister, Mike
Subject: Testimony on ZDO-254

Hello. I was at the Planning Commission meeting the other night and planned on giving testimony but it got too late. I would like to say something that no one else spoke about regarding the 100' offset on EFU land in particular.

For three generations my family and I have build commercial and industrial parks in Clackamas and Multnomah counties. They have always been designed with the buildings constructed nearest to the property lines with the fronts of the buildings facing inward toward the center of the facility. This maximizes the square footage of the buildings, allows for ample parking and roads inside the facility, creates a more secure facility, and limits unwanted exposure to neighboring businesses and residential properties.

Lat year I purchased a (very private) 20 acre EFU farm and would like to build a responsibly designed agricultural business park that would have zero light, noise, or odor nuisance. I understand and agree with the concerns of the community that unregulated growers have had a negative impact on their neighbors. An agricultural business park would give those growers a new place, properly designed, to grow their products. This would both keep their small businesses alive and give relief to their local neighbors. We intend to construct multiple 3400 square foot steel buildings, air tight with vapor barrier, insulated, carbon filtered intake and vents, etc.. and we would like to build them in a way where they all face into the center of our own property creating an enclosed, secure facility.

My concern with the 100 foot setback is this: Our closest neighbors house is 500 feet away from the lot line already so odor is not a issue especially with the carbon filter systems in place. If we are allowed to have just a 20 foot setback then the front of our buildings (where the doors are located) can face inward towards the center of our own property which will protect the neighbors from any sound, traffic or exterior light issues. But if we are required have a 100 foot setback then we are forced to face the front of our buildings outward towards the property lines. This will cause a sound and light nuisance. The growers will no doubt require 24/7 access to their buildings. It would also create a more vulnerable security situation. The reason we would need to face the buildings outward is to preserve the unused land area. Instead of having our driveways and parking areas inside the facility we would be forced to have them on the outside of the facility.

The 100 foot offset in a situation like this makes no sense at all, for multiple reasons. (1) the closest neighbor is 500 feet away already, (2) it will force us to face the buildings outward in order to preserve the land space, roads, parking, etc., (3) it creates a security issue that otherwise would not exist (with the buildings facing inward, 20 feet apart, we can join them together with chain link fence (or a wall) and create a very secure facility). (4) the roadways, parking areas, outdoor working areas and exterior lights will all be facing the neighboring properties.

Another Example: Let us say that a piece of land, of any allowed zoning, is only 300' x 300' and you wished to construct two buildings that are 40' x 80'. With the 100' setback requirement the buildings would

need to be built back-to-back and MUST face outwards towards the neighboring properties. This means that all the light and noise from traffic and 24 hour operations will be broadcasted outward towards the neighbors. If there was a normal setback then the buildings could face each other and this would keep all the noise, light and other visible activity better controlled by having it face the middle of the property.

I understand that the biggest reason for the 100 foot set back was to keep the smell issues controlled. The ONLY thing that will keep the smell issue under control is by having properly built, air tight, buildings with carbon filtration on the air intakes and vents. These types of buildings should NOT be required to have a 100 foot setback... period. For green houses and open air farming I understand that it may be better to have that 100 foot set back... they are completely different animals. I feel that this issue needs to be looked at again. Perhaps the set backs could be defined differently for the THREE different categories... (1) Air-tight Steel Buildings with air filtration, (2) Greenhouses, (3) open-air growing. Otherwise this setback requirement will cause more problems then solutions for neighbors... in my professional opinion.

Please feel free to contact me with any questions about this.

Respectfully,

Brad Troutner

Spam

Not spam

Forget previous vote

*Emailed from Ernest Hays
to Kay
received ~ 10/27*



BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

October 7, 2015

Rebecca Bunting
24745 E. McKenzie Valley Court
Welches, OR 97067

Re: Marijuana Dispensaries in Welches

Dear Ms. Bunting:

Thank you for your letter of September 29th regarding the article in the Mountain Times that indicates a retail marijuana facility is being planned in Welches. At this time, County Ordinance prohibits retail marijuana dispensaries in Welches and anywhere else in unincorporated Clackamas County outside of the Urban Growth Boundary (UGB).

In the coming months, the Planning Commission and the Board of County Commissioners will review all of the information pertaining to recreational and medical marijuana, and adopt new ordinances to regulate the various commercial practices (growing, processing, wholesaling and retail dispensaries) in unincorporated Clackamas County. We intend to have new ordinances in place by January 2016, which is when the state is required to begin accepting applications for recreational marijuana businesses.

When the new ordinances come before the Board in November, it will be my position that we continue to permit marijuana dispensaries, whether medical or recreational, only inside the UGB and not in our rural unincorporated communities. Cities will be enacting their own rules. However, I will advocate for retail marijuana facilities to continue to be prohibited in Welches and other unincorporated communities outside the UGB.

You will be able to find out more regarding possible solutions during the Land Use hearing phase of the ordinance review. You can find a wealth of information about the draft regulations, upcoming meetings of the Planning Commission and Board of Commissioners, and how you can provide input, at our website, www.clackamas.us/planning/marijuana.

I hope this helps answer your question regarding the proposed marijuana facility. If I can be of further assistance, please let me know.

Sincerely,

John Ludlow, Chair
Clackamas County Board of Commissioners

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Pollack, Kay

From: ZoningInfo
Sent: Tuesday, October 27, 2015 11:11 AM
To: Pollack, Kay
Subject: FW: Marijuana-Related Land Uses: Near Camps

From: Kevin English [mailto:kevin@highcascade.com]
Sent: Tuesday, October 27, 2015 10:31 AM
To: ZoningInfo
Subject: Marijuana-Related Land Uses: Near Camps

Hello,

I just saw a notice that there was a public hearing on the above last night.

Concern:

I operate a summer camp in Government Camp and in Sandy, Oregon. I am concerned that the draft does not consider a restriction on retail locations relative to camps.

A couple quick questions:

- Is there a formal way for me to provide feedback on the draft given that the planning commission meeting passed?
- Will my testimony at the Commissioners meeting on Nov. 23 be timely enough to affect change?

Thank you very much,

KEVIN ENGLISH

t: 503.706.0710
e: kevin@highcascade.com
w: highcascade.com
w: windells.com
w: windellsacademy.com

WE
ARE
CAMP.



ZDO - 254

EXHIBIT 57

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

Spam

Not spam

Forget previous vote

Gilevich, Shari

From: Stricker, Tanya M [Tanya.Stricker@xerox.com]
Sent: Wednesday, October 28, 2015 9:23 AM
To: Gilevich, Shari
Subject: Citizen Feedback

Hi,

I would like to state my opinion on the marijuana growing land use regulation recommendations.

I oppose the production, processing, wholesaling, and retailing for RRRFF-5 zoned property. I believe that that small amount of acreage is insufficient to deal with issues of security and odor, and places too much burden on neighbors (e.g., our own homes' security, intrusive outdoor grow lights, noise from ventilation systems, odor).

My property is at 26930 SW Kame Ter, Sherwood, OR 97140

Thank you,

Tanya Stricker
Channel Marketing
Xerox Corporation
503.582-6495 Office
503.539.7409 Cell
Tanya.Stricker@Xerox.com

www.xerox.com

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ZDO-254

EXHIBIT 58

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Gilevich, Shari

From: havencottage@canby.com
Sent: Wednesday, October 28, 2015 11:13 AM
To: Gilevich, Shari
Cc: Lynnette at home
Subject: second draft of proposed marijuana land use regulations ZDO 254

I am opposed to marijuana production, processing or wholesaling in any rural residential districts. I don't want to risk my property value decreasing. I'm concerned about insufficient law enforcement, safety issues, the possible criminal element, and the degrading of our neighborhood.

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ZDO-254

EXHIBIT 59

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Gilevich, Shari

From: DeSantis, Kimberlee on behalf of Smith, Tootie
Sent: Wednesday, October 28, 2015 3:08 PM
To: Gilevich, Shari
Subject: FW: ZDO 254 Meeting 10/26/15

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

ZDO-254
EXHIBIT 60
Page 1 of 1

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

Spam

Not spam

Forget previous vote

Email to zoninginfo@clackamas
10/28/2015
2:13 PM

October 27, 2015

Clackamas County Planning Commission
c/o Clackamas County Planning Department
150 Beaver Creek Rd.
Oregon City, OR 97045

Subject: ZDO-254, Marijuana Production and Processing in the AG/F Zone District

Dear Commissioners:

I spoke at last night's meeting about the impacts of outdoor production in the AG/F Zone District. I expressed concern that impacts from production may not be adequately addressed on smaller parcels unless an application/permit process is required (eg a Type III permit) because the prescriptions will be impossible to police by the County and impossible to verify by any aggrieved neighbor. I also spoke in support of a change to the proposed Section 841 Ordinance Amendment to require a Type III permit for marijuana processing in the AG/F Zone District, similar to the requirement currently proposed for the RRF-5 and FF-10 Districts.

As pointed out by Mr. Morgan and Ms. Tate, and explained in their letter dated October 26, 2015, 64% of the parcels county-wide in the AG/F zone are 10 acres or less. Land uses on these smaller parcels are very similar to other rural residential and small-parcel forestry uses in the county, with a preponderance of small parcel rural homes, hobby farms of 5 acres or less, and small Christmas tree grows. Placing marijuana production within such areas without requiring a permit will lead to many landowner disputes due to smell, noise, and lighting and security issues. This will only result in many complaints which the County staff will be unable to adequately address. The staff's proposal is wise to require a Type III permit for processing in the RRF-5 and FF-10 districts, and to require that production be indoors. This logic should be extended to all parcels in the AG/F that do not have adequate size to mitigate for these impacts.

Our parcel is just under 10 acres and is adjacent to a 10 acre parcel with a very large outdoor grow consisting of at least 6 open-ended hoop tents of 100 feet X 40 feet each, located within approx. 100 feet of our property line. I estimated the number of (large) plants at 600, perhaps more. The odor has been objectionable throughout July, August and September and up to several days ago. The subject parcel is surrounded on 3 sides by 6 parcels, aside from ours ranging in size from 2 ½ - 5 acres each. This neighborhood design is similar all along Doyle Rd for more than a mile, with most parcels ranging from 2 to 10 acres. Due to the neighborhood character of areas in the AG/F zone such as ours, impacts on adjacent parcels from outdoor production will be widespread, and the requirements currently proposed in Section 841 for production (setbacks, access, water availability) will be impossible to monitor, enforce or verify on a per parcel basis.

To resolve the potential for impacts in AG/F, we propose that either a Type III permit should be required for production on parcels less than 20 Acres, or production should be required to be indoors as currently proposed for RRF-5 and FF-10 zones.

Additionally, we have the following comments on other provisions of Section 841:

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1. Although production in the AG/F is allowed without a permit, Section 841.03(F) requires submission of proof of a water right. No process for submitting or verifying the water right is described, and consequently the requirement will likely be ignored since no permit is required for production in AG/F. Production in areas with wells may result in significant unintended impacts to groundwater resources due to excessive demand. This is further justification for requiring a Type III permit for production on parcels less than 20 acres.
2. Section 804.03(H)(4) requires submission of a noise study for production or processing in RRRF-5 or FF-10 zones, but no permit for production is required in those zones; no process for verification is described, thus this requirement will also be ignored (why do a noise study if no process for reviewing/approving it is provided or required?).

Thank you for taking our comments into consideration. Your efforts to address the concerns of citizens in the rural areas of the County are appreciated.

Sincerely,

Bruce and Martha Webb

33993 SE Doyle Rd

Estacada, OR 97023

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OCT 27 10 - 24 - 2015
2015

Dear Shari,

My main concerns about M.J. are 2: First, has the medical community made a legal statement that M.J. hinders judgement as alcohol causing impairment when driving? And secondly, has there been any legal limits on drivers?

What about sales to minors?

Respectfully,

Rose Briggs

Rose Briggs
6006 SE Firwood St.
Portland, OR 97222-2607

ZDO-254

EXHIBIT 62

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From: Jeff Simonson [jsimonson2012@gmail.com]
Sent: Thursday, October 29, 2015 5:30 AM
To: Gilevich, Shari
Cc: Hyph3n; Charles Neal; Stephanie Jackson
Subject: Written testimony.

Good Afternoon Shari,

My name is Jeff Simonson. I am the founder of Herbaceous Farms, located at 24200 South Highland Crest Drive. We are currently a licensed medical marijuana processing facility, serving 16 patients within the greater Portland area. My team and I are working tirelessly to expand our operation with the goal of providing the community with top level medicinal products, as well as creating jobs and increasing spending, which only benefits Clackamas County.

Today I come to you in the hopes of providing written testimony concerning some of the issues I heard while attending the public forum on Monday October 26, 2015. We do not take these matters lightly as we know they challenge our existence as a medical marijuana processing facility, as well as our future hopes of expanding with a retail license.

According to the newest Draft Rules issued, we understand it is now our responsibility to write a petition and obtain the signatures of our neighbors in regards to our shared easement on Highland Crest Drive. We are more than happy to oblige with this request, but would like some clarification on the basis to which the county (and our neighbors) can confirm or deny our application. Plainly speaking, can a neighbor withhold his/her signature based on a personal bias against our industry? Or are there measures and criteria set in place protecting my right to continue my legally licensed medical marijuana processing facility, given to me by the State. Are there measures and criteria set in place protecting my right to have a fighting chance at a retail license on this Ag/F zoned property? We see this new stipulation as a huge threat towards our expansion plans and this can and will be met with a potential lawsuit from our lawyers at Emerge Law.

Our neighbor, Rachel Kosmal McCart, expressed two main complaints in regards to the shared South Highland Crest Drive. The first being traffic flow, and second, the littering of cigarettes. We wanted to address both of these issues and offer our viewpoints, and more importantly our suggestions of how to move forward.

In regards to traffic flow, we more than acknowledge we have a higher volume of cars coming up to our property than any of our other neighbors on a daily basis. Our corporate office is currently located here, and we have 5 medical growers assisting with day to day activities. With that being said, Mrs. McCart's statement claimed we have had instances of 30 cars a day, which is simply not true. On average, we have 7 vehicles coming up to our property. There have been times where we have had contractor vehicles including large deliveries of gravel or dumpsters, and we understand Mrs. McCart's issue over the constant flow. However, we would like to make sure it is put in proper context.

Moving forward, we plan on starting a dialogue with our neighbors to come up with solution to the increase in traffic. We have some great ideas that we plan on bringing to the table with our neighbors

1. Having scheduled delivery times for large packages and contractor drop-offs, neighbors will have the option of being notified of these deliveries.
2. A carpool system will be put in place for our daily employees.
3. We will be moving our corporate offices to one of our dispensaries.
4. We will have monthly meetings with our neighbors to assess traffic flow, and to track the impact our plan is having.

In regards to the cigarette accusation, Mrs. McCart personally notified me of her concerns at a previous encounter, and she claimed to have found "a couple of butts." I listened to her complaint and assured her if any of our team members were responsible they would be held accountable, and furthermore the behavior would not be repeated. I personally felt however that her accusation was based on assumptions and a negative stereotype associated with our business.

As I have stated, we take these accusations very seriously. We have a zero tolerance policy in force with our team, and we are doing everything we can to not only comply with the rules of our shared road, but to keep open and honest communication with our neighbors. As we do share this road, we do not believe we can be held personally responsible for the litter unless Mrs. McCart can offer up some sort of proof that they in fact came from us. We cannot control the actions of all who drive on South Highland Crest, but we are more than willing to make all of *our* employees and contractors sign a waiver explicitly stating they will not litter on the road.

We understand we are in a period of change, and as such, each one of our neighbors is entitled to his or her opinions. However, I am personally very concerned we are not being judged or portrayed fairly by Mrs. McCart, or other neighbors for that matter, and that this

could have an influence over my livelihood. This is very alarming considering what she has said about us in the past, and given her extensive history in legal matters with the other neighbors.

To give you another example, the Christmas Tree Farm located on South Highland Crest Drive had a very large volume of workers, cars, and a helicopter on their property and on our road this week. Three separate times one of our team members could not reach our driveway because they were stuck behind parked trucks waiting for 5-10 minutes for someone to come move them. We are not lodging a formal complaint as we are very friendly with these neighbors, but we do want to make sure we are all on a level playing field with this shared road.

I hope the commissioners take this testimony in consideration in regards to this newest stipulation that has been added to the draft rules.

Thank you for your time and consideration. Feel free to call or email me if you have any questions or concerns.

Jeff Simonson

Founder

Herbaceous Farms

cell. 503-407-4267

email. jeff@herbaceousfarms.com
