

# Josephine County, Oregon

## OFFICE OF LEGAL COUNSEL



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March 20, 2019

Oregon Legislature  
900 Court Street NE  
Salem, OR 97301

Re: Regulation of Marijuana in EFU Zones

Josephine County, through its Board of Commissioners, objects to the proposed dash 2 amendment to Senate Bill 365. The amendment would strip from counties the ability to impose “time, place, and manner” restrictions on marijuana production sites and businesses located in Exclusive Farm Use (“EFU”) zones. Josephine County has a number of highly wrought code provisions that the dash 2 amendment would override.

Marijuana production in EFU zones can be highly controversial. Even on farm land – where parcels are commonly much smaller than 40 acres – bitter neighbor disputes have ensued. On August 29, 2017, sixty-three percent (63%) of qualified Williams area residents voted through an informal election in favor of the Williams Community Advisory Council’s proposed regulations for marijuana production in EFU. It is hard to imagine a community that is more tolerant of marijuana production than Williams, Oregon. And yet, the lack of regulation had become unbearable even for the beloved residents of that bucolic community.

In terms of the environment, the relatively limited footprint of marijuana production sites upon agricultural parcels often results in substantial acreage – which could be used to grow valuable food and other crops – going fallow and being otherwise neglected. Moreover, growers commonly use commercial greenhouses with hard floors that cover up – and potentially ruin – large amounts of productive soil.

Presently growers, neighbors and the County have achieved a delicate détente that the dash 2 amendment would permanently upend. For the sake of neighborly coexistence and for the long term health of the environment, please continue to allow counties to regulate marijuana production in EFU zones.

Sincerely,

A handwritten signature in blue ink that reads "M. Wally Hicks". The signature is fluid and cursive, written over a white background.

M. Wally Hicks  
Legal Counsel

MWH:cr