

To: House Committee on General Government
From: Aileen Kaye, South Marion County
Date: 3-18-21

Re: Yes on HB 3239

Dear Chair Wilde and Members of the Committee,

I am speaking in favor of HB 3239 which limits where cannabis can be processed.

I have had direct experience with opposing a conditional use permit for a cannabis processing plant on 40 acres of exclusive farm use land. I live in a rural area of south Marion County where we have horses. The area is mainly exclusive farm use. Many of the local residents have children who attend Cloverdale School. The entire community banded together to fight this application which took months, hundreds of hours of time, and money for three attorneys. Participants in this effort to get the permit denied included the school district superintendent, principal, school board members, the local fire chief, farmers and other residents. Over 100 people banded together for this effort.

We prevailed because the applicant saw the huge opposition from the area and simply stopped communicating with the hearings officer after the hearing.

The bottom line is, however: We should not have had to endure the time, expense, and anxiety when this type of operation should only be allowed in an industrial zone instead of allowed as a conditional use on exclusive farm use land.

Processing of cannabis is a complex industrial activity. There needs to be limits on where this activity can be allowed. It should be permitted in industrial zones that have the infrastructure for this type of operation.

This case in which I was involved was in south Marion County, August, 2019 (CU 19-024). An out-of-town speculator discovered a 40 acre farm (exclusive farm use land) for sale by a recent widow. He tricked the recent widow into submitting an application for a conditional use permit to build several large buildings, including a motor pool of 10 semi trucks, for the purpose of processing hemp "in conjunction with farm use". No farm use was going to be taking place at all, but this application was allowed to go forward due to its eligibility as a "conditional use" on EFU land. **Thus, HB 3239 is sorely needed.**

This is the application we had to fight:

PURPOSE OF HEARING: to receive testimony on a request for a conditional use to establish a hemp processing facility as a commercial activity in conjunction with farm use on two parcels containing 37.61 acres in an EFU (Exclusive Farm Use) zone

located at 8710 Parrish Gap Road SE, Salem (T8S; R2W; (Section 31; tax lot 900) and (Section 31CB; tax lot 900).

The problems with this application were numerous:

- *The location was ¼ of a mile from the elementary school.
- *Fire hazards from use of flammable ethanol. (Remember the March 16 fire at a Cornelius ethanol facility.)
- *Fire response problems: The area would be fenced and locked for crime prevention making fire response difficult. Water availability issues, too.
- *Crime magnet. Hemp theft. Criminal elements might appear near the school and local farms.
- *Traffic (All roads to get to that property are two-lane winding roads with ag vehicles throughout the year.)
- *Interference with rural school bus routes.
- *Storm water drainage issues.
- *No farming planned on 40 acres of EFU.
- *Gas lines/utilities/natural gas issues.
- *Entry and egress problems by planned trucking activity.
- *Hours of operation (was to be 24/7)
- *Impact on neighboring farmers and their livestock and crops, especially organic farms in the area near the gas fired driers.
- *Waste disposal issues, including hazardous waste sludge created by hemp processing.

We were fortunate Covid was not here yet! We would not have been able to have our organizational meetings and we would not have been able to testify in person with the numbers of people we had.

Allowing this type of industrial activity on farm land makes no sense. As I mentioned, no crop of any type was to be grown. However, “in conjunction with farm use” has too broad of an interpretation.

I urge you to vote HB 3239 out of committee.

Thank you for your consideration.

Aileen Kaye
Turner, OR