

**Tanya Saltzman**

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**Subject:** Comment Letter on 2019-2020 Work Plan

**From:** Stephanie Marshall <[stephanie@bennulaw.com](mailto:stephanie@bennulaw.com)>

**Sent:** Thursday, June 13, 2019 2:34 PM

**To:** \_admin <[admin@co.deschutes.or.us](mailto:admin@co.deschutes.or.us)>; Nick Lelack <[Nick.Lelack@deschutes.org](mailto:Nick.Lelack@deschutes.org)>

**Cc:** Lindsey Pate <[lindsey@glasshousegrown.com](mailto:lindsey@glasshousegrown.com)>

**Subject:** Comment Letter on 2019-2020 Work Plan

June 13, 2019

re: Written Public Comments on County CDD 2019-2020 Work Plan (Hearing on June 12, 2019)

Dear Chair Henderson, Commissioner DeBone and Commissioner Adair:

This law firm is the successor entity to Clifton Cannabis Law LLC, which represented twelve (12) petitioners (the “Petitioners”) in an appeal of Ordinance No. 2018-012 to the Land Use Board of Appeals (LUBA) in 2018. These written comments are submitted pursuant to the Board’s statement at the public hearing on June 12, 2019 that the record on the matter would be left open through June 13, 2019.

**A. Consideration and Adoption of Revised Marijuana Regulations.**

Nick Lelack, Deschutes County Development Department (CDD) Director presented the department’s Annual Report and Draft 2019-2020 Work Plan at the public hearing. Among other things in the report, the County’s regulation of marijuana was addressed.

We are advised by the CDD that you intend to reconsider the marijuana text amendments that were adopted (and appealed and subsequently withdrawn) last fall in a public hearing on July 3. We have further been advised that the Board’s intention is to bring the amendments to the hearing in the same form as they were adopted and proceed from there with the public process. With the upcoming legislative process, the County has the opportunity to address many issues raised by the LUBA Petitioners to come up with regulations that are actually reasonable and supported by the facts.

**B. Summary of Legal and Factual Deficiencies in Ordinance 2018-012**

The Marijuana Regulatory Assessment prepared by CDD staff at the Board’s request, including a Marijuana Land Use Existing Conditions Report, dated October 23, 2017, shows no issues were identified with respect to permitted operations. There is no basis for increasing regulation of marijuana. The Commissioners should listen to all of their constituents, particularly those most impacted by the regulations, which includes those in the marijuana industry.

Alleged impact of those operations on the public is not supported by evidence, but on fears and a lack of understanding. Elevating presumptions about character, crime and even odor over the documented track record of legal, complaint operations is error.

The result is the erosion of rights under the Farm Bill and the State and Federal constitutions. Why is marijuana treated differently than hemp with respect to odor? Why is a presumption of guilt applied to applicants and operators to justify

unannounced searches? Why are no other businesses and no other farms subject to such extreme exercises of claimed authority? Marijuana is a farm crop entitled to protection under the Farm Act and Goal 3. Small farms are also entitled to protection by the County Comprehensive Plan. The County must not lose sight of these existing protections in the .rush to regulate out of existence what is viewed as politically unpopular. The County elected to opt-in, and not prohibit marijuana. It cannot have it both ways.

With respect to legal authority, the County is indeed limited with respect to the scope of marijuana regulations it can adopt. First, they must be “reasonable.” Second, ORS 475B.486 describes the type of police power authority granted, which extends to hours of operations, access and setbacks.

This authority is importantly constrained by ORS 475B.454, Preemption. The provisions of the statutory scheme are designed to operate uniformly throughout the state and are paramount and superior to and fully replace and supersede any municipal charter amendment or local ordinance inconsistent with the provisions of the statutory scheme. Amendments and local ordinances that are inconsistent with the statutory scheme are repealed.

ORS 475B.526 declares marijuana as a crop for purposes of “farm use,” (ORS 215.201), production of marijuana is included within the definitions of “farm” and “farming practice” (for purposes of ORS 30.930), and marijuana is the product of an agricultural activity (for purposes of ORS 568.909) and the product of farm use (for purposes of ORS 308A.062). Marijuana is entitled to the same protections as other crops under Oregon’s Farm Act and is shielded from nuisance and trespass lawsuits under ORS 30.935

The County has already been warned by the Legislature regarding its local regulations. Defending regulations that the County should know to be unreasonable and inconsistent with state law is a waste of public resources.

### **C. Specific Challenges to be Raised if the County Reenacts the Same Regulations and Restrictions in Ordinance 2018-012**

If the County essentially readopts the Ordinance, challenges to LUBA will be made on these, and other bases.

First, the County would again exceed its jurisdiction and in doing so, would misconstrue controlling laws. The County lacks authority to remove marijuana’s state protections as a legal farm crop (per ORS 475B.526) under Oregon’s Right to Farm Act (“Farm Act”). A new ordinance that reenacts the challenged Ordinance 2018-012 will violate that Act by granting a nuisance and trespass right against marijuana producers. The County violated Goal 3 and its Plan by effectively capping an undisputed viable agricultural use in the EFU.

The County further lacks authority to adopt facially unreasonable restrictions on marijuana production. A local government may only regulate EFU land use as allowed by state law and cannot impose barriers to farm uses outright permitted in the EFU. The carve-out for “reasonable conditions” on the manner of marijuana production (ORS 475B.486 and ORS 475B.928) must be read congruously with these protections because otherwise, marijuana loses its express protections as a farm crop. Each restriction in Ordinance 2018-012 is unreasonable because it demands farm operations with zero impact (in terms of light, noise, odor, etc.). The Ordinance took the strictest marijuana regulations in Oregon and purposefully made them harsher to appease certain constituents. The County sought to sacrifice a farm crop to appease nonfarm uses in EFU lands. Its assertions of compliance with these laws is disproved by the record and the practical effects of its Ordinance.

The Ordinance was not factually supported as required by Goal 2. The record reflects substantive evidence against the Ordinance restrictions, but only speculation, unsubstantiated complaints, and the Commissioners’ manifest prejudice to support them. The County should not again ignore the facts to appease grumblings of certain constituents.

The Ordinance also violated the U.S. and Oregon Constitution. Marijuana growers face unreasonable regulations not suffered by other County farmers or other marijuana growers outside the County. This is not rationally related to a legitimate government endeavor because the County's true aim in adopting the Ordinance was to usurp state legislative and administrative authorities to regulate marijuana production out of existence. The County's pretext should fail. The Ordinance's restrictions also failed rational basis analysis under 14th Amendment substantive due process jurisprudence. Forcing marijuana producers and processors to waive constitutional rights against unlawful searches and seizures is demonstrably unnecessary and pretextual, designed to harass, not enforce. Lastly, the Ordinance unconstitutionally granted a privilege by giving certain EFU owners a right to nuisance and trespass relief against marijuana growers that other citizens cannot exert against the same type of farming byproducts.

We understand a public hearing is scheduled for July 3, 2019 with respect to consideration of a new ordinance to replace Ordinance 2018-012. Please include this letter in that record, as well as in the record for the CDD 2019-2020 Work Plan.

Thank you for your attention to and consideration of these comments.

Sincerely,

Stephanie Marshall

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**Stephanie Marshall** | Senior  
Attorney [stephanie@bennulaw.com](mailto:stephanie@bennulaw.com)

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Dear Chair Henderson, Commissioner DeBone, Commissioner Adair,

What began as a medical grow operation in 2015 and with five dispensaries across Oregon, our goal is to continue to thrive and provide Oregonians with the high-quality cannabis products they've grown to love from Cannabis Nation. In addition to producing over 30 premium strains, we also make our own concentrates, cartridges, and pre-rolls. Our Sunriver store is our newest location, opening in June of 2018. In the coming fiscal year, we are looking for regulations that give our retail store in Sunriver an equal opportunity to participate in the regulated cannabis market.

We would like to propose the extension of our allowable hours of operation to match the legally allowable hours for the neighboring cities of Bend and La Pine. Currently, the allowable operational hours of dispensaries outside of Bend City Limits and La Pine City Limits in Deschutes County is 9:00 a.m. to 7:00 p.m. Cannabis Nation would like the opportunity to provide the same hours of service for the population of rural Deschutes County. We previously testified in August 2018 proposing this change in operating hours. Our proposed hours of operation would be:

8:00 a.m. – 9:00 p.m. Sunday, Monday, Tuesday & Wednesday

8:00 a.m. – 10:00 p.m. Thursday, Friday & Saturday

As Cannabis Nation Sunriver has been operating just over 1 year, we have seen that the customer traffic is much higher in the evening than in the morning. In the first hour of operations in the months of March, April, and May 2019, only 5.49% of sales occurred. However, during the last hour of operations, over 2x that many sales occurred at 11.93%. There have been numerous occasions during closing shifts that customers have continued to arrive after closing at 7:00 p.m. and must be turned away. This indicates that the ability to operate to the legally allowed time of 10:00 p.m. will benefit not only our customers, but our employees and the State of Oregon as well.

Benefits for the increased hours of operation include:

- Additional hours of workable time for all locally-hired employees, potentially generating the need for added positions to be filled by locally sourced staff.
- Residents of rural Deschutes County and vacationing individuals in the area would not feel the need to drive all the way to Bend or La Pine to make a purchase, keeping the roads safer with decreased potential for individuals driving while tired after a long day of work or physical activity or in potentially dangerous weather conditions.

Individuals living in, as well as those visiting, rural Deschutes County and the Sunriver area work and play all hours of the day. We would like the opportunity to provide the local community and numerous visitors with the State of Oregon's authorized legal right to purchase marijuana during operating hours that fall within the hours of 8:00 a.m. and 10:00 p.m.

Thank you,

Cannabis Nation Team

**Points of Contact:**

Jenny Mueller  
Manager | Cannabis Nation Sunriver  
(541)241-7380 | [jenny.mueller@cannabisnationinc.com](mailto:jenny.mueller@cannabisnationinc.com)

Matt Hurt  
Director of Operations | Cannabis Nation Inc.  
[matt.hurt@cannabisnationinc.com](mailto:matt.hurt@cannabisnationinc.com)

## Tanya Saltzman

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**From:** Shirley Morgan <shirley.morgan@aecinc.com>  
**Sent:** Friday, June 28, 2019 11:24 AM  
**To:** Tanya Saltzman  
**Cc:** Tony DeBone; Phil Henderson; Patti Adair; Nick Lelack  
**Subject:** Deschutes County Ordinance No. 2019-012 PUBLIC TESTIMONY

**Importance:** High



### PUBLIC TESTIMONY

[http://deschutescountyor.igm2.com/Citizens/Detail\\_Meeting.aspx?ID=2333](http://deschutescountyor.igm2.com/Citizens/Detail_Meeting.aspx?ID=2333)



Dear Deschutes County Chair Henderson and Commissioners Adair, and Debone,

I submit this in support of a Deschutes County recommendation to OPT OUT of any additional marijuana production sites.

The marijuana industry in all states where it has been legalized through highly funded out-of-state ballot initiatives and misrepresented arm twisting facts with legislators, have already shown their inability to abide by State regulation programs. Once in, it becomes the camel's nose under the tent they just want more until they meet their goal, which is not to have to abide by any marijuana regulations.

Marijuana is treated differently because it is a federally illegal drug and is not a normal farm crop and it certainly doesn't smell like a normal crop, therefore it is not allotted the same protections as real farm crops. Oregon's

marijuana law has provided provisions for local jurisdictions to provide ordinances that control reasonable time, manner and place regulations. The pro marijuana advocates though active in the community input process only seek to challenge any regulations. The truth is the marijuana industry doesn't want to have any regulations, nor do they find any regulations reasonable. What is unreasonable, is that all existing farmers in the State of Oregon are required to abide by all County, State, and Federal laws. Does the marijuana industry think that they are exempt from the same?

Oregon in all counties have experienced impacts far beyond the normal farmer, such as the attempts to turn farm land into industrialized marijuana production sites such as:

- Industrialized traffic.
- Industrialized power usage.
- Industrialized water usage.
- Industrialized equipment that is required to operate a grow.
- Industrialized harvesting, 365 days a year 24/7 days a week, not your normal seasonal farming harvest.

The industrialized marijuana industry touts that their operations will bring jobs to the community, but fail to tell the community what the real unfriendly impacts are such as:

- **SECURITY:** The installation of security gates, fences, cameras, security guards, and tree barriers which they claim will deter criminal activity, yet they claim "there is no data suggesting that criminal activity goes up around marijuana grow sites and that it will not be any different than any other type of agricultural facility." We can't think of any other type of agricultural site that requires security gates, fencing, cameras and security guards if crime doesn't go up. All we have to do is a search of States that have legalized marijuana to see that plenty of crime is brought into our communities because of these marijuana grow sites.

<https://katu.com/news/local/thieves-smash-walls-with-sledgehammers-steal-pot-plants-from-licensed-grow-facility>

<http://www.usatoday.com/story/news/nation-now/2016/06/27/3-die-shooting-oregon-legal-pot-grow-suspect-captured/86451942/>

<http://koin.com/2017/11/03/oregon-genetics-marijuana-warehouse-burglarized/>

<http://nypost.com/2017/07/18/pot-grower-details-horrific-attack-on-state-licensed-farm/>

<http://registerguard.com/rg/opinion/36109717-78/living-near-marijuana-grow-can-be-unhealthy-experience.html.csp>

<https://www.wenatcheeworld.com/news/2016/jan/25/neighbors-incensed-over-stinky-pot-farms-proposed-ban-would-include-existing-businesses/>

<https://kobi5.com/news/240-pounds-of-cannabis-stolen-from-marijuana-farm-51625/>

- **ODOR & NOISE:** Odor is the main complaint of marijuana grow sites, whether they are using odor mitigation carbon filters or not. What they don't tell you is that the large HVAC fans that are used sound like small airplane engines and hum throughout the community all day and night causing many problems for neighbors.

<https://www.wesh.com/article/residents-concerned-over-noise-caused-by-marijuana-nursery/27036113>

- **TRAFFIC:** Industrialized traffic has become the new norm, with patterns of commercial traffic such as: semi's, commercial marijuana product and equipment delivery trucks, large UPS and Fed Express, dirt delivery vehicles (*as much of the dirt used to grow marijuana is often imported from out of Country such as Sri Lanka*), compost trucks, material plant waste containers, waste water management containers, heavy equipment for moving pallets and other items, huge cargo containers for storage and large number of employee vehicles 24/7, 365 days a year.

- **WATER:** large commercial marijuana grow sites are operating 24/7, 365 days a year, therefore producing marijuana annually around the clock rather than seasonally like other farming practices, therefore using much more water than the normal farmer.
- **LIGHTING & POWER:** Power bills for commercialized marijuana grows can cost as much as \$100,000 per month, using up local power grids, using way more power than any other type of farming products.

[https://www.oregonlive.com/marijuana/2015/11/marijuana\\_grows\\_cause\\_power\\_bl.html](https://www.oregonlive.com/marijuana/2015/11/marijuana_grows_cause_power_bl.html)

- **KIDS:** They note that “the impact on kids won’t be any different than any other type of agricultural facility,” but neglect to tell you that kids will certainly know the difference with the fencing, cameras, security guards, odor, noise, and traffic. Kids will be the first to know that marijuana will be grown in the building. To learn what is going on with kids and marijuana in Oregon high schools, watch the below documentary.

<https://www.youtube.com/watch?v=BApEKGUpXs> Weed Documentary High School 2016

- **PROPERTY VALUES:** They note, “It’s unlikely that it will impact your property values and that “there is little reliable data on the impact of cultivation facilities on property values.” All you have to do is to ask yourself, friends and neighbors, would you buy a property next to a large commercial marijuana grow? Of course it impacts local property values.

The marijuana industry has always been a rouge industry that pulls the wool over the eyes of voters and legislators, hoping to hoodwink them into thinking that they can become a serious regulated market and keep drugs out of the hands of kids and get rid of the black market. We already know that this isn’t true in Oregon.

There are no privileges that are granted to the marijuana industry under the Oregon Right to Farm Act, as marijuana is federally illegal. What is granted to the marijuana industry are the rights of local jurisdictions to establish time, manner, and place regulations and the right to **OPT OUT**.

We support Deschutes County’s right to OPT OUT, over reasonable regulations.

Please include this letter as public testimony for the public hearing schedule for July 3, 2019.

Respectfully submitted,  
Shirley Morgan

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## Tanya Saltzman

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**From:** paulahawes@sbcglobal.net  
**Sent:** Sunday, June 30, 2019 2:17 PM  
**To:** Phil Henderson; Patti Adair; Tony DeBone  
**Cc:** Tanya Saltzman; Nick Lelack  
**Subject:** Opt-Out of New Marijuana Production in Deschutes County  
**Attachments:** Time to Opt-Out.pdf

Dear County Chair Henderson and Commissioners, Adair and DeBone,

I would like to submit this written testimony as my support of the decision for Deschutes County to OPT OUT of any new marijuana production operations.

### **Measure 91:**

Measure 91 passed with a very small margin in Deschutes County. Furthermore, the majority of rural voters rejected Measure 91, yet they have been the ones who have been forced to endure the impact of marijuana operations in their communities.

### **HB3400:**

Measure 91 only asked voters whether they wanted to allow marijuana use, nowhere was it stated on the ballot that marijuana would be grown in agricultural areas. HB3400, decided by handful of pro-marijuana legislators, without any voter input, designated cannabis as an agricultural crop, thus granting marijuana Oregon's Right-to-Farm protection on lots that have been zoned for Exclusive Farm Use (EFU).

### **Deschutes County's EFU's Are Surrounded by Rural Residences:**

Over time Deschutes County has permitted much of its farmlands to be chopped up and rezoned. This afforded landowners to profit from the sale of a portion of their land and afforded the County the ability to impose higher tax rates on the newly created lots. In areas like Tumalo the dividing up of large EFU lots has resulted in 20, 30, 40 and even 60 acre lots now being adjacent to small 2, 5 and 10 acre lots that have been rezoned as Multiple Use, or Rural Residential.

The county permitted these new lots to have residential homes built on them. Often due to the limitations of the size of the lots it's not uncommon to find that a home is located a mere 100 feet from a property line. In the past when most of Deschutes County's farmlands were being farmed for hay the activities associated with farming, like dust from harvesting a couple of times a year, were tolerated as acceptable "periodic and reasonable" farming practices. In contrast, marijuana production is carried out 365 days a year, it is an industrial, commercial, enterprise that does not belong a mere few hundred feet from rural residence.

### **Right-To-Farm, or the Right-To-Harm?**

Right-to-Farm laws are increasingly becoming a "Right to Harm." They are being used as a "get of jail free card," for any "new" get-rich quick industry, no matter what costs their operation has on the quality of life and property values of **existing** neighboring property owners. Someone who acquires a rural property has the right to expect said property will continue to afford them, within reason, the same quality of life that was evident when the property was purchased. RTF laws that were originally created to protect farmers from those who "came to the nuisance," are now frequently being used to guarantee protection for all/any future farming practices, no matter how burdensome and unreasonable to others. **When do Right-to-Farm Laws Go Too Far? \***

**Commercial marijuana cultivation** involves multiple plastic hoop houses, industrial fans that run 24/7, grow lights that spoil our night skies and creates a pervasive foul skunk odor that travels large distances, preventing neighboring

residents from being able to enjoy the use of their own properties, or sleep with their windows open. Rural land that was once a part of a peaceful neighborhood has been turned into a commercial enterprise, with multiple staff, dogs, ATV's and traffic utilizing previously quiet rural roads. These operations are more industrial in nature than they are agricultural and why Colorado, unlike Oregon, insisted that marijuana be grown in industrial warehouses away from **all** rural and urban residences. California also granted marijuana a crop status, resulting in residents complaining about offensive odors permeating their neighborhoods. This has subsequently resulted in several counties like Sonoma putting a ban on hemp production due the lack of odor control.

**Op-In Decision:**

Despite the considerable push back Deschutes County received from rural homeowners during public hearings, the County Commissioners decided to Opt-In on the grounds they could put reasonable "time place and manner" restrictions on marijuana production, including that of EFU zoned property. Additionally, a Marijuana Advisory Committee (MAC) was formed to create regulations. The MAC was primarily made up of those who were either currently working in the marijuana industry or hoping to do so in the future, thus the regulations that were generated were done so with the approval of those in the marijuana industry. However, six months after Deschutes County put rules in place these same individuals were attempting to get Salem Representatives to overrule them.

**Non-Compliance:**

Predictably, since the Opt-In many in the marijuana industry have failed to comply with even the State's regulations. The Oregon Liquor Control Commission's (OLCC) 2018 "Operation Good Harvest," found Deschutes County's marijuana producers to have only a 55% compliance rate, worse than the State average.

**Massive Overproduction:**

According to Time Magazine, Oregon's pot supply is running twice as high as demand, meaning that the surplus from last year's harvest alone could amount to roughly 2.3 million pounds of marijuana, by the OLCC's figures. That's the equivalent of over 1 billion joints. Oregon has one of the highest imbalances among the 10 states that have legalized recreational marijuana.

<https://time.com/5598922/oregon-weed-pot-supply/>

**The fact is we don't need more marijuana production in Oregon.**

In conclusion it's worth noting that two of the County Commissioners who made the decision to Opt-In were thrown out by voters in subsequent elections. What does that tell you? Rural voters have spoken, and they don't want marijuana production in their neighborhoods. **Opt-Out of any new marijuana production now.**

Thank you.  
Paula Hawes  
Rural Resident

**\*Boston College Environmental Affairs Law Review:**

***"Governments and Unconstitutional Takings: When do Right-to-Farm Laws Go Too Far?"***

Statutes protecting **existing** activities from nuisance lawsuits by future neighbors incorporate an equitable coming to the nuisance doctrine. However, a few legislatures have adopted right-to-farm law provisions that go further and grant a preference whereby future incompatible activities are protected against nuisance lawsuits. Under a provision protecting future nuisances, the interference with a neighbor's property rights may be so great that it operates to affect a regulatory taking.

*Right-to-farm laws that extend their protection to minor adjustments of activities should withstand scrutiny. However, laws that foist significant burdens on neighboring property owners by providing a defense for new nuisance activities may go too far. Statutes that allow major expansion or extensive changes might produce an unconstitutional taking.*



July 1, 2019

Tanya Saltzman  
Deschutes County Community Development Department  
117 NW Lafayette Avenue  
Bend, Oregon 97703

SUBJECT: Reconsideration of Deschutes County Marijuana Text Amendments

Dear Ms. Saltzman,

Thank you for the opportunity to comment on Deschutes County's reconsideration of text amendments to the Deschutes County Code that refine the regulation and enforcement of marijuana production on rural lands.

As the provider of public parks in the community, the District is concerned about the potential impacts marijuana production and retail facilities could have on the public's use, enjoyment and safety in parks.

We appreciate that Ordinance No. 2018-012 requires property line separations between marijuana properties and state, local, and municipal parks, including land owned by a parks district. Because the District owns land in the County, we strongly encourage you to keep text that addresses property line separations from marijuana properties and parks.

If you have any questions regarding these comments, please don't hesitate to contact me at 541-706-6130, or [quinn@bendparksandrec.org](mailto:quinn@bendparksandrec.org).

Sincerely,

A handwritten signature in blue ink that reads "Quinn Keever".

Quinn Keever, Park Planner  
Bend Park and Recreation District

A stylized, handwritten-style logo in grey that reads "play for life".

District Office | Don Horton, Executive Director

799 SW Columbia St., Bend, Oregon 97702 | [www.bendparksandrec.org](http://www.bendparksandrec.org) | (541) 389-7275

Subject: Re In or Out 2015 vs. 2019

Honorable Chairman Henderson and Commissioners Adair and DeBone, please consider the following:

**2015:** The Board was facing a decision having little to none factual information as to the consequences of allowing marijuana production in established family, normal-farming neighborhoods. Emphasizing optimistic revenue projection and minimizing the concerns of the adverse effects on safety, health, and existing family normal-farming operations, the Board oped in.

**2019:** Today, the Board will reconsider that 2015 decision. This time, the Board does not need to rely on "projections," because now - in the record are empirical, anecdotal evidence, and actual statistics collected by law enforcement agencies throughout the State - each Commissioners has the following factual information to guide his/her decision:

- It is now acknowledged by law enforcement agencies throughout the State that marijuana production has a history of frequently bringing increased crime and public safety issues, including threats of bodily harm, to a here-before safe normal-farming neighborhood.
- As testified to in the public hearings, the quality of life in Deschutes County's established family, normal-farming neighborhoods have been adversely effected by marijuana production.
- Revenue-wise, the net effect of oping-in has had an adverse financial impact on the County's resources including non-financial resources.
- Deschutes County's renowned reputation as a preferred safe, family-oriented vacation choice is in jeopardy.
- Today, with four-years of insight and information, the Board can now better understand why the State Legislature by excluding marijuana production from the protection of DCC 9.12 and ORS 30.3905, "Right to Farm," publicly acknowledged that marijuana production is not equivalent to normal farming operations.
- **Hence, your factual, informed vote to Op-out is the only way to:**
  - Protect the safety, health, and quality of life of Deschutes County's established family, normal-farming neighborhoods;
  - Prevent further strain on the County's financial and nom-financial resources; and
  - Protect Deschutes County's renowned reputation as a preferred safe, family-oriented vacation choice.

A quote: "When the facts change, I change my mind. What do you do, Sir?"  
John Maynard Keynes, Noble Prize Laureate

Respectfully submitted,  
Robert P. and Nancy J. King, Trustee, owner  
69220 Goodrich Road  
Sisters, Or 97759

Mailing address:  
29422 Spotted Bull Way  
San Juan Capistrano, CA 92675

## Tanya Saltzman

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**From:** Monica Rendon <muttsaboutyou2@yahoo.com>  
**Sent:** Monday, July 01, 2019 1:13 PM  
**To:** Tanya Saltzman  
**Cc:** Tony DeBone; Patti Adair; Phil Henderson; Nick Lelack  
**Subject:** Deschutes County Ordinance No. 2019-012 PUBLIC TESTIMONY

Commissioners of Deschutes County.

I respectfully wish to voice my opinion to OPT OUT of any additional marijuana sites. I am unable to attend the public hearing on Wednesday, July 3rd, but wish my voice to be heard. Thank you!

Monica Rendon  
Rural Bend Resident

I want to live my life like my dog does - Always in the moment and always honest and true. 🐾❤️👍

[Sent from Yahoo Mail for iPad](#)

## Tanya Saltzman

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**From:** Vern And Monica <vrendon3@yahoo.com>  
**Sent:** Monday, July 01, 2019 1:10 PM  
**To:** Tanya Saltzman  
**Cc:** Tony DeBone; Phil Henderson; Patti Adair; Nick Lelack  
**Subject:** Deschutes County Ordinance No. 2019-012 PUBLIC TESTIMONY

Commissioners of Deschutes County.

I respectfully wish to voice my opinion to OPT OUT of any additional marijuana sites. I am unable to attend the public hearing on Wednesday, July 3rd, but wish my voice to be heard. Thank you!

Vern Rendon  
Rural Bend Resident

I want to live my life like my dog does - Always in the moment and always honest and true. 🐾❤️🐾

## Tanya Saltzman

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**From:** gailhayesdavis@gmail.com  
**Sent:** Tuesday, July 02, 2019 4:09 PM  
**To:** Tanya Saltzman  
**Subject:** Public Hearing on Ordinance #2018-012

July 3, 2019

Dear Chair Henderson, Commissioner DeBone, and Commissioner Adair,

Thank you for considering my comments on Ordinance Number 2019-012, more specifically the reconsideration of text amendments to the Deschutes County Code refining the regulation and enforcement of marijuana production on rural lands, which were originally adopted as Ordinance No. 2018-012.

There are strict state and county controls in place from seed to selling point .....the problem lies in the hundreds of active UNREGULATED medical marijuana growers in Deschutes County. They are unregulated and therefore free to sell their marijuana to anyone in the black market including youth. Currently, Deschutes County has 636 active medical grows in the county. The number of plants and patients per active grow are publicly unknown but we can assume every one of the 636 active medical grows contains more than 12 plants. Twelve is the maximum number of plants you can grow without reporting your medical grow to state authorities. The maximum amount of plants per medical grow is 48 outside city limits unless you are grandfathered in at 96 plants. Let's assume each medical grow contains an average of 20 plants in Deschutes County and each plant yields 2.64 pounds a year (Roig, Suzanne. "Oregon faces black-market marijuana problem." *The Bulletin*. Web. 14 October, 2018). The total yield based on the assumptions of 20 plants per medical grow at 2.64 pounds a year is **52.8** pounds of cannabis produced in in Deschutes County in 2018. Not knowing the hard data behind the individual demand in Deschutes County, we should assume the higher echelon of the individual patient consumption in milligrams per day is 80 milligrams. If a patient consumes on average 80 milligrams of THC per day; the grams needed in flower form per day would be 2.79 grams of cannabis (assuming a strength in cannabis greater than 20% THC, Staff. "Guidelines For Dosing With Medical Cannabis - Routes of Administration." *420Evaluations*. Web. 29 September, 2016). Let's keep the math simple and assume 3 grams of flower a day or 2.4 pounds per year is consumed per patient in Deschutes County. There are 2,379 patients registered in Deschutes County as of April 2018 (Oregon Health Authority. The Oregon Medical Marijuana Program Statistical Snapshot April 2018.) Based on this data, the medical patient consumption for the county is 2,379 patients x 2.4 pounds per year or **5,709** pounds per year. Therefore, the excess from the medical growers is over **30,000** pounds in Deschutes County. This overage definitely goes on sale through the black market!!

**Making the rules more stringent on the regulated cannabis growers in Deschutes County will only increase the number of black market sellers!**

I urge you to carefully consider all comments before deciding to enact an ordinance that will increase the costs of the industry and potentially result in the very result that the Commissioners wish to prevent – proliferation of the black market.

Sincerely,

Dr. Gail Hayes Davis  
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