

**From:** frankandkiara@aol.com  
**Sent:** Friday, October 30, 2015 12:27 PM  
**To:** Gilevich, Shari  
**Subject:** 841.03 F. Water

Good afternoon,

My name is Frank Elmer  
Address 11638 S. New Era Rd  
Oregon City, Or 97045

I live in an area zoned EFU and own 2 pieces of property. One 10+ acres, have been here almost 30 years, the other a 40+ acres adjacent to my 10, which I have owned for about 3 years. I have a domestic well on the small parcel. During the summer months when watering my lawn, flowers, garden, horses, etc. my pump runs 24 hours per day several days in a row. Output will easily exceed 4,000 gal per day. I am not required to have water rights.

There was a small, 20 to 30 plant, Medical Marijuana grow operation on my 40 acre property. Not mine. I have never used the stuff or any of it's by-products. During the hottest summer days when the plants were 6 to 8 feet tall and 4 to 6 feet in diameter they used less than 600 gallons per day. I know because he hauled the water from my place in two 275 gallon totes.....once per day.

In consideration of these facts I think 841.03 F should be amended to read something like this:

If water consumption will exceed XXX gallons per day water rights must be applied for.

or, since the state may take 3 months to 2 years for the state to grant water rights it should be written something like this:

Applicant must show proof water rights have been applied for. Once the state has approved or denied the application that must be presented to the county.....

I believe this makes sense. Those of us considering getting in on the ground floor will have time to get out "ducks in a row" so to speak. Hopefully we will make some money which will help the local communities, the county, & the state.

Thanks for your consideration,

Frank Elmer

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Gilevich, Shari

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**To:** Gilevich, Shari  
**Subject:** FW: Marijuana land use input

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**From:** Tyson Lewis [mailto:lewis.tyson@gmail.com]  
**Sent:** Friday, October 30, 2015 12:50 PM  
**To:** ZoningInfo  
**Subject:** Marijuana land use input

To whom it may concern;

I would like to give input on a current problem i see in the proposed ZDO-254.

The proposed (841.03 A.) yard depth rule of 100 feet creates no distinction between indoor and outdoor grows. This setback is too large for controlled indoor grows in the EFU zoning. Indoor operations have the capability of having zero noise, odor, and lighting pollution. The current setback of 100 feet is extremely large for indoor operations. It's fair to say that there needs to be two classifications of setbacks; one for open air outdoor grows, and one for indoor operations. If the current setback for indoor operations does not change it would exclude many small farmers from participating in this emerging industry. Many small farmers in EFU zoning have existing structures that are thousands of feet from neighbors but inside the 100 foot yard depth, deeming them unusable for this application. I understand the need for a setback, but consideration needs to be made to create a fair standard for small farms whom wish to participate. I propose a more reasonable 50 foot setback for controlled indoor grows that abide by the odor scrubbing (841.03 D.) rule and can pass a noise study(841.03 H. #2). This would create a standard in the EFU zoning for indoor grows that satisfies neighbors while maintaining a level of fairness to farmers.

Thank You  
Ty Lewis

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**From:** Bill Neuwerth [bill@glacierheatingandair.com]  
**Sent:** Friday, October 30, 2015 1:24 PM  
**To:** Gilevich, Shari  
**Subject:** RE: comments on proposed marijuana regulations

Kay,

I'm pleased to here that there will be some kind of option for existing farms that can't comply with these new anti marijuana land use changes our county commissioners seem so intent to impose on our community, even though the majority in our county cast pro marijuana votes in favor of measure 91 and none of the other counties in the Portland area are making land use changes of this nature. If these proposed changes go into effect and farms that are under 5 acres are forced to reduce to 12 flowering plants it will be catastrophic to many existing and new medical grow operations.

I would also like to share my feelings about the drastic changes in land use that are being proposed for recreational marijuana production and specifically the additional restrictions proposed to the RRRF5 zoning.

The 5 acre minimum is completely unfair and accomplishes nothing other than hurting small family run operations like ours by keeping us out of the new recreational market. Limiting the allowance of rec licensees to large farms only benefits big money operations with out of state investors.

The 100 foot set backs are too extreme. If you are forced to grow indoors and have a properly sized and maintained carbon filtration system with the sound and light ordinances proposed the set back does nothing but limit which properties can qualify for a rec license. On top of that the 200 foot set back required to not need a carbon filter system is not going to be effective either. All that is needed is a decent breeze and the smell will easily travel 200 feet and bother the neighbors.

The 5000 square foot limit to production area is also way to extreme if this includes the vegetative growing area, the dryng/curing area and office space etc. I can understand imposing some kind of limit to the smaller RRRF5 zones but it should correlate to the state law and allow at least a indoor tier 1 rec license which is currently proposed as 5,000 sq foot of flowering canopy.

I am on board with the carbon filter system requirement because it works and is very effective in elimination the "offensive" odor of marijuana. The 50 decibel sound restriction at the property line and the light restriction from 7am to 7 pm is understandable as well. These 3 restrictions and maybe a tier 1 license cap is all that is needed. Please don't shut the smaller grows out of the recreational market by imposing the 5 acre limit and provide an exemption to the 100 foot setbacks as long as the smell, sound and light restrictions are meet.

Thank you,

William Neuwerth  
Unincorporated Boring

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From: Gilevich, Shari [sharig@co.clackamas.or.us]

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Sent: Monday, October 26, 2015 10:58 AM  
To: Bill Neuwerth  
Subject: RE: comments on proposed marijuana regulations

Good morning, Mr. Neuwerth,

If you are a legally certified producer of medical marijuana, and presuming you acquired all relevant permits in constructing your grow operation, you would be considered a nonconforming use and could continue to operate in the same way you have been doing. As you probably know, the OHA rules may be changing, and Clackamas County has nothing to do with those rules.

You are not required to go through any land use process in order to continue your current legal operation, even though the rules proposed may be somewhat different that you are currently practicing. You may wish to get a verification of a nonconforming use if you ever intend to modify or sell your operation.

I hope that helps.

Kay Pollack, Senior Planner  
Clackamas County Planning and Zoning  
Department of Transportation and Development  
Development Services Building  
150 Beaver Creek Road  
Oregon City OR 97045

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

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

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

When the marijuana initiative was passed we purchased RRRF5 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

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END-ANTISPAM-VOTING-LINKS

**From:** GoodVibesPDX [goodvibespx@gmail.com]  
**Sent:** Friday, October 30, 2015 3:45 PM  
**To:** Gilevich, Shari  
**Subject:** Land use rights

Date: 10-30-15

Commissioners Of Clackamas County:

As a resident of Clackamas County I strongly oppose the harsh and unreasonable minimum yard depth zoning ordinances being placed upon cannabis producers and processors on properties zoned FF5 & FF10. The 100ft minimum yard depth will do nothing but cripple the industry due to a lack of available properties that meet the demands being placed on these businesses at a critical time in the development of this industry. These ordinances do not serve the will of the majority in this county. I believe these ordinances may have dire unintended consequences on the fledgling cannabis industry in Oregon and will harm the potential economic stimulus that may come from it.

Sincerely yours,  
Justin Bearden

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**From:** Chris and Janey [candjoke@comcast.net]  
**Sent:** Monday, November 02, 2015 7:03 AM  
**To:** ZoningInfo; Gilevich, Shari  
**Subject:** All medical marijuana grows should be exempt from proposed marijuana land use regulations

To: Clackamas County Planning Commission

Fr: Janey & D. Christopher Oke  
18648 S. Grasle Rd.  
Oregon City, OR 97045-8898  
503-631-4437

Re: As Stated Above

Current OMMP regulations allow up to 24 plants at a site (6 plants for each of up to 4 card holders). The proposed Marijuana Land Use regulations for Clackamas County provide an exemption for just 12 plants, half the State limit. We strongly urge the Commissioners to make all legal medical marijuana grow operations exempt from land use regulations.

The primary complaint aired with respect to marijuana growing is odor. We currently grow medical marijuana in an enclosed grow box capable of handling up to nine mature flowering plants. The grow box takes up about 10 square feet of floor space at one end of a bedroom. Hot air from the main grow lamp is exhausted through a 4" vent in a window. The lamp is in a sealed compartment separated by glass from the main grow chamber so no odor is associated with this exhaust air. Exhaust air from the main grow chamber passes through a carbon filter and into the room. It also is odor free.

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To expand our growing capacity to 24 plants we would use grow tents with carbon filters on the exhaust vents and efficient LED lighting which requires NO outside venting. This would require 30-40 square feet of floor space, easily fitting into a spare bedroom.

Our case illustrates that a small marijuana grow has negligible neighborhood impact. Twenty-four plants – the maximum permitted under State regulations – can easily be grown in a spare bedroom. When grown in a tent or box with proper exhaust air filtering no marijuana smell is released to the neighborhood.

Many Clackamas County medical marijuana patients rely on small local growers to provide them with a reliable and affordable supply. Exempting all State legal medical marijuana operations from the rules governing larger recreational marijuana operations will help ensure that these patients continue to have affordable access to the medicine they need with no impact on the surrounding community.

Thank you for considering this request.

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**From:** Zimmerman, Cindy  
**Sent:** Friday, October 30, 2015 12:21 PM  
**To:** BCCMail  
**Subject:** Marijuana hearings

I believe the decision as to where Marijuana should be grown in Clackamas County should be left up to the voters of this county and not the commissioners.

Would you personally want a large Marijuana grow operation 100 feet from your property line or from where your grandchildren live? I certainly do not.

Another concern that has not been addressed is the fact that the Marijuana is to be grown in rural areas that rely on wells for water supply. There is a diminishing ground water supply. Marijuana grows will only further deplete the ground water which will affect adjacent home owners negatively.

Thirdly having a Marijuana grow operation in a community will decrease the value of adjacent homes and make the property less desirable when it must be sold. Would you buy a home or farm next door to a large Marijuana grow site?

I believe your moral and civic duty is to let the voters of Clackamas County determine where and how Marijuana is to be grown!

C. Zimmerman  
Voter in Clackamas County

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END-ANTISPAM-VOTING-LINKS

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**From:** Tyson Lewis [lewis.tyson@gmail.com]  
**Sent:** Friday, October 30, 2015 12:51 PM  
**To:** BCCMail  
**Subject:** Marijuana land use issues

To whom it may concern;

I would like to give input on a current problem i see in the proposed ZDO-254.

The proposed (841.03 A.) yard depth rule of 100 feet creates no distinction between indoor and outdoor grows. This setback is to large for controlled indoor grows in the EFU zoning. Indoor operations have the capability of having zero noise, odor, and lighting pollution. The current setback of 100 feet is extremely large for indoor operations. It's fair to say that there needs to be two classifications of setbacks; one for open air outdoor grows, and one for indoor operations. If the current setback for indoor operations does not change it would exclude many small farmers from participating in this emerging industry. Many small farmers in EFU zoning have existing structures that are thousands of feet from neighbors but inside the 100 foot yard depth, deeming them unusable for this application. I understand the need for a setback, but consideration needs to be made to create a fair standard for small farms whom wish to participate. I propose a more reasonable 50 foot setback for controlled indoor grows that abide by the odor scrubbing (841.03 D.) rule and can pass a noise study(841.03 H. #2). This would create a standard in the EFU zoning for indoor grows that satisfies neighbors while maintaining a level of fairness to farmers.

Thank You  
Ty Lewis

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Gilevich, Shari

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**From:** mr fox [mrkitsune1979@gmail.com]  
**Sent:** Monday, November 02, 2015 2:49 PM  
**To:** Gilevich, Shari  
**Subject:** evidence supporting proposed marijuana land use  
**Attachments:** clackamess.rtf, questions.rtf

attached files submitted for evidence.

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*"Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise." - Thomas Jefferson*

*"The enviable condition of the people of the United States is often too much ascribed to the physical advantages of their soil & climate .... But a just estimate of the happiness of our country will never overlook what belongs to the fertile activity of a free people and the benign influence of a responsible government." - James Madison*

Q: Do you know what 18 U.S. Code § 2384 - Seditious conspiracy says?

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

A: Please explain how it is that you believe this law you intend to pass does not Hinder, prevent, or delay the execution of laws currently in existence such as my equality of priviledges?

Q: 9-131.000 - The Hobbs Act - 18 U.S.C. § 1951 the Hobbs Act (18 U.S.C. § 1951) which prohibits actual or attempted robbery or extortion affecting interstate or foreign commerce. Section 1951 also proscribes conspiracy to commit robbery or extortion without reference to the conspiracy statute at 18 U.S.C. § 371. Although the Hobbs Act was enacted as a statute to combat racketeering in labor-management disputes, the statute is frequently used in connection with cases involving public corruption, commercial disputes, and corruption directed at members of labor unions.

A) Extortion under color of official right or extortion by a public official through misuse of his/her office is supervised by the Public Integrity Section, Criminal Division.

## **9-131.040 - Policy**

The robbery offense in 18 U.S.C. § 1951 is to be utilized, as a general rule, only in instances involving organized crime, gang activity, or wide-ranging schemes. The courts of appeals have agreed that proof of a de minimis effect on commerce is sufficient in a Hobbs Act prosecution.

A: Is it in your opinion that We the People are unable to provide proof of a de minimis effect on our commerce?

A: Are you aware how Oregon Law defines property? **property**

- **1.** "Property" means all property, real, personal or mixed, tangible or intangible, or any interest therein.

*Oregon Legislature*<sup>1</sup>

- **2.** "Property" means any article, substance or thing of value, including, but not limited

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to, money, tangible and intangible personal property, real property, choses-in-action, evidence of debt or of contract. [1971 c.743 §121]

This "intangible property" includes our constitutional amendments and contracts.

## **164.075<sup>1</sup>**

### **Theft by extortion**

(1) A person commits theft by extortion when the person compels or induces another to deliver property to the person or to a third person by instilling in the other a fear that, if the property is not so delivered, the actor or a third person will in the future:

- (b) Cause damage to property;
- (c) Engage in other conduct constituting a crime;
- (d) Accuse some person of a crime or cause criminal charges to be instituted against the person;
- (e) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule;
- (f) Cause or continue a strike, boycott or other collective action injurious to some persons business, except that such conduct is not considered extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act;
- (h) Use or abuse the position as a public servant by performing some act within or related to official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or
- (i) Inflict any other harm that would not benefit the actor.

(2) Theft by extortion is a Class B felony. [1971 c.743 §127; 1987 c.158 §27; 2007 c.71 §48]

### **§ 164.085<sup>1</sup> Theft by deception**

(1) A person, who obtains property of another thereby, commits theft by deception when, with intent to defraud, the person:

- (a) Creates or confirms another's false impression of law, value, intention or other state of mind that the actor does not believe to be true;
- (b) Fails to correct a false impression that the person previously created or confirmed;

### **§ 164.055<sup>1</sup> Theft in the first degree**

(1) A person commits the crime of theft in the first degree if, by means other than extortion, the person commits theft as defined in ORS 164.015 (Theft described) and:

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(a) The total value of the property in a single or aggregate transaction is \$1,000 or more;

A: the damages of moving a buiesness out of the county because of these laws would most definately equate to more then 1000\$ in damages. With how the law defines what my property is, and what constitutes theft of those properties, Do YOU feel it wise to continue along a path of unlawfulness?

Q:Several statutes, mostly codified in Title 18 of the United States Code, provide for **federal prosecution of public corruption in the United States**

Article Two, Section Four of the United States Constitution provides that: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, *Bribery*, or other High crimes and Misdemeanors." How is it your intention to continue with passing this law and avoid all the penalties perscribed by our higher ascenting laws? \\_

**646.736 Public policy; certain cooperative activities not unlawful.** (1) It is the public policy of the State of Oregon to encourage the efficient production and distribution of agricultural, seafood and other products derived from natural resources or labor resources of this state.

**646.740 Permitted activities.** The provisions of ORS 136.617, 646.705 to 646.805 and 646.990 may not be construed to make the following illegal:

(1) The activities of any labor organization or individual working men and women permitted by ORS chapters 661 to 663.

(2) The right of producers, as defined in ORS 646.515, and commercial fishermen to join, belong to and act through cooperative bargaining associations under ORS 646.515 to 646.545.

646.515<sup>1</sup>

Definitions for ORS 646.515 to 646.545

(1) Agricultural commodity means any and all agricultural, horticultural, viticultural and vegetable products produced in this state, either in their natural state or as processed by a producer for the purpose of marketing such product, including bees and honey, but not including timber or timber products.

(2) Cooperative bargaining association means:

(a) An association of producers formed or operated pursuant to ORS chapter 62 with the purpose of group bargaining with respect to the sale of any agricultural commodity or Oregon seafood commodity.

(3)(a) Dealer means, except as provided in paragraph (b) of this subsection, any person or agent of the person who purchases or contracts to purchase an agricultural commodity or Oregon seafood commodity from a producer or agent of the producer, for the purpose of packing, processing or marketing such commodity.

(b) Dealer does not include any organization operating as an agricultural cooperative or Oregon seafood harvester cooperative.

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(5) Producer means a person engaged in the business of producing agricultural commodities or harvesting Oregon seafood commodities. [1963 c.514 §1; 1997 c.296 §1; 1997 c.393 §1; 2003 c.487 §4]

## ORS. 646.725<sup>1</sup>

### Prohibited acts

Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce is declared to be illegal. [1975 c.255 §4]

**646.730 Monopolies prohibited.** Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of trade or commerce, shall be in violation of ORS 136.617, 646.705 to 646.805 and 646.990. [1975 c.255 §5]

## 646.535<sup>1</sup>

### Unfair trade practices prohibited

(1) A dealer may not knowingly engage in the following unfair trade practices:

(a) Interfere with, restrain, coerce or boycott a producer in the exercise of the rights guaranteed pursuant to ORS 646.525 (Cooperative bargaining associations authorized);

(b) Discriminate against a producer with respect to price or other terms of purchase of raw agricultural commodities or Oregon seafood commodities, by reason of the producers membership in or contract with cooperative bargaining associations; or

(c) Pay or loan money, or give any other thing of value to a producer as an inducement or reward for refusing to or ceasing to belong to a cooperative bargaining association.

## What is “restraint of trade”?

Restraint of trade is an **economic injury** that involves interfering with another person’s ability to do business freely. Restraint of trade is part of antitrust law, but the topic covers a wide range of activities, including:

- forcing or coercing someone to quit doing business or to change their business so as not to compete in the market;
- agreeing to fix prices to drive other competitors out of business;
- creating a monopoly;
- using noncompete clauses or other contract provisions to keep someone out of business;

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- **tortious interference** with a contract or business agreement that negatively affects someone else's ability to do business freely.

In short, a "restraint of trade" is any activity that hinders someone else from doing business in the way that he would normally do it if there were no restraints. While federal, state, and local governments can pass laws and regulations that create obstacles for certain kinds of businesses, it is generally considered improper for individuals to restrain one another's trade in certain ways. Someone who loses business or suffers another injury may have a **tort** case against another individual whose trade-restraining behavior injured him.

The federal Sherman Antitrust Act makes unreasonable restraints of trade illegal, as well as actionable under the civil law. The Sherman Act also affects some reasonable trade restraints, such as non-compete clauses, if they are used to drive others out of business, to fix prices, or as a means to create any other result that the Sherman Act forbids.

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Q: My neighbor on one side has 40 species of roses in her front yard. What are my legal recourses to my allergies to her roses, and thier smell?

A: None, my options as a citizen are to be quite, move away, or ask my nieghbor politly to make me a personal accomidation. Of which she wont, she loves her roses and even trades them by verietly within her agricultural club. Same is true about the Marijuana industry, and various other cottage industry. So how do you justify legally the differance between one property owner and anothers right of smell?

Q: Let us suppose that Marijuana is not an agricultural product as its currently defined by law, and talk about it as a recreational drug and its manufacture. My nieghbor on the other side of my property has a winery. He sprays every year with various fertalizers which have oder, and run off. He's able to use his property to create wine, a recreational drug. Heavily taxed and regulated at the state level through the OLCC, like recreational and medical marijuana. Theres no restriction on his "yard depth", nor the number of grape vines he can have on his property, the number of pounds of grapes he can produce, nor the number of gallons of wine he can produce.

A: How is is fair and equal trade practice of the production of an agricultural based recreational drug? Please explain your justification.

Q: Let us suppose Marijuana is defined as a medical drug manufacture, like Aspirin. No one is going to tell aspirin thier factory has to be 100' from the property line. That they can not operate within a particular county, nor limit the amount of aspirin they may produce, or the amount of space in which they may produce aspirin.

A: How is this fair and equal trade practice of the production of medications? Please explain your justifications...

## Q: **14th Amendment to the U.S. Constitution**

The 14th Amendment to the Constitution was ratified on July 9, 1868, and granted citizenship to "all persons born or naturalized in the United States," which included former slaves recently freed. In addition, it forbids states from denying any person "life, liberty or property, without due process of law" or to "deny to any person within its jurisdiction the equal protection of the laws." By directly mentioning the role of the states, the 14th Amendment greatly expanded the protection of civil rights to all Americans and is cited in more litigation than any other amendment.

A: With that said, Explain to me how this law you intend to pass provides equal protection of the laws to the marijuana industry?

With all thats been said, do you believe there is not 2 of us in this room that will press these charges upon the entirety of this commision, and the county? Or that within a state that voted to

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legalize Marijuana that we wont find a jury of our peers to convict you?

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**From:** Shannon Hansen [hansenshannon4@gmail.com]  
**Sent:** Sunday, November 01, 2015 10:11 AM  
**To:** Gilevich, Shari  
**Subject:** Comments on marijuana land use

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As the 20 year owner of property next to a proposed marijuana grow, my main concerns are the smell, excessive water use, potential contamination of water and soil, public safety, regulation and enforcement, and property devaluation.

### The Smell

For indoor grows there can be multiple cycles a year, hence the plant stinks many weeks over the year. Growers must have a carbon filter to neutralize any smells, not just vents that transfer the smell outside. The air must be filtered constantly since the plants don't stop making their flowering scent once they start. Is the County going to require that the appropriate filter systems are in existence and remain in place for all cannabis grows? How will this be monitored given the County's limited resources?

### Pollution of water and soil

Many people in Clackamas County depend on wells as their sole source of water. Since it typically takes **six gallons of water per day to grow a cannabis plant**, I am very concerned about both the drawdown and contamination of the water table. If Oregon continues to have dry years, will the water table be drained to dangerous levels? What kind of testing will be in place to make sure that the soil and ground water are not going to be contaminated by pesticides and toxic chemicals? Growers have invested huge sums of money into their product and they will do anything to make their product marketable. For some farms, that means using pesticides – and the state's list of illegal pesticides for pot doesn't include some toxic chemicals that are commonly used by cannabis growers. For example, Floramite, a common pot pesticide, isn't on the state's list. Floramite kills mites – but it's also toxic to birds, fish, and bees, according to the product's label. If smaller animals that are poisoned are eaten by predators, the toxins quickly move up the food chain.

### Safety

I'm very concerned about the safety of people and properties located next to pot grows. There have been numerous incidents of robberies and even deaths of people involved in the cannabis business. Due to the size and remoteness of Clackamas County rural properties, a quick response to crime incidents is not

always possible. Growers often protect their property with guns, so what are the consequences to neighbors if there is a shootout between the growers and robbers? What happens if the growers decide it is more profitable to illegally sell their product than comply with state and county tax and permit regulations, especially when the market becomes saturated? You will then introduce a criminal element into the equation as well as the possibility of more air, ground and water pollution if the regulations aren't followed.

#### Taxes and Enforcement

Will the fees collected by County taxes and permits offset the costs of regulating the cannabis business? Who is going to inspect the growing facilities and how often would the facilities be inspected to make sure they have the appropriate air filters in place year round? How much will it cost the county for regular inspections with soil and water testing? Will the money for grow permits cover the cost of inspections, or will the taxpaying public end up funding marijuana grows instead of public services?

#### Devaluation of adjoining properties

What about the devaluation of properties adjoining grow businesses? Who is standing up for law-abiding taxpayers who have worked hard for many years to improve their property, only to see an instant devaluation when a grow business starts up next to them? If current owners need to sell their property to pay for medical bills or retirement, who will want to purchase property next to a cannabis grow and all its inherent risks? Also Is the County going to take the devaluation of such property into consideration when it issues its annual property tax bills?

Shannon Hansen

Thanks for the opportunity to comment

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**From:** David and Minden Tooze [dmtooze@gmail.com]  
**Sent:** Sunday, November 01, 2015 10:59 PM  
**To:** Gilevich, Shari  
**Subject:** Comments on marijuana in Clackamas County

I'm a regular citizen... here are my suggestions.

Cultivation and Processing. Should be restricted so that this activity does not take place within 500 feet of an existing residential or commercial structure and 5000 feet from a public or private school, education facility, community center, day care business or house of worship.

Retail Sales. Design standards should be developed to prevent the business from looking trashy. The green + symbol often used and very prominently displayed needs to be toned down and should be VERY moderately displayed making the store LESS prominent. Further, and more importantly, these businesses must provide paved, OFF street parking for employees and a reasonable number of customers.

Thank you,

David Tooze  
5830 SE Tikki Ct  
97267

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**From:** Nicholas Layton [nicklayton72@gmail.com]  
**Sent:** Monday, November 02, 2015 8:57 AM  
**To:** Gilevich, Shari  
**Subject:** Growing Medical Marijuana

Hello,

I am writing you about the 100' and 200' lot line rule proposal for growing in Clackamas county. It seems to me that the goal of this rule is to have a measure in place to keep neighbors happy who live next to people growing marijuana. If this is the case could there be a measure in place that a grower has to get written permission from the neighbor to grow closer than the 100' or 200' lot line proposal.

I bring this up because sometimes the most secure location to grow is actually tucked away on a piece of property near the lot line. This was the case for my outdoor grow this year. I was very courteous of the neighbors, and filled them in on my operation and everything went very smoothly.

I would like you to reconsider the 100' and 200' lot line proposals.

Thanks,

Nick Layton

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[NOTE: TO AVOID RETALIATION AND HARASSMENT DANGERS TO MY FAMILY, PLEASE DO NOT EXPOSE MY ADDRESS! The information is for your files only!]

Andrew Peters

[REDACTED ADDRESS]

Ms. Shari Gilevich  
Clackamas County Planning Commission  
150 Beaver Creek Road  
Oregon City, Oregon 97045

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Oct. 30, 2015

Dear Ms. Shari Gilevich:

Thank you for your call last week and being willing to accept this later letter on Monday, Nov. 2<sup>nd</sup>. I was able to return home and finish my research on ZDO-254 Marijuana-Related Land Uses. It showed me that my farming neighbor across the road would be able to produce the drug. Also the neighbors uphill above me could too. This will cause pollution to my property if they do decide to follow through in the future.

At the previous meeting on October 26, 2015, at the Abernathy Center, you had said there was NO PROVISION at this time for OPT OUT AREAS! WE DO NEED SAID "OPT OUT AREAS" TO HAVE SOME FREEDOM AND RIGHTS FROM DRUGS. considered legal or not!

My knowledge of the destructive power of marijuana dates back to Vietnam War times in 1956 through 1959 when I was in the Marine Corps. My official capacity was Supply Clerk, but for almost two years overseas I worked UNDERCOVER CRIMINAL INVESTIGATION DIVISION (C.I.D.).

The U.S. took over the Vietnam War from the French in 1955. It lasted for a twenty (20) year period, with only the last ten (10) years acknowledged as a War against Communism. The body count was not high enough during the first ten years and our troops were considered "ADVISORS" at that time. Another SNAFU by Congress, as is this drug one.

Some military personnel, in all branches of our armed forces, were disclosing military movements and pictures, with information, of newer classified jet fighters being introduced into the war. Those disclosures cost many American and South Vietnamese lives! Marijuana use on the front lines cost many lives due to carelessness of the users. The Pentagon informed our C.I.D. branch of this problem and had us take action on all fronts. Even in Japan the problem existed because of North Korean spies there. One of our C.I.D. agents investigating the marijuana ring was found knife in back in Tokyo bay.

The payment for those disclosures ranged from sex, alcohol, American money to mostly marijuana. The drug cost many lives and is one of many reasons I am totally against it! C.I.D. called it the "stepping drug" up to the next drug. It is only used for a drug "high" and is NOT CONTROLLABLE!

WE SINCERELY NEED GOOD SOLID "OPT OUT AREAS!" We no longer have to fear the loss of the United States to ISIS and others. Many Americans throughout history from the Colonies to the Korean and Vietnam Wars gave their lives or parts of our bodies for freedom and the now lost America! I am constantly told that presently fighting the government over drugs does no good, as all government bodies have already agreed to open drug use. I can only hope that is NOT true and someday we can find the true drug free America again. The real America exists now in name only! Americans have lost! This is NOT the America so many of us put our lives on the line for in the past!

Semper Fi, U.S.M.C. FMF PAC,  
Andrew Peters

*Andrew Peters*

cc:  
Board of County Commissioners Nov.23, 2015

Good evening commission:

I am Rocky Roberts and live east of Sandy, Oregon.

I want to thank the commission for the diligence to listen to our concerns. The last land use hearing certainly revealed that there are many rural residents in Clackamas county that are very concerned about allowing a federally illegal drug in their communities.

I spoke at the last hearing, but I wanted to share these thoughts:

1. Though I know that the existing 100 or 200' **setback** recommendations were thoughtful, I am 400' feet away from a grow and have no problem with the smell of skunk to blend with my morning coffee.
2. It seems odd that land use is embracing the State law that requires that retail marijuana outlets be 1000' feet apart in the approved zones making them visible on almost every corner in our communities. Yet some cities have only one liquor store in the whole area, how is that regulating marijuana like alcohol? Shall we now expand liquor stores, prostitution houses, and other illegal businesses on every street corner?
3. We are also opposed to recreational retail outlets being open from 8am to 10pm, many liquor stores in some of our communities aren't allowed those type of hours.

I know that it is not land use related, but I felt it is important to convey some personal thoughts:

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1. We've been blessed with the legislative actions of Salem, yet some of our most educated are confused by what the new rules really mean.
2. My wife's 3 bouts with cancer could have all been cured according to some had we just embraced this miracle cure that we call pot.
3. Why is illegal behavior rewarded with positions on advisory councils and the few laws that we do have are disregarded or over looked with "grandfather" clauses?
4. I've asked some of you to live by the rules you impose on us, can you? It will be a miracle if law enforcement has the ability to protect us from your decisions.

Thank you.

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*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,

I would like to thank each of you for considering our solution to the imminent impacts on Clackamas County OMMP growers. I know that finding balance between the demands of the citizens is a difficult job and I feel you are all working very hard to meet the needs of all Clackamas County residents.

With that being said, I will jump right into the outline summary of our proposed solution, if you feel as though our plan could work for the needs of Clackamas County, my staff and I would be more than willing to elaborate on each point as we have given each concern a great deal of thought and have a great deal more detail and implementable strategy to aid Clackamas County in the transition.

- 1) **Building Permit** – Implementation of a Multi-Trade/Craft Building Permit with a second final inspection built in to the original permit cost for a 4-6 month follow up (with one 60 day extension of Final Inspection) and final approval that will coincide with a crop prior to harvest to insure odor issues are addressed and standards are maintained. The initial inspection would address; Electrical (to insure compliance with NEC and safety standards); Mechanical (to insure proper ventilation, air filtration to mask odor, and HVAC for temperature control - if any); and Building/General (to insure adequate sealing of exterior penetrations from moisture and light penetration/leakage) to collectively grant a temporary approval to operate the garden pending a final inspection. The Final Inspection would take place prior to the first harvest when the plants are producing the highest level of pheromones and scent and the inspector would verify sealing and air purification and at the same time evaluate the site plans and compare it to the current build out to insure that the grow is built to final operable standards. This would apply to current grows (must be permitted with-in one year from the date of ZDO passing if more than 1 OMMP card is assigned to the address) and all future grows that have not been registered with the OMMP. The GIS mapping and information page related to the property would show a Combo-Building/Mechanical/Electrical Permit for the site but no identifying marks, letters or numbers indicating an OMMP grow to insure safety of the residents and compliance with HIPPA laws.
- 2) **Zoning Restrictions** – All OMMP garden plant limits are set as per ORS – 475.320; however, outdoor (un-enclosed) grows are limited to properties in sizes of 5 acres or more unless the grower uses greenhouses (and adequate odor control standards) in which adjacent property owner approval will be necessary in any case where grow site is located on a property less than .5 acre in size for gardens with more than 2 OMMP grow cards assigned to the address; or the property shares right of way easement.
- 3) **Residency Requirement** – All OMMP grows must have an OMMP carded resident on-site to insure safety and compliance with the County, and State Laws unless the property is a commercial property prohibiting overnight stays and or resident quarters. If the grower is not the registered owner of the property, the grower must obtain written permission from the at least one owner of the property (or their agent) to use the property for the purpose of an OMMP grow for 2 or more patients. This provision would allow landlords to choose and would give renters the option, most patients, caregivers, and compassionate growers are on low income or patients themselves and just want to help others in need and this provision would allow such a dynamic.
- 4) **Nuisance Complaints** – If a complaint is made and a grower is found to be in violation of the above ZDO requirements, the grower would be responsible for a civil penalty of \$50.00 per day from the date of confirmation of violation by a Clackamas County Official and accruing daily until the violation is corrected or the crop is harvested (in the case of an odor violation).

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*Leading the Logical Path for Medical Cannabis.*

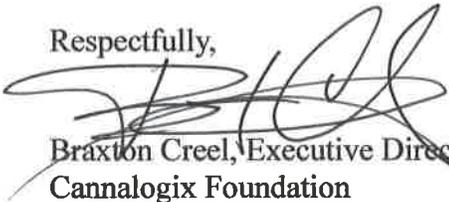
*Medical Cannabis/Cannabinoid Research  
Medical Cannabis Processing/Cultivation Technology  
Medical Cannabis Standardization and Compliance Specialists  
www.CANNALOGIX.org - 1-844-CANNALOGIX*

- 5) **Grandfathering of Existing Grows** – All grows must be permitted under the new permit process, however grows that are in production at the time of the law passing will be exempt from new ZDO requirements, however rights will not transfer to a new owner without a new building permit and conditional variances and or upgrade to current standards and code.
- 6) **Light/Noise Pollution** - Light penetrating from greenhouses would not be permitted to be visible to the outside after dusk. Noise from fans would be limited to a reasonable decibel level and any noise level that exceeds that of a dryer or a range hood would be restricted to the hours of 8am – 8pm in populated areas or neighborhoods in order to maintain a good neighbor policy.

Given the above approach, as building permits average \$350 - \$500 based on size of grow, and revenue generated from violations would collectively support the addition of a new building/zoning code enforcement officer that would be able to offset the backlog of complaints and insure compliance with the ZDO requirements. Growers and Patients would be able to care for other patients in the spirit of the original Oregon Medical Marijuana Act and patients would not be impacted in such a negative way that the Clackamas county patient's quality of lives are compromised. The property owners and close quarter neighbors would have some say about their own environments and noise and light pollution would be controlled. If a neighbor has a problem, they should reach out to their neighbor and discuss things, it is our duty as stewards to be good neighbors to one another and make every effort to correct issues that impair ones ability to use or enjoy their property. We are OMMP, but we are people too.

This is the perspective of an OMMP patient, caregiver and grower and I support any solution that allows growers to continue to serve patients that can't grow for themselves or don't live in a place where growing is allowed.

Respectfully,



Braxton Creel, Executive Director  
Cannalogix Foundation

Medical Liaison – Willamette Valley NORML

Direct Line – 503-327-6323

email – braxton.creel@cannalogix.org

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Thank You for the opportunity to testify on this Zoning issue.

I have a couple of observation's which deserve attention and thoughtful consideration before moving forward with Any Zoning Changes or Amendments in reference to; "ZDO-254: Marijuana-Related Land Uses"

- On the surface, the proposed amendments appear to pander to a Small group of individuals who are disgruntled about the results of the Statewide Election in referring to 'Measure 91' and the legalization and widely accepted election results and written statutes many years past.
- But, when further scrutinized, the ramification's of the proposed Sweeping Changes of ZDO-254 will in all practicality; devastate 100's of lives of; Medical Patients, many with quite serious legitimate medical conditions; such as MS, Epilepsy, Arthritis, to name but a few.
- Many of these patients are So Incapacitated, they are incapable of the Very Physical Labor required to safely and successfully cultivate and process Cannabis; and these amendments, if enacted into law will Shut these Patient's and their Provider's Down; An overwhelming majority of which; have been Saving Lives and Much Pain and Suffering; And in many case's exclusively providing and caring for their Patients for over 15 years AND they have invested their Life Savings and Physical Toil; without making any Monetary Profit.
- At the same time, ZDO-254 will facilitate Big Money and Corporate Interest's to dictate and totally control the Market Share and Future of what is expected to be; a Huge Multi-Billion Dollar New Agriculture Industry.
- The resulting Firestorm of Lawsuits, Protests, Demonstrations, Negative Media, Foreclosure's and loss of County Tax Revenue; along with loss of massive revenue from a Whole New Tourist Industry, and Land Use Enforcement Nightmare's to name a few; Will Throw Clackamas County Govt. into Everlasting Turmoil.
- Have You thought of these impending realities, and how they will affect Resident's and Property Owner's?

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29772 S.W.  
SW Old Well Rd  
Aaron Burns

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Landlocked  
property  
access

Hoppman Rd

4 to 10 acres

Old Well Rd

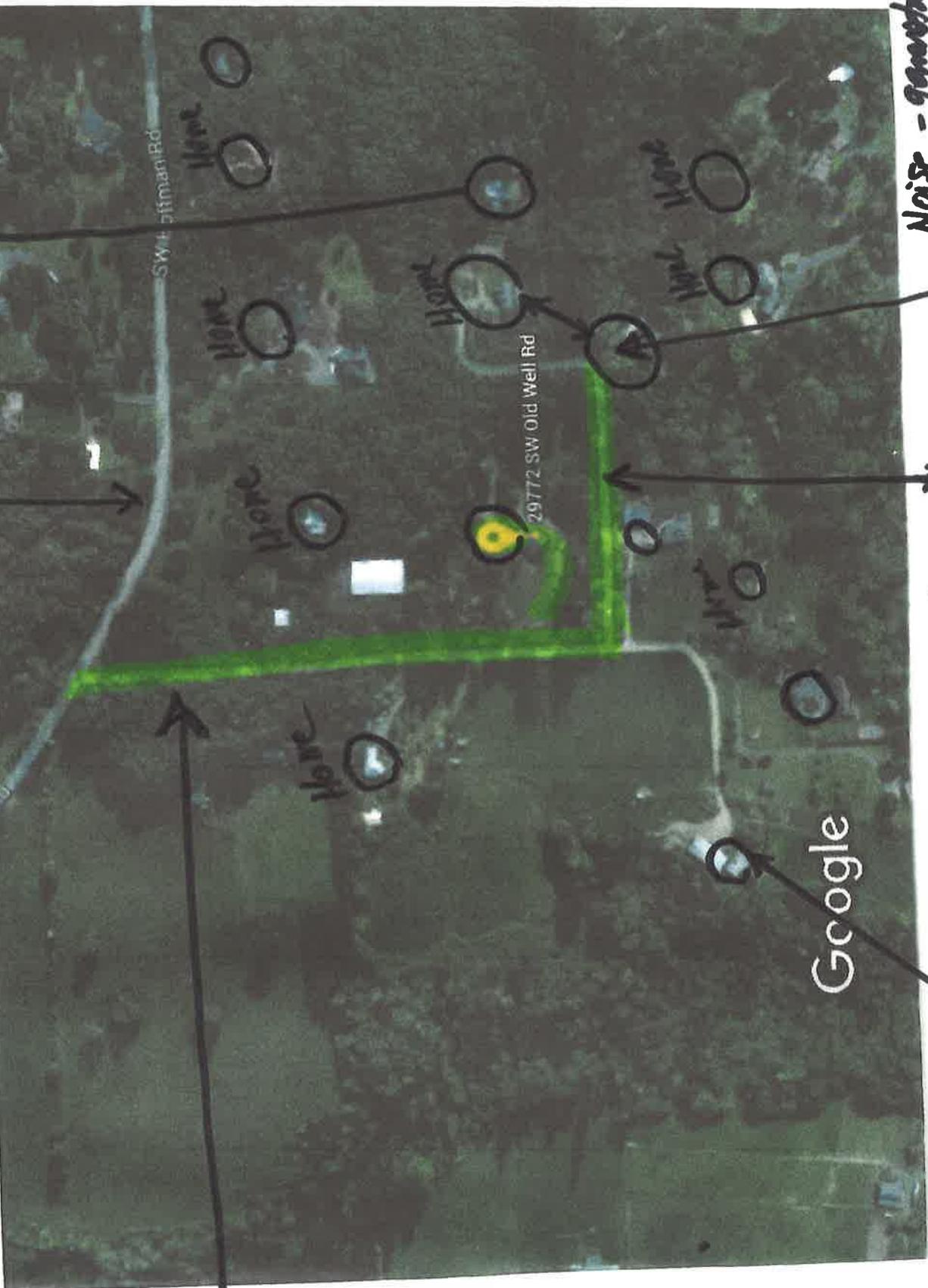
unmaintained  
"private road"  
One way

14 homes  
\$600,000 to  
1 million+

Not designed  
for traffic

No permit  
No voice from  
home owners

Had turn  
around



Noise - generators  
MARIJUANA  
grow / medicinal  
Traffic / dust / noise

EASEMENT  
GRAVEL

Proposed  
MARIJUANA grow

Google

**From:** mike hickey [mailto:waterboymike@gmail.com]  
**Sent:** Monday, November 02, 2015 4:47 PM  
**To:** ZoningInfo  
**Subject:** public comment

Hi,

Not sure if I am sending this to the right place, found this email address on the county web site. I went to the 10/26 meeting to testify but my number was not called so I am providing the attached as public comment.

Mike Hickey  
15380 SE 262nd  
Boring OR 97009

My name is Mike Hickey, my wife and I have at 15280 SE 262nd Ave in Boing on EFU zoned land for 28 years. I support the growing of recreational and commercial cannabis on EFU land. For 28 years our neighbors have raised livestock, dogs, horses and used their land as a place to spread septic system waste, by permit of course. I have lived with the flies, smell and noise because these are the conditions in which I purchased the property. I have also been denied the ability to construct a mother in law residence because of zoning. My neighbors fertilize their fields with processed sewage from local septic services, this fertilizer comes to within about 25' of my residence as my house is located close to one of my neighbors property. The fertilizer is spread in summer months when the weather is dry and this just happens to coincide with when we are outdoors the most. The smell is overwhelming and often we need to close up the house and limit our time outside to avoid side effects such as headaches and nausea. I am not saying this is a totally bad thing as the fertilizer has to go somewhere and if it fertilizes the fields that seems like as good of use as any, as long as it is processed safely.

I have a metal shed that I propose to convert to a growing facility that is located just under 200' from our nearest neighbor, their property is also zoned EFU.

You have discussed setback requirements as a way to regulate production and processing facilities. To have any semblance of fairness for me, the spreading of septic waste would need to be setback at least 400' from my property. It is hard to describe or regulate how offensive a smell is. I grew four plants in my yard this summer and I thought it smelled unique but not offensive, my nearest rental neighbors never complained. I am not sure anyone would describe waste sewage as inoffensive.

Since a large scale production or processing facility could produce enough smell to be considered offensive by some and it is difficult to write code that mandates common sense. I propose no restrictions on EFU land but that would not prevent a neighbor from asking for a change if the facility got out of hand.

The citizens have spoken with their votes legalizing marijuana now is the time for our representatives to support voters wishes instead of making citizens criminals again with overly restrictive zoning laws.

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