

Matt Martin

From: Paula Hawes <paulahawes@sbcglobal.net>
Sent: Sunday, February 14, 2016 1:25 PM
To: Tammy Baney; Alan Unger; Tony DeBone; MAC
Cc: Nick Lelack; Matt Martin
Subject: Deschutes County Commissioners & Marijuana Advisory Committee
Attachments: Marijuana Advisory Committee.pdf

Marijuana Advisory Committee:

As a rural property owner I ask that you please take a moment to consider the following:

Measure 91 was passed by the voters of Oregon because they wanted to legalize the use of marijuana for personal consumption without fear of prosecution. These citizens did **not** vote to have it grown in our rural neighborhoods a mere matter of feet from our homes. It was Oregon legislators that made this decision without the input of the public. This was not a democratic process.

The marijuana industry is now utilizing the Right-to-Farm law as a "loophole" in order to build large industrial marijuana grow facilities in our rural neighborhoods. As such these grows will be afforded a nuisance protection that was never intended for such year round intrusive growing practices. Please consider the fundamental purpose that led to the creation of Oregon's RTF law:

There are two general purposes of Oregon's right-to-farm law. The first is to protect farmers and ranchers from nuisance laws that normally apply to neighbors. The second is to create a presumption that existing agricultural practices are **not** offensive enough to create a nuisance to neighbors. The laws developed under the common law defense of "**coming to**" the nuisance. Under common law, a defense to a nuisance claim is that the **complaining party moved to the nuisance**. The defense protects against those who move near an established farming practice from complaining about farming activities that would otherwise be a nuisance.

The marijuana industry is now attempting to turn this rule on its head. By setting up their operations next to **existing homeowners** they are bringing their operations and nuisance issues into our neighborhoods, we are not building our homes next to their operations. Please take a moment to review the following example of what a possible marijuana setup will look like if situated on a large 50 acre parcel should the Deschutes Planning Department's proposed regulations be upheld. Adjoining property owners could look forward to living next door to the following:

For Every 10 acre section of a 20 acre or larger parcel:

1 x 10,000 sq ft Greenhouse + 1 x 40,000 sq ft outdoor grow

On the 50 acre parcel example outlined on the following pages this would mean a grow operation that consists of 5, 10,000 sq ft greenhouses, all running industrial size fans and utilizing grow lights 24/7,

and 5 outdoor grows potentially totaling 200,000 sq ft in size, with no hope of any possible odor mitigation! The odor from such an operation would travel for miles given the frequent high winds in Tumalo.

Please tell me why anyone, no matter what the zoning, should be expected to have to tolerate this type of life changing nuisance?

Why should these **existing** home owners who have their life savings invested in their homes, earned by a lifetime of hard work and playing by the rules be expected to roll over and give up their quality of life and property values in order for some wealthy out of state investor to get even richer?

Given the OLCC ruling that more than one license holder will be able to operate on one lot, you will be subjecting us rural homeowners to the very real possibility of having to deal with more than one potentially bad neighbor.

Each operator will have different workers coming and going at different times of the day, and there will likely be vast discrepancies with regard to their willingness to comply with any regulation, if in fact there can be any regulation at all on EFU land. Given the number and history of complaints that have been filed about noise, odor, light, litter, loud music and the general lack of consideration associated with a being bad neighbor, the marijuana industry does not have a very good track record to go on. Furthermore Deschutes County currently has only one Enforcement Officer so it is extremely doubtful there will be any timely resolution to any complaints that are brought by impacted homeowners.

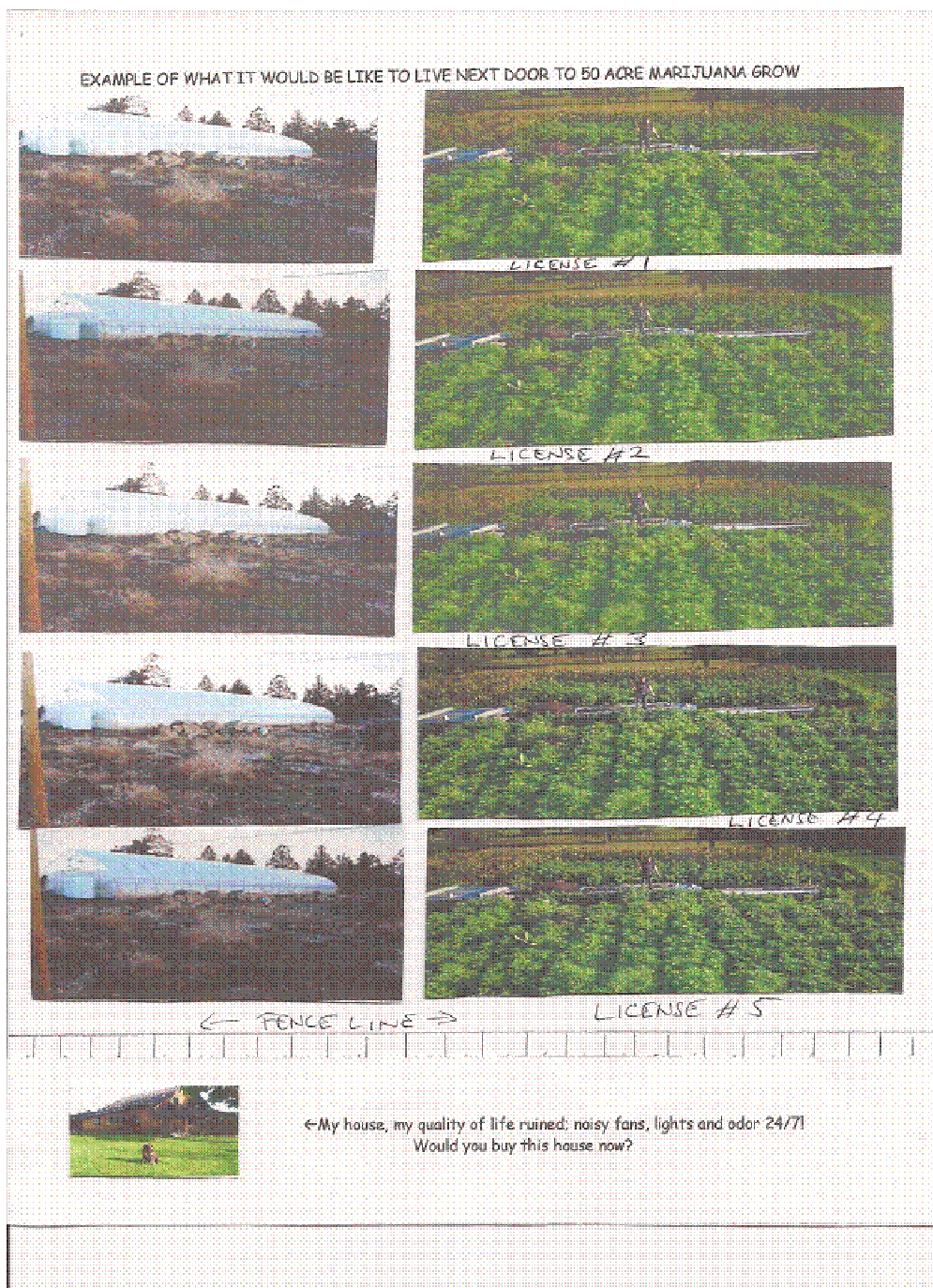
MAC members Lindsay, Hunter and Andy appear to be responsible growers who care about their neighbors' quality of life, but unfortunately not all growers will be good neighbors, especially those that are operated by out of state investors.

Finally, I would ask that you please strongly consider limiting the number of grows that are allowed to operate in any one particular area. If there is already one large marijuana grow currently in operation please do not allow another to be established within a certain radius of the first one. Surely it makes sense for everyone not to over saturate the market.

Thanking you for your consideration.

Paula Hawes
Deschutes County Resident

At the first MAC meeting several members of the pro marijuana public loudly expressed their concerns over a small group of rural homeowners who are simply trying to protect their way of life and property values. Given how heavily weighted the MAC appears to be in favor of the marijuana industry this fear seems rather unwarranted. Out of the 13 MAC members only 4 truly represent rural residents, and as one of those resides in a gated community and will hardly be impacted by a marijuana grow any time soon, I hardly think it is the pro marijuana crowd that should be upset about lack of representation!



EXAMPLE OF HOME WHOSE PROPERTY VALUE HAS BEEN COMPROMISED DUE TO MARIJUANA GROW OPERATION

Those of us who live in rural communities do so because we want to be able to enjoy the peace and quiet of a rural lifestyle. We are not wealthy people, simply individuals who have invested a life time of savings in our homes, generated by a life time of hard work and playing by the rules. Allowing large marijuana complexes to set up a few hundred feet from our property lines will result in the destruction of our quality of life and our property values. Even if we were in a position to sell our homes who would buy them now...would you?



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EXAMPLE OF WHAT IT WOULD BE LIKE TO LIVE NEXT DOOR TO 50 ACRE MARIJUANA GROW



LICENSE #1



LICENSE #2



LICENSE #3



LICENSE #4



LICENSE #5

← FENCE LINE →



← My house, my quality of life ruined; noisy fans, lights and odor 24/7!
Would you buy this house now?

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Matt Martin

From: Tony Oliver <tonyjo@teleport.com>
Sent: Monday, February 15, 2016 2:18 PM
To: Tammy Baney; Alan Unger; Tony DeBone; Matt Martin; Nick Lelack; MAC
Subject: Marijuana Advisory Committee Membership

Good day --

In reviewing the make up of the Marijuana Advisory Committee, I was disappointed, no, discouraged, to learn there are eight proponents for expanding commercial marijuana operations within rural areas, four who are opposed and one who is "neutral". Since the rural county voted 53.3% against and 46.7 % for, this does not appear to represent Deschutes County fairly.

The Planning Commission's draft marijuana restrictions were structured to protect the rural areas and with the marijuana industry being able to grow product within controls. Given the makeup of the Committee, I am concerned the Planning Commission's proposals will be severely compromised. Please restate to the Committee that the Planning Commission's restrictions should be the minimum acceptable.

Thank you.

Sincerely,

Tony Oliver
Redmond, Oregon

Matt Martin

From: Alison Hohengarten
Sent: Tuesday, February 16, 2016 9:06 AM
To: MAC
Subject: Follow up to the April 2015 report by Privatoor Holdings, Inc.
Attachments: MMJ Changes 1-30-16.pdf

MAC,

To supplement the April 15, 2015 report submitted by Liz, in the interest of providing current information, please see the attached chart put together by the OHA on January 31, 2016, outlining new requirements for the Oregon Medical Marijuana Program, effective March 1, 2016.

Thanks,

Alison G. Hohengarten, Attorney

NOTICE: This email may contain material that is confidential, privileged and/ or attorney work product for the sole use of the intended recipient. If you have received it in error please notify us and then delete this email. Any embedded or encoded metadata or privileged information that may be included in this email or in any documents attached to this email has been inadvertently sent, and you are instructed to notify the sender of this email at once of your receipt of such metadata or information. Formal Opinion No. 2011-187.



January 30, 2016

Medical Marijuana Changes

This document outlines the basis for the changes that are being proposed to medical marijuana regulations.

What did Measure 91 do and how did it impact the Oregon Medical Marijuana Program?

On November 4, 2014 Oregonians voted to approve Measure 91. Measure 91 permitted "persons licensed, controlled, regulated and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older." This included the establishment of a "comprehensive regulatory framework concerning marijuana under existing state law." Measure 91 was not intended to "amend or affect in any way the Oregon Medical Marijuana Act."

However, on June 30, 2015, the Oregon Legislature passed HB 3400 making changes to Measure 91 and the Medical Marijuana Act. The Legislature delegated to the Oregon Health Authority specific rulemaking authority to implement the changes to the Medical Marijuana Act that are listed in HB 3400.

Effective Date: House Bill 3400 establishes March 1st 2016 as the effective date of changes to the Oregon Medical Marijuana Act, including changes to laws governing the regulation of growers, processors and dispensaries. **The changes to the Oregon Medical Marijuana Act go into effect on March 1, 2016, and cannot be changed in rule.**

Issue	HB 3400 Section Number	Effective Date (Established in HB 3400)	Notes
Plant Limits	HB 3400, Section 82	March 1, 2016	Statute establishes the number of plants that can be grown at an address. House Bill 3400 sets different grow site limits for addresses zoned residential and for individuals who were registered with the authority before January 1, 2015. <i>All plant limits are prescribed by House Bill 3400 and cannot be changed in rule.</i>
Grower Residence Requirements	HB 3400, Section 81	March 1, 2016	Statute establishes a two year residency for growers unless the grower was registered with OHA on or before January 1, 2015, and then the requirement is one year of residency. <i>All residency requirements are prescribed by House Bill 3400 and cannot be changed in rule.</i>
Processor Residency Requirements	HB 3400, Section 85	March 1, 2016	Statute establishes that a person responsible for a medical marijuana processing site must be an Oregon resident for two or more years.

			<i>All residency requirements are prescribed by House Bill 3400 and cannot be changed in rule.</i>
Dispensary Residency Requirements	HB 3400, Section 86	March 1, 2016	<p>Statute establishes that a person responsible for a medical marijuana dispensary must be an Oregon resident for two or more years, unless the person was registered with OHA on or before January 1, 2015, and then the residency requirement is one year.</p> <p><i>All residency requirements are prescribed by House Bill 3400 and cannot be changed in rule.</i></p>
Regulation and Inspection of Growers	HB 3400, Section 81 and 90b	March 1, 2016	Statute requires OHA to establish by rule a grow site registration system to regulate the production of medical marijuana and permits OHA to inspect the grow site and records of a "person designated to produce marijuana by a registry identification cardholder". HB 3400, Section 90b permits OHA to inspect any marijuana grow site to determine compliance with the Oregon Medical Marijuana Act.
Regulation and Inspection of Processors	HB 3400, Section 85, 85a	March 1, 2016	Statute requires OHA to establish by rule "a marijuana processing site registration system to track and regulate the processing of marijuana." Allows for inspection of the premises and records of a marijuana processors to ensure compliance with House Bill 3400. Section 85a requires a processing site is required to meet any public health and safety standards adopted by OHA by rule.
Regulation and Inspection of Dispensaries	HB 3400, Section 86	March 1, 2016	Statute requires OHA to establish by rule a medical marijuana dispensary registration system for the purpose of regulating the transfer of marijuana items to and from a dispensary. OHA may impose standards on the operation of a dispensary to ensure the public health and safety. (Section 86(10)(e)).

Recordkeeping and Reporting of Marijuana Transfers (Growers)	HB 3400, Section 85e, 81a	March 1, 2016	<p>Statute requires the development of a database of information related to the production of marijuana by person designated to produce marijuana by a medical marijuana cardholder.</p> <p>Section 81a requires a “person designated to produce marijuana by a registry identification cardholder” to submit certain information to the OHA database monthly. Section 81(7)(e) requires a person responsible for a grow site to submit information concerning transfers of marijuana to patients, processing sites or dispensaries on a monthly basis.</p> <p><i>OHA proposed rules require reporting of aggregate transfer data, once a month. OHA is not proposing to have a tracking system like OLCC. See OHA’s FAQ for more information.</i></p>
Recordkeeping and Reporting of Marijuana Transfers (Processors)	HB 3400, Section 85b	March 1, 2016	<p>Statute requires medical marijuana processors to report information about the amount of marijuana transferred to the processing site and from the processing site into OHA’s database.</p> <p><i>OHA proposed rules require reporting of aggregate transfer data, once a month. OHA is not proposing to have a tracking system like OLCC. See OHA’s FAQ for more information.</i></p>
Recordkeeping and Reporting of Marijuana Transfers (Dispensaries)	HB 3400, Section 86b	March 1, 2016	<p>Statute requires medical marijuana dispensaries to report information about the amount of marijuana transferred to the dispensary and from the dispensary into OHA’s database.</p> <p><i>OHA proposed rules require reporting of aggregate transfer data, once a month. OHA is not proposing to have a tracking system like OLCC. See OHA’s FAQ for more information.</i></p>
Concentration and Serving Size	HB 3400, Section 105	<p>Effective date not set in statute.</p> <p>OHA has proposed April 1, 2016 and is considering postponing the effective</p>	<p>Statute requires OHA to adopt rules for the maximum concentration of THC permitted in a single serving of marijuana products, concentrates and extracts and the number of servings permitted in a package.</p>

		date to June 1, 2016.	
Labeling	HB 3400, Section 101	<p>Effective date not set in statute.</p> <p>OHA has proposed April 1, 2016 and is considering postponing the effective date to June 1, 2016.</p>	Statute requires OHA to adopt rules for the labeling of marijuana and the labels must include: Health and safety warnings; activation time results of tests, potency, serving size and number of servings, content of the marijuana item, and for edibles, information that would apply to "regular" food product.
Laboratory Testing	HB 3400, Section 91	<p>Effective date not set in statute.</p> <p>OHA has proposed June 1, 2016.</p>	Requires OHA to set testing standards for marijuana intended for sale to the public.
Grower Operating Procedure and Waste Management Requirements	HB 3400, Section 90g	<p>Effective date not set in statute.</p> <p>OHA has proposed March 1, 2016 to align with other rules being established.</p>	Statute gives OHA the general rulemaking authority to adopt rules necessary to protect the public health and safety. A grower who is producing marijuana and selling that marijuana to an OHA registered processor or dispensary and entering a product into the stream of commerce must under draft rules: 1) Create operating procedures that at a minimum include the manner in which all pesticides or other chemicals are applied during the production process; and 2) Comply with any applicable law concerning waste management.
Security Requirements	N/A	Effective date/specific requirement not set in statute. OHA proposed an effective date of March 1, 2016.	<p>Measure 91 requires anyone growing marijuana plants at home to have those plants out of the public's view. Security requirements are being proposed in rule to hold all medical marijuana growers to a similar standard, which may require the building of a fence so that the marijuana plants cannot be seen.</p> <p>A grow site address with more than 12 plants, or a grower selling usable marijuana, seeds or immature plants to an OHA registered processor or dispensary is subject to additional security requirements like cameras because of the concern about diversion and theft, and because the grower is engaging in a</p>

			<p>commercial enterprise. However, OHA's rules have a process for requesting a waiver of any of the security requirements.</p> <p>Note: OHA proposed these rules to mirror OLCC security requirements. Through the public rulemaking process it became clear to OHA that elements of these rules do not work for all medical marijuana growers, particularly in rural areas.</p> <p>OHA is removing the specifics in the proposed rules related to security and fencing. Rules will broadly require persons responsible to prevent public access to the grow site and keep plants out of public view.</p>
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Other applicable state laws:

OHA will not include language in rule referencing other state laws regarding water rights or pesticide use. OHA initially proposed language in rules to notify medical marijuana growers of existing water right and pesticide requirements, however **OHA is removing this language from rule.** Removing the language from OHA rules will not exempt medical marijuana growers from being subject to state water rights or pesticide law. For example:

Water rights: Under existing Oregon law, and as enforced by the Oregon Water Resources Department (OWRD) water rights are required if a medical marijuana grower is producing marijuana and selling that marijuana to an OHA processor or dispensary. This means water must be supplied from a public or private water provider, or the grower must have proof from OWRD that a water right is not required.

Pesticide Use: Under existing Oregon law, and as enforced by the Oregon Department of Agriculture, medical marijuana growers are subject to any pesticide restrictions or requirements that exist.

Matt Martin

From: Rowan Hollitz <olddognewtricks2day@gmail.com>
Sent: Thursday, February 18, 2016 1:56 PM
To: Tammy Baney; Alan Unger; Tony DeBone; Matt Martin; Nick Lelack; MAC
Subject: Marijuana Advisory Committee makeup

We live in Alfalfa, an EFU zoned farming community East of Bend.

We are farmers and ranchers. We grow hay and raise beef cattle. In November 2014, we cast our votes in favor of Measure 91, in the mistaken belief we were simply voting to allow adult personal use, and cultivation of 4 marijuana plants. The measure barely passed in Deschutes County, with 51.5% in favor.

Quoting Deschutes County Commissioner Tammy Baney at the December 21, 2015 Board of Commissioners meeting: "In reviewing Measure 91, there was a disservice affecting everyone. It was supposed to allow personal use, and most felt that was to be done in people's own homes. **The entire issue was not made clear to the public.** (Emphasis added) They are now faced with the issues regarding commercial activities and the businesses associated with this. Measure 91 did not talk about this at all. It left others unaware of the potential consequences and they are faced with having to figure it out."

We were hopeful the BOCC would appoint members to the Marijuana Advisory Committee (MAC) in proportion to the pro/con county vote. Unfortunately, the makeup of the MAC seems to be approximately 8 pro marijuana, 4 pro rural life, and 1 neutral. I doubt if this makeup will lead to a reasonable set of restrictions on the marijuana industry that will preserve our rural way of life.

We also submit that the Planning Commission's proposed restrictions should be the minimum acceptable, and the MAC should "tweek" or add to these rules.

Respectfully,

Margot Barron / Rowan Hollitz

Alfalfa, Bend, Oregon

Email: Olddognewtricks2day@gmail.com

Matt Martin

From: Nunzie
Sent: Monday, February 22, 2016 3:33 PM
To: MAC; Board; Matt Martin; David Doyle
Subject: public testimony for MAC meeting #3 mj

Visitor testimony to MAC meeting #3 2-22-2016

1. for Mj retail, processing, wholesale and production I believe Deschutes County needs to include a performance / surety bond for the mj sector.

Performance / surety bonds are used now in Deschutes County Code for similar land uses for instance for destination resorts, solar arrays and competitive bidding...

A Performance / surety bond is a tracking methodology that assures that applicant (say of a retail mj site) would obtain the relevant licenses and permits say from OLCC and/or OHA and/or Oregon Department of Revenue and any other agencies required to operate their retail business, i

A performance surety bond could also include the setback from schools or whatever other limitations are placed on retail mj sites... another example is proof that a retail mj site is served by a working septic system.

2. Notice that as of yesterday 1/4 of all retailers in Oregon have not yet signed up to report tax income to Oregon. see attached opb story

3. If there are only a few apples that spoil it for the entire sector, then I think the performance /surety bond is the way to assure to CDD and to our community that this new industry actually is a good rule player and community partner.

4. The performance bond in the case of retail would assure that for instance a retail outlet actually registers with Oregon Department of Revenue to pay tax on pot sale.

5. I think mj retail outlets need setbacks from public places that are gathering places for our youth such as County owned and public lands, designated parks, transit areas, community centers, outdoor food carts and public areas including school bus drop off/pickups sites.

6. I also caution the MAC in considering siting mj retail operations near failing transportation infrastructure. An example is where there is long range planning such as ODOT's Hwy 20/Tumalo grade separated intersection. Without long range considerations, MAC could be creating a false sense of siting of mj retailers on sites that might not be approved by ODOT for ingress, egress and circulation. It's important that the MAC not give a false sense of approval for where a retailer can locate (per the green shaded maps) if/where in fact transportation administered by agencies not governed by the County have jurisdiction. Additionally, siting for retail might be further limited by Deschutes County's own future road closures such as on 8th street and Cook Avenue in Tumalo.

7. I encourage the MAC committee to take the time it needs to get the local land use regulations right and not to feel pressure to deliver a half baked plan for the time that the BOCC has given the MAC.

8. Keep mj retail sites inside the UGB in Deschutes County. If tax on mj retail is actually collected and if tax money is actually passed to local law enforcement those funds are better used for enforcement inside UGB's for mj retail. **Law enforcement monies are better suited to enforcing retail marijuana sites inside UGB's where they are located closer to the home base of our local law enforcement** instead of spreading law enforcement thin to distant and rural potential future retail sites in the rural area. Not only is it more costly to enforce regulations in rural areas, when law enforcement is in the rural area, it further reduces the response time within the Urban areas. Note that law enforcement is the first responder for medical and accident calls on our roadways and seconds can make the difference between life and death. <http://www.oregon.gov/DOR/press/Documents/marijuana_fact_sheet.pdf>

9. Good planning is foward thinking and we have the opportunity to get it right the first time therefore it is appropriate to continue the Opt Out at this time.

Thank you for considering my views.

Nunzie Gould

"It's Tax Time For Recreational Marijuana Dispensaries

By [DESMOND O'BOYLE](#) - FEB 21, 2016

The Oregon Department of Revenue says nearly a quarter of the recreational marijuana dispensaries haven't registered to pay the first installment tax on pot sales.



CREDIT MJPRESSON WIKIMEDIA

The deadline for dispensaries to register is February 29th. Pot retailers are required to pay a 25% sales tax on all recreational pot sold in January. Failure to register or pay the tax will result in late fees or other fines. The Register-Guard reports 80% of the medical dispensaries in the state have begun selling recreational pot alongside medical marijuana. But some retailers claim the tax will drive up the price of marijuana, making it unaffordable to lower income users without medical cards, who may also be in pain. Eventually, recreational stores will be separate from medical dispensaries. Some owners say they plan to return to selling exclusively medical pot after December 31st. " copyright, 2016 KLCC

Matt Martin

From: Nena Close
Sent: Monday, February 22, 2016 4:48 PM
To: Board
Cc: MAC
Subject: Hearing for MAC

Tumalo Community Church and the Community Fellowship Hall are within the 1000' radius set as a guideline for Marijuana Advisory Committee discussion. The Sunday School and other youth oriented functions would occur in the Fellowship Hall, as we have a nursery for the young ones and an AWANA room which would be for teens. So - yes, we would be affected by any business set up within that 1000' radius. I would advise against such a close proximity in a small community,

Tumalo Community Church
64671 Bruce Avenue
Bend, OR 97703
"In the Heart of Tumalo"
541-388-1845

Stan Peterson, Pastor
Nena Close, Office Assistant

Matt Martin

From: Matt Martin
Sent: Friday, February 26, 2016 12:12 PM
To: Matt Martin
Subject: FW: Retail - additional regulations
Attachments: EUGENE POLICE-gun toting MJ store owner fires shots in air.pdf; Madras dispensary burglarized; Police seek two suspects.pdf; Legal Marijuana in Oregon Comes With a Surprising Twist 2-7-16.pdf; POT BIZ CRIMES OUTNUMBER BLACK MARKET ONES 2-16-16.pdf

MAC Members-

Liz Lotochinski asked that the attached documents be forwarded to the MAC.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

EUGENE POLICE

Man at Eugene marijuana business cited for allegedly firing shotgun into the air

<http://registerguard.com/rg/news/local/34054280-75/man-at-eugene-marijuana-business-cited-for-allegedly-firing-shotgun-into-the-air.html.csp>

BY CHELSEA GORROW

The Register-Guard

FEB. 13, 2016

Eugene police officers with K-9 dogs responding to a report of shots being fired near West First Avenue and Grimes Street on Thursday morning found a man holding a shotgun inside of a marijuana-related business in the area and took cover, police said Friday.

According to authorities, the shotgun-bearing man, Daniel Y. Fung, 40, of Eugene could be seen crouching in a furtive posture. But when police called the business, Fung answered and spoke with them. He then came outside without the gun and was cited for unlawfully discharging a firearm, police said. It's generally illegal to fire a gun within the city limits.

The incident began at 11:45 a.m. when two people said they heard someone shooting in the area, according to police.

Officers saw Fung in the window of the business, police said. After an officer spoke with Fung, he came out and told police he thought he heard someone trying to break in, so he grabbed a shotgun and stepped outside.

Fung told police a person started to walk toward him, so he fired two warning shots into the air.

Police declined to name the business on the 200 block of Grimes Street. There are several businesses in that area in an industrial park setting.

Legal Marijuana in Oregon Comes With a Surprising Twist

Recreational marijuana sales were expected to bring windfall profits to dispensaries in Oregon, but some dispensary owners have a different tale to tell.

Sean Williams

Feb 7, 2016 at 11:41AM

<http://www.fool.com/investing/general/2016/02/07/legal-marijuana-in-oregon-comes-with-a-surprising.aspx>

Pardon the pun, but you could say expectations are high around the country that this could be the biggest year ever for marijuana legalization.

Consumers and legislators are seeing green

To recap, the past two decades haven't been too shabby for marijuana supporters. Some 23 states, as well as Washington, D.C., now allow for physicians to prescribe medical marijuana for specific ailments, and four states -- Washington, Colorado, Oregon, and Alaska -- plus D.C. now allow for the sale of recreational marijuana to adults ages 21 and up. Even a decade ago the thought of marijuana being legal anywhere would have been somewhat far-fetched, but it's a reality now in four states, and perhaps more by the end of the year.

Being an election year, multiple grassroots campaigns are working hard to obtain the appropriate number of signatures and support to get a cannabis initiative or referendum on their states' ballots for November. Nevada has already obtained enough signatures to get a ballot initiative in front of voters, and it seems likely that Ohio, California, and perhaps as many as a dozen additional states may do the same.

At the same time, legislators in recreation-legal states appear to be happy -- the sale of marijuana is generating much needed tax revenue that schools, law enforcement, and drug abuse education programs can use. Colorado looks to be on pace for more than \$80 million in tax revenue for 2015, up considerably from the \$52 million reported in 2014. Proposition BB wound up apportioning schools about \$40 million from the state's 2014 tax haul, meaning the education system in Colorado could wind up with around \$60 million when the next budget is drawn up.



IMAGE SOURCE: PIXABAY.

Legal marijuana's surprising twist in Oregon

Despite Colorado's success, it's Oregon that most people are looking to as the leading "green" state. Oregon had the largest legal shop infrastructure in place when recreational marijuana was legalized in a November 2014 vote, thus it was widely believed to be the state most capable of challenging black market prices. However, an interesting twist has emerged, at least since recreational marijuana first became available in October 2015.

Like other recreational marijuana states, Oregon boasts a marijuana tax designed to raise revenue. About 40% will go to schools, 35% to police and law enforcement causes, and the remainder to mental health and drug programs. Following a three-month tax holiday, a 25% tax went into effect on recreational sales Jan. 1, 2016.

As [noted](#) by *The Oregonian*, when the Oregon Liquor Control Commission assumes control over the recreational marijuana industry later this year, taxes will drop to 17%.

Oregon's tax is a bit of a wild card. Whereas some states impose taxes on various levels of the retail marijuana process (such as growers, processors, and retailers), dispensaries in Oregon are free to pass along the taxes to their customers, absorb some or all of the costs of the tax, or ask growers and processors to share in the tax. State regulators aren't involved in marijuana pricing one bit, but are content as long as they get their fair share of tax revenue.

As *The Oregonian* pointed out after interviewing several dispensary owners, the responses from consumers and shop owners to the tax have been mixed. Some consumers buy the legal product without balking, **while others have returned to the black market to purchase marijuana.** Similarly, some shop owners are taxing their customers, and others are attempting to absorb the tax in an effort to establish a loyal customer base.

But it was comments from one shop owner, Brad Zusman at Cannadaddy's in Portland, which were eye-opening. Zusman pointed out that recreational consumers are spending an average of \$38-\$45 per transaction, compared to \$100-\$110 among medical marijuana patients. Why the difference? Medical marijuana patients don't pay Oregon's 25% tax, and these patients are allowed access to pricier concentrates and edibles -- something recreational customers aren't allowed to buy.

In Zusman's words, "It's really hard for any dispensary to survive just on recreational sales."

What a twist. Recreational sales, once believed to be the kingpin of success in the marijuana industry, are taking a backseat in profitability to medical marijuana patients in perhaps the most widely followed marijuana market in the United States.

It's tough to read too deeply into these figures considering that recreational marijuana has only been legal for a matter of months in Oregon and is still maturing, but it certainly adds fuel to speculation that medical marijuana may eventually be legalized at the federal level, or at least in a majority of states.



IMAGE SOURCE: FLICKR USER YUTAKA SEKI

Twist or not, this remains a near-certainty

If we look at individual polls concerning medical marijuana, support among the public is overwhelming. CBS News' 2015 poll showed that 84% of respondents were in favor of legalizing marijuana for medical purposes. National polls tend to show a much slimmer majority in favor of legalizing the drug for recreational purposes.

Despite this support, the only near-certainty we have is that the federal government isn't planning to do anything anytime soon when it comes to marijuana's scheduling. President Obama has made it clear that marijuana reform isn't on his agenda in his final year in office, and it's unlikely that Congress will act during an election year when its members are busy garnering votes. Furthermore, many presidential candidates and lawmakers have expressed concerns over marijuana's safety profile. Until lawmakers believe they have a more encompassing profile of the drug, they're unlikely to alter their stance.

This indecision is what makes investing in marijuana businesses so potentially dangerous. Regardless of being legal in certain states, most banks simply won't deal with marijuana businesses for fear of federal prosecution. This means no access to loans, credit lines, or even checking accounts. Having to deal with cash also means extra security expenses for most dispensaries.

Marijuana businesses are also required to pay federal taxes, despite the irony that marijuana isn't legal at the federal level. U.S. tax code 280E ensures that they don't have the ability to take normal business deductions either, since they're selling a federally illegal substance. All told, it's a lose-lose situation for marijuana businesses, and it places their long-term survivability in doubt.

It'll definitely be worth keeping an eye on other states to see if their medical marijuana industries continue to bloom, but for investors wanting their piece of this rapidly growing pie, I'd suggest staying on the sidelines until we see changes at the federal level.

Sean Williams has no material interest in any companies mentioned in this article. You can follow him on CAPS under the screen name TMFUltraLong, track every pick he makes under the screen name TrackUltraLong, and check him out on Twitter, where he goes by the handle @TMFUltraLong.

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Madras dispensary burglarized

By Claire Withycombe The Bulletin Published Dec 16, 2015 at 12:03AM

Madras Police are seeking two people who allegedly broke into a marijuana dispensary on SW Fourth Street early Saturday.

Officers responded to a call of a break-in at 1:15 a.m. Saturday at Central Organics, which sells marijuana products and other goods.

The suspects reportedly took just under \$2,000 worth of products that don't contain THC, such as lotions and packs of seeds, owner Mike Boynton said Tuesday. All products containing THC, the psychoactive ingredient in marijuana, are kept in a safe at night, and no cash is on site during the night either, Boynton said.

Shares

"We follow all of the guidelines and regulations that the state has put into place," Boynton said, including the alarm system that alerted police to the alleged break-in. However, Boynton said, the suspects made brisk business of the break-in.

"They were in and out in under three minutes," he said. "So by the time the security system notified the police and myself, they were already gone."

The case is under investigation. Anyone with information regarding the case is asked to contact Madras police Detective Mel Brown at 541-475-2424. Brown could not be reached for comment Tuesday.

Central Organics opened in July, Boynton said, the same month limited amounts of recreational marijuana became legal.

In November, the Madras City Council voted to put a ban on all commercial activity involving marijuana on the ballot in November 2016, according to Bulletin archives. That effectively puts a freeze on new marijuana-related commercial ventures until the voting public decides whether to allow such businesses.

— Reporter: 541-383-0376,

cwithycombe@bendbulletin.com (<mailto:cwithycombe@bendbulletin.com>)

Matt Martin

From: Matt Martin
Sent: Friday, February 26, 2016 12:22 PM
To: Matt Martin
Subject: FW: Processing - chemical extraction
Attachments: Hash oil explosions on the rise in Oregon 6-2015.pdf; Hash oil explosion apparently caused Veneta area house fire on Monday, fire official says.pdf; More marijuana users making butane hash oil; explosions in Colorado on the rise.pdf; Springfield man injured after home bursts into flames; hash oil explosion suspected 1-26-16.pdf; butane hash oil lands man in prison 12-16-15.pdf; Butane Hash Oil -Wax - Is Weed's Next Big Thing And No One Knows If It's Safe 4-30-15.pdf; Tumalo Fire Police Report - hash oil caused 2-7-14.pdf

MAC Members-

Liz Lotochinski asked that the attached articles be forwarded to the MAC. She stated that "In preparation for our processing discussion, the attached articles provide examples of the risks associated with the production of butane hash oil."

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
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Hash oil explosion apparently caused Veneta area house fire on Monday, fire official says

VENETA — A hash oil explosion is believed to have caused a Monday night fire that destroyed a 3,000-square-foot home just west of the Veneta city limits, Lane Fire Authority Chief Terry Ney said Tuesday.

Ney said the male owner of the home in the 24000 block of Suttle Road was injured in the blaze and went to a hospital in a private vehicle. Citing a federal medical privacy law, Ney declined to identify the man or discuss the extent of his injuries but indicated they are not life-threatening.

Ney said Lane County sheriff's officials will not conduct a criminal investigation into the fire because they do not believe anyone was illegally making hash oil on the property.

"Nothing was found that interests them," Ney said.

Oregon's medical marijuana program allows licensed manufacturers to legally produce hash oil, which is typically made by dissolving marijuana leaves in liquid butane, then cooking it.

Recreational pot use for adults 21 and older became legal in July. But for now, only medical marijuana patients in the state are allowed to purchase the highly potent oils produced by companies that provide it to dispensaries.

Hash oil explosions and fires have become more commonplace as more states have launched medical and recreational marijuana programs in recent years.

Ney said investigators have not yet interviewed the homeowner about the fire. "There's nothing urgent enough to cause us to interview him (in the hospital)," he said. "We'll wait until he is released."

Ney said that as many as nine people — including several of the homeowner's "employees" — may have been at the house when a flammable liquid handled by the injured man ignited inside the garage. A number of explosions were reported on the property shortly before 7:30 p.m.

Ney said fire officials have not tracked down any of the man's workers to ask them about the blaze. "They've just sort of disappeared," he said.

County records list Sean and Kassy Beeman as owners of the Suttle Road property.

According to Oregon Secretary of State records, the Beemans own a company named Genesis Pharms. In February, they filed a business registration application that describes the venture's primary business activity as "organic produce."

A pair of posts to Genesis Pharms' Facebook page on Tuesday mention the house fire.

"We are all okay, but we had to leave our home with nothing more than the clothes on our backs," one post reads. That same post seeks clothing donations for six people who lived there, including at least three children.

The Red Cross on Tuesday said it responded to the fire and provided help to four adults, three children and an unspecified number of pets.

An emailed request for comment from Genesis Pharms was not immediately returned Tuesday afternoon. According to its website, Genesis Pharms "is a group of compassionate people who believe in the power of cannabis and are able to share it with many in compliance with Oregon state law."

Genesis Pharms grows "medicinal plants" and specializes in making hemp oil, other cannabis extracts and a range of cannabis-infused products, according to the website.

Follow Jack on Twitter [@JackMoranRG](https://twitter.com/JackMoranRG) . Email jack.moran@registerguard.com .



Hash oil explosions on the rise in Oregon

Kyle Iboshi, KGW 11:58 a.m. PDT June 1, 2015
CONNECTTWEETLINKEDINCOMMENTEMAILMORE

<http://legacy.kgw.com/story/news/investigations/2015/06/01/oregon-hash-oil-explosions/28312933/>



KGW Investigates: Hash oil explosions

PORTLAND, Ore. — Emergency crews have seen an increase in the number of hash oil explosions in Oregon and many are concerned the legalization of recreational marijuana could spark even more interest in home production of butane hash oil.

"Potentially, we could see more of these fires and explosions," said Captain Chris Woodford of Forest Grove Fire & Rescue. "Hopefully nobody gets killed."

Forest Grove Fire & Rescue has seen two cases of hash oil explosions over the past few years. In March 2013, five people were hurt when a man cooking hash oil blew up his home.

In January 2014, another man making hash oil sparked a huge explosion in his home. He suffered serious burn injuries.

"People trying to make hash oil aren't aware of the risks," said Woodford. "They might have watched a YouTube video and said, 'I can do that.' And then things go bad."

Butane hash oil has become a popular product for marijuana users. They get a quick and powerful high by extracting THC from marijuana to make highly potent oil. But home production can be risky. In an enclosed space, like a basement or bathroom, the butane can fill the room as it evaporates. The right concentration can blow out windows and walls.

"It can be extremely dangerous," warned Lance Hart, Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Ever since the recreational use of pot became legal in Colorado, fire crews have seen more hash oil explosions.

In 2013, Colorado had 12 hash oil blasts. Last year, that number jumped to 32. There have been dozens of injuries, although no one has died from a hash oil explosion in Colorado.

In the past, prosecutors in Oregon have charged people responsible for hash oil explosions with unlawful manufacture of marijuana, which is a felony. They could also be charged with misdemeanors, including reckless burning, reckless endangerment or criminal mischief.

Under Measure 91, which Oregon voters approved allowing recreational marijuana, making hash oil will remain a felony.

Recently, federal prosecutors in Portland have also charged defendants with Endangering Human Life While Manufacturing Controlled Substance and Manufacturing a Controlled Substance after hash oil explosions.

<http://www.thedenverchannel.com/news/call7-investigators/more-marijuana-users-making-butane-hash-oil-explosions-in-colorado-on-the-rise05062014>

More marijuana users making butane hash oil; explosions in Colorado on the rise

Fires spark debate over law, safety

[Theresa Marchetta](#), [Sandra Barry](#)

9:13 PM, May 6, 2014

6:17 AM, May 7, 2014

[denver](#) | [colorado](#) | [keli rabon](#) | [call7 investigators](#) | [john ferrugia](#)

X



RAW VIDEO: Butane Hash Oil Explosion Demonstration

DENVER - Wayne Winkler said one mistake changed his life forever. He was making butane hash oil inside his home in 2012, as a favor for a friend. When he walked past the stove, the oil exploded in his hands.

"My hands literally melted off in one instant," Winkler said, "and I'm burning alive."

By the time Winkler managed to put out the flames consuming his body and his home, the damage was done.

"I had no skin on my fingers to even dial my phone," he said. "I just said, 'Oh, my God. What did I do? What did I do?'"

When Winkler arrived at the University of Colorado Hospital Burn Unit, he was the only patient there injured while making hash oil -- and only the third the unit had seen since 2010.

In 2013, the unit admitted 11 patients. So far in 2014, they've already treated ten.

Camy Boyle, Associate Nurse Manager in the hospital's burn unit, said the injuries are traumatic and life-changing.

"All of the burns are very deep," Boyle said. "The majority of them required some type of surgical intervention."

Exponential increase

Colorado law enforcement is reporting the same exponential increase, from fewer than a dozen hash oil explosions in all of 2013, to more than 30 in just the first four months of 2014.

Sgt. Jim Gerhardt of the Colorado Drug Investigators Association believes that's just the beginning.

"I don't think that these problems are going to stop any time soon," Gerhardt said. "We're going to continue to see this for quite some time, unfortunately."

Since December 2013, hash oil explosions have been reported across metro Denver, including Longmont, Littleton, Thornton and Aurora. There were three in Denver in the space of a month. Each story has generated debate about how dangerous making hash oil really is.

The CALL7 Investigators asked Advanced Engineering Investigations to re-create the conditions being found in homes across the metro.

Forensic engineers agreed to demonstrate the dangers of making hash oil -- using butane inside a two-foot square plexi-glass box inside their facility. They told the CALL7 Investigators it may look easy to do, but it's not easy to do safely.

"If it's not done correctly, (it) can be extremely dangerous," said John Schumacher, vice president and principal engineer at Advanced Engineering Investigations.

Legal debate

The dangers around making butane hash oil aren't the only topic of debate. There's also disagreement about whether it's legal for people who aren't licensed to make it for personal use.

Gerhardt said according to his understanding of Amendment 64, it is.

"If a person damages somebody else's property through these explosions, then certain arson charges might apply. If you endanger a child, then that becomes a felony form of child abuse," he said. "But, beyond that, there's not a whole lot that really prevents people from doing this."

In Arapahoe County, though, the District Attorney is pursuing charges in several cases.

Winkler says whether making butane hash oil is legal or not, it isn't safe.

"Don't ever do this," he said. "I don't want anybody else getting burned up."

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Matt Martin

From: Matt Martin
Sent: Monday, February 29, 2016 8:16 AM
To: Matt Martin
Subject: FW: Central Oregon hospitals see dramatic spike in pot-related illnesses

MAC Members-

Sam Davis asked for the message below to be forwarded to the MAC.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Sam Davis
Sent: Sunday, February 28, 2016 9:28 AM
To: Nick Lelack; Matt Martin
Subject: Central Oregon hospitals see dramatic spike in pot-related illnesses

Matt/Nick:

Something to forward to the MAC. One of the reasons we should all be concerned about our new industry is reported on in this article from KTVZ on Marijuana-related emergency room visits in Central Oregon. The social cost and enforcement cost associated with the marijuana industry needs to be carefully considered in the MAC deliberations.

Sam Davis

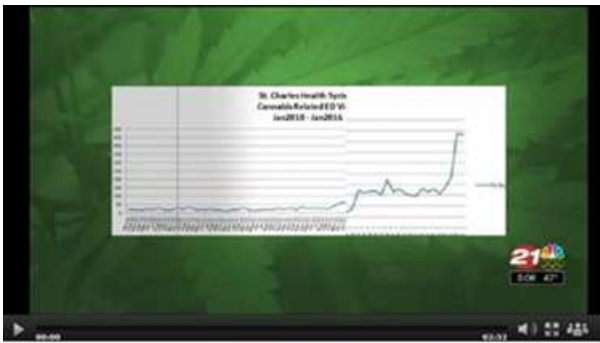
<http://www.ktvz.com/news/co-hospitals-see-dramatic-spike-in-potrelated-illnesses/38156268#.Vs1GonDvUdI.mailto>

C.O. hospitals see dramatic spike in pot-related illnesses

ER visits jump nearly 2,000 percent in four years

Kandra Kent

POSTED: 8:02 PM PST February 23, 2016 UPDATED: 10:10 AM PST February 24, 2016



St. Charles releases marijuana toxicity data

BEND, Ore. -

Marijuana-related emergency room visits in Central Oregon have increased by 1,967 percent in recent years, according to St. Charles Health System.

The hospital group released the data to NewsChannel 21 after a request. It shows area hospitals report steady increases in marijuana-sickened patients since at least 2010. The biggest spikes in illness started just before the drug was available for recreational purchase in October.

St. Charles Bend Emergency Department Dr. Gillian Salton attributes the spike to two main groups of people.

"Adults who are not marijuana users who have tried it now that it's become legal and had adverse reactions, and there's people who are chronic users, but now have more access than they used to," Salton said Tuesday.

Bend Fire and Rescue also reported an increase of marijuana-related calls for service.

"The biggest being edibles, and usually in conjunction with some sort of alcohol," said Emergency Medical Services Capt. Drew Norris. He added that most people they respond to have "increased heart rates -- they are confused, and some start to get anxious."

Salton said there's no antidote for marijuana, so doctors treat the symptoms with drugs like anti-anxiety medicine.

For children, however, it can be more dangerous.

"Small children sometimes aren't breathing adequately, so we might have to put them on oxygen," Salton said, adding that she's personally treated two children for marijuana toxicity.

"It's horrible," Salton said. "There's a not-insignificant number of children that we're seeing with marijuana overdoses."

Still a majority of the patients are adults. According to the data released by St. Charles, all Central Oregon hospitals combined saw 434 patients for marijuana-related emergency room visits in January.

Compare that to an average of 21 patients a month in 2012, an average of 32 patients a month in 2013, an average of 121 patients a month in 2014 and an average of 196 patients a month in 2015.

Doctors and medics say they're finding the culprit is often edible marijuana-infused products like candy, chocolates and sodas because it's difficult for people to judge how much to ingest.

Salton said she's not surprised by the increase in illnesses.

"We've taken something that produces unwanted affects (and) we have not really educated the public well," Salton said.

Because Bend is a popular tourist destination, Salton suspects hospitals will see even more marijuana-induced illnesses in the future.

"We've got marijuana tourism ramping up," Salton said. "I think someone is developing the Bend Bud Trail."

Deschutes County Health Services Prevention Program Supervisor Jessica Jacks said she wasn't aware of the uptick in hospitalizations, but did say the county is working on youth marijuana prevention programs.

The Oregon Health Authority does not track emergency room visits related to marijuana, but it does track calls to the Oregon Poison Control. OHA documents show calls to the center increased from 12 percent in 2013 to 20 percent in 2015.

Both Salton, Norris and Jacks urge people to use marijuana safely -- and always keep it out of reach of children.

"This is a drug that affects your brain, and it's not safe for everybody," Salton said. "If you have it in your house, you need to treat it the same way that you treat your prescription medications. You need to treat it the same way you would your alcohol."

For more information on marijuana safety and how to protect children, you can visit these websites:

<http://public.health.oregon.gov/PreventionWellness/marijuana/Documents/oha-8509-marijuana-report.pdf>.

<http://public.health.oregon.gov/PreventionWellness/marijuana/Documents/children-and-marijuana-dont-mix.pdf>

Matt Martin

From: Matt Martin
Sent: Monday, February 29, 2016 10:37 AM
To: Matt Martin
Subject: FW: Deschutes County must issue list of mj producers to MAC ...mj producers & private road access: Coyote Drive

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Nunzie
Sent: Monday, February 29, 2016 9:39 AM
To: Media Contact - Preserve Rural Deschutes; Tammy Baney; Alan Unger; Tony DeBone; MAC; _SO Sheriff; Moey Newbold
Cc: Nick Lelack
Subject: Deschutes County must issue list of mj producers to MAC ...mj producers & private road access: Coyote Drive

All, when it comes to rural areas and use of rural roads it is important for Deschutes County to provide a list of current mj producers and production sites to the MAC committee.
The MAC is operating in a vacuum without this list of sites.

It is Deschutes County's obligation to our community and to the MAC members to disclose licensed mj production sites and mj producers in Deschutes County.

it's quite possible that neighbors' private drive accesses and private roads (such as Coyote Drive) are being used by a mj producer, with that producer's deliveries, and employees of the mj industry.

An example is Coyote Drive which is not maintained by Deschutes County and is not even a public road: **Coyote Drive is a private road (see map attached and email from County transportation planner Peter Russell)**

I believe that Deschutes County needs to provide the MAC committee with a complete list of current mj licensees such that notification can go to adjacent property owners of the County's public involvement process including the MAC.

i.e. the County has not notified adjacent land owners that the regulations the county is working on now could impact their private property owners' roads and accesses. This is a fundamental component to Goal 1 Public Participation.

Where the public is not notified, how can the public partake?

Therefore for the public health, safety and welfare of our community and for the planning integrity of Deschutes County and respect for Deschutes County's Code:

- 1. I request that the MAC suspend MAC meetings until such time as Deschutes County provides the MAC with a list of licensed producer sites identified by address on a list.**
 2. The County shall provide the MAC a current list of all OHA approved sites in Deschutes County.
 3. There needs to be a performance bond issued from the mj industry to ensure that rural quality of life is not degraded and to fund enforcement, public health (education and medical) and safety costs (Sheriff patrols) incurring in our County.
 4. Deschutes County shall issue written public notification to each rural property owner in Deschutes County identifying the MAC activities and listing the public hearing dates before the MAC and before either the PC and before the BOCC where public testimony can be submitted.
 5. Any private road shall not be used for public purposes without owner consent **and** a deed recorded maintenance agreement that provides for and identifies funding for that road.
 6. There needs to be a Road Maintenance agreement between all property owners recorded against deeds otherwise the County cannot enforce use.
 - 7. IF adjacent owners agree, there needs to be a County process and methodology for changing a private access road into a public access road retroactively to the land division. This must be enforceable by County legal department and by County Sheriff.**
 8. There currently is no County methodology in place to cause the County to create a Home Owners Association and/or a Road Maintenance District and therefore the County cannot implement items 5-7 above.
 9. New County Rules are only as good as Code Enforcement. It is inappropriate to be creating public havoc without proper funding and proper regulations in place.
- I encourage the BOCC to continue it's Opt Out.**
- Nunzie Gould

Begin forwarded message:

From: Peter Russell <Peter.Russell@deschutes.org>
Date: February 29, 2016 8:27:50 AM PST
To: 'Nunzie'
Cc: Peter Russell <Peter.Russell@deschutes.org>
Subject: RE: Coyote Drive

Good morning, Nunzie,
Coyote Drive is not maintained by Deschutes County, in fact it's not even a public road, it's a private road. If you go to DIAL, click on the interactive map then click add layers and choose road ownership.

Below is a screen shot for Coyote Drive and the results. Happy cartographic quest!



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

From: Nunzie

Sent: Friday, February 26, 2016 11:02 PM

To: Peter Russell

Subject: Coyote Drive

Hi Peter

Is Coyote Drive in Deschutes County maintained by Deschutes County?

Thanks Nunzie Gould