

Having just listened to the OLCC describe the process by which they issue a license during the hearing, I decided to do a little digging into Statute 475B as referenced by the OLCC. The OLCC representatives led those on the call to believe that a Land Use Compatibility study must be done before they will issue a license. However, take a look at what's in 475B:

475B.074 Exemption from requirement to obtain land use compatibility statement. (1) The requirement under ORS 475B.063 to obtain a land use compatibility statement as a condition of receiving a license under ORS 475B.070 does not apply to an applicant if:

- (a) The applicant is applying for a license at an address where a marijuana grow site registered under ORS 475B.810 is located;
 - (b) The address is outside of city limits;
- and so on.....

It's pretty obvious that the purpose of this bill is to restrict the industrial processing in the rural areas. Why then would OLCC's response be that they receive a Land Use Compatibility before they grant a license when in fact most of the rural locations we are talking about fall outside of city limits, not requiring a LUC?

So now we have a License request without the need for a LUC. Does the OLCC look into whether or not the application will violate any laws? Likely not. They'll defer to the County/City who will just OK whether the land is ok for the crop. This is what happened for the Jaquith Rd site. The county couldn't deny the site plan because marijuana is a crop under Oregon law. However we're missing another really big point here. Under HB 3400 Section 34. SECTION 34. (1) Notwithstanding any other provision of law, marijuana is: (a) A crop for the purposes of "farm use" as defined in ORS 215.203; (b) A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930; (c) A product of farm use as described in ORS 308A.062; and (d) The product of an agricultural activity for purposes of ORS 568.909. (2) Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses on land designated for exclusive farm use: (a) A new dwelling used in conjunction with a marijuana crop; (b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a marijuana crop; and (c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop. Commercial activity, like processing outside crops for a profit, is not allowed in conjunction with marijuana crop. So when an applicant states that they are going to do just that, who is the party that steps up and says "No - that is against Oregon law"? Not OLCC, Not the County.....This is why we need State help.