

Dear Committee on Business and General Government:

Preserve Deschutes County is writing again to reiterate our position on SB 365. Original testimony was submitted for the February 28 public hearing. We understand you have a work session this week to discuss the proposed bills.

Preserve Deschutes County is **opposed** to SB 365 which proposes to disallow Deschutes County from charging SDCs for marijuana operations. Preserve Deschutes County is also **opposed** to any amendments to SB 365 that would remove Deschutes County's (or any county's) ability to implement their own time, place, manner regulations on the marijuana industry on EFU lands.

To be clear, **rural** Deschutes County voted against measure 91. And it is the rural communities that are suffering the consequences of the city voters. Look at the breakdown of communities based on the political parties of their elected officials. You will see that generally the urban counties voted highly in favor of measure 91, whereas the rural counties voted against. Deschutes County is a microcosm that highlights the urban-rural divide. Urban locations want their marijuana, but they think that rural counties should grow it. Rural counties by-and-large opted out, yet they are the communities that have been forced to live next to - let's face it - "legalized" drug manufacturers.

Deschutes County had the ability to opt-out after measure 91 was voted on. It was only because of assurances by the legislature that the county could create their own time, place, manner regulations that the commissioners at the time opted in.

It is worth noting that the marijuana industry put five people on last year's election ballot in Deschutes County. None of those people were elected. The community has spoken. Will you listen?

The marijuana industry, championed by the Deschutes County Farm Bureau (whose name should be changed to the Deschutes County Marijuana Bureau because a large percentage of farmers do NOT belong to this county's Farm Bureau), is attempting to circumvent the county commissioners' regulations (that were initially created via a lopsided advisory committee made up mostly of marijuana industry players) and go directly to the legislature to push their agenda. Their lobbying power is strong. They have time, money, name recognition, and resources. The rural community only has the commissioners to act on their behalf. The average rural landowner is not a lobbyist, does not have the means to pay a lobbyist, and may not even be aware of the hidden agenda of the marijuana industry.

Please vote against SB 365, and also please vote against any bill that would allow marijuana industry special events (bud & breakfast, tasting events, facility tours, etc.) to encroach on rural communities.

Thank you.

On Wed, Feb 27, 2019 at 7:14 PM Preserve Deschutes County
<preservedeschutescountyinfo@gmail.com> wrote:

Dear Senate Committee on Business and General Government:

Preserve Deschutes County is submitting comments regarding SB 365, which you will hear testimony on tomorrow (2/28). It has come to our attention that there is an amendment that will be discussed, the topic of which was not posted to OLIS. We find the back-room dealings of this proposed amendment by

the Farm Bureau to be disconcerting. Likely you will see a group of people from the Farm Bureau and marijuana industry people give their testimony. They are at an advantage because they drafted these amendments. The rural land-owners are at a disadvantage, because until this evening, nobody knew about it.

Two points:

- 1) We SUPPORT SDC charges for marijuana businesses.
- 2) We OPPOSE any restrictions to time, place, manner regulations that the Farm Bureau is proposing. We support the regulations in place that were decided on by the Deschutes County commissioners.

The Farm Bureau comes to you as an organization with a historical roots throughout the country. They carry a lot of weight. They have time and money and lobbyists to push through their agenda. In Deschutes County, the Farm Bureau is synonymous with the marijuana industry, because that is what they support and that is who sits on the Farm Bureau. The Deschutes County Farm Bureau is not representative of all farmers in Deschutes County; in fact, many farmers do not belong to the Farm Bureau.

When measure 91 was passed, Deschutes County was on the border of being able to opt out. The commissioners came before the legislature at the time to indicate that unless the county was given the right to impose restrictions on time, place, and manner, then the commissioners would choose to opt out. They were assured of their right to come up with reasonable restrictions and formed a Marijuana Advisory Committee to come up with the regulations. The Marijuana Advisory Committee was made up of mostly marijuana industry people and was not a balanced committee. The commissioners from the beginning said that they would review the regulations after one year to determine how they were working. After one year they did just that.

The commissioners spent most of a year listening to rural residents, marijuana industry people, OLCC, ODA, OHA, BLM, Sheriff Shane Nelson, OWRD, power companies and more. In October of 2018, the commissioners decided on their new regulations after MUCH due diligence. The new regulations pleased neither the rural residents nor the marijuana industry - a sign of a decent compromise (when both parties are equally unhappy).

Immediately following the adoption of the new regulations, the Farm Bureau, Celebrate Cannabis (a PAC and industry group), and others, filed a Notice of Intent to appeal with LUBA.

SB 365 and the "hidden" amendment is an attempt to circumvent the LUBA appeal and go straight to new legislation. **This deprives Deschutes County residents of due process, especially considering that this amendment is not on OLIS and not made public to the public.**

This hidden amendment goes against Statewide Planning Goal #1 - Citizen Involvement. The citizenry was not notified of this amendment; it is not on OLIS.

The Deschutes County marijuana regulations are in-line with Statewide Planning Goal #2 - Land Use Planning. It provides a "blueprint for land use and development" and the regulations are "suitable implementation ordinances."

Marijuana "farming" goes against Statewide Planning Goal #3 - Agricultural Lands. Agricultural lands are not being "preserved and maintained" with marijuana growing. Quite the opposite. In Deschutes County, high-value farmland is hard to come by and is being ruined by marijuana production. Once-usable farmland is now being turned into essentially industrial zones. Productive soil is going fallow and turning to dust and weeds. Industrial buildings and parking lots are being constructed on former farm land, and the land cannot recover from that.

Marijuana "farming" goes against Statewide Planning Goal #5 - Open Spaces, Scenic and Historic Areas and Natural Resources. Marijuana production facilities are being built on properties where mule deer migrate and on properties that have a designated wetland.

Marijuana "farming" goes against Statewide Planning Goal #13 - Energy. During the due-diligence process in 2018, the commissioners met with representatives from two different energy companies in Central Oregon. Both companies testified that marijuana growing is straining their resources. Other areas in Oregon have experienced power issues since marijuana became legal. One production facility can use as much water and power as a cluster development of new homes.

We urge you to recognize and respect Deschutes County's time, place, and manner regulations; do not restrict them. Keep the SDCs in place. Realize that the marijuana industry has a huge overproduction problem and does not need any more allowances made for their benefit - especially considering that the results of "Operation Good Harvest" in 2018 showed Bend with only a 55% compliance rate - worse than the state average.

Rural residents who did not vote in favor of measure 91 (the measure did not pass in the rural part of the county) are being subjected to having their neighborhoods turned into industrial zones. This goes against preserving usable farmland. Time, place, manner restrictions are essential.

Lastly, we:

- 1) SUPPORT SB 218 - OLCC needs to be able to stop issuing licenses since Oregon has more marijuana than its residents can consume
- 2) OPPOSE SB 639 - rural residents do NOT want "farm tours" or "bud and breakfasts" or special events at production sites
- 3) SUPPORT SB 585 - given the complexity of laws, we support retailer assistance in maintaining compliance

Thank you.

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Preserve Deschutes County advocates for responsible marijuana legislation in order to protect and preserve the vitality of our rural community.

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