

BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF DOUGLAS

IN THE MATTER OF DECLARING A LOCAL)
STATE OF EMERGENCY WITHIN DOUGLAS)
COUNTY RELATING TO UNLAWFUL)
CANNABIS ACTIVITIES AND OTHER)
MATTERS RELATED THERETO)

ORDER NO. _____

WHEREAS, at the November 2014 General Election, the voters of the State of Oregon passed Ballot Measure 91, *Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act of 2014*, which has the effect of legalizing the production and use of recreational marijuana and industrial hemp; and

WHEREAS, at the November 2016 General Election, the voters of Douglas County adopted Ordinance No. 2015-07-036 prohibiting recreational marijuana businesses (producers, processors, wholesalers, and retailers) in unincorporated areas (outside city limits) of Douglas County.

WHEREAS, the Oregon Legislature enacted, and Governor Brown signed, Oregon House Bill 3400 (2015) (HB 3400), a portion of which was codified as Oregon Revised Statute (ORS) 475B.345 (renumbered in 2017 as ORS 475B.491), which prohibited local governments from enacting any tax or fee on the production, processing, or sale of marijuana, except for a local tax capped at 3 percent on only the retail sale of recreational marijuana; and

WHEREAS, the actual impacts of the legalization of recreational marijuana and industrial hemp to Douglas County far exceed any initial estimate of those impacts and include violations of the Codified Ordinances of Douglas County and the Douglas County Land Development Ordinance (County Codes), violations of State criminal laws, violations of State laws regulating hemp production, and violations of State water laws; and

WHEREAS, these large, illegal marijuana operations are reported to multiple County, multiple State, and multiple national agencies.

WHEREAS, in September 2021, six years after the implementation of legalized production, processing, and wholesaling of recreational marijuana in the State of Oregon, Code Enforcement has initiated a significant increase in the amount of cases related to violations of the County Codes, to which are related to marijuana production or processing, with two months of 2021 still remaining; and

WHEREAS, if complaints continue at the current rate for 2022, Code Enforcement will initiate an even greater number of cases related to violations of the County Code, including those cases related to marijuana production or processing alone; and

WHEREAS, criminal activity related to marijuana production has also dramatically increased since the passage of Ballot Measure 91 in 2014; and

WHEREAS, as compared to 2014, the year prior to the passage of Ballot Measure 91, law enforcement in Douglas County, including the Douglas County Sheriff's Office, has witnessed a significant increase in the number of cases and the amount of marijuana being transported from Douglas County to localities outside of the State of Oregon; and

WHEREAS, as law enforcement in Douglas County, including the Douglas County Sheriff's Office, is witnessing new criminal offenses and other violations, generally unseen before 2014, occurring at cannabis grow sites including significant evidence of what is being called "narco-slavery," including forced labor; squalid and unsafe living conditions for workers; and exploitation, intimidation, and abuse of workers; and

WHEREAS, on April 13, 2021, the Governor declared that Douglas County is in a drought emergency pursuant to Executive Order No. 21-08; and

WHEREAS, complaints related to the use of water in violation of State water laws, and individual water rights, have dramatically increased since 2015; and

WHEREAS, illegal uses of water exacerbate the drought under which Douglas County is suffering and places legal uses of water under existing water rights in jeopardy; and

WHEREAS, in 2021, the Oregon Legislature enacted, and Governor Brown signed, Oregon House Bill 3000 (2021) (HB 3000) which made certain revisions to the State law governing the production and sale of cannabis in the State of Oregon including:

- (a) Making the production of cannabis without an appropriate registration or license issued by the State of Oregon a crime; and
- (b) Providing the Oregon Liquor and Cannabis Commission (OLCC) and Oregon Department of Agriculture (ODA) the authority to inspect cannabis production sites within the jurisdiction of the other agency; and
- (c) Providing monetary grants to local governments related to the enforcement of laws related to the production of cannabis; and
- (d) Authorizing the deployment of the Oregon National Guard to assist, as able, in the enforcement of laws related to cannabis production; and

WHEREAS, the inspections of registered industrial hemp sites by officers of the OLCC have so far indicated that many sites registered to grow industrial hemp are growing cannabis with Tetrahydrocannabinol (THC) in excess of the limits allowed for industrial hemp and many of the sites have refused entry to officers of the OLCC to conduct any inspection; and

WHEREAS, the following conditions have resulted in the need for a local state of emergency:

- (a) Since the passage of Ballot Measure 91, the production and processing of cannabis has resulted in significant impacts to Douglas County related to enforcing compliance with County Codes, State criminal laws, and State water laws; and jeopardizing the public health, safety, and welfare of our citizens.
- (b) The impacts to Douglas County from the production and processing of cannabis in our County continue to increase year after year.

WHEREAS, the continued lack of state funding and resources to properly regulate and enforce the County Codes, State criminal laws, and State water laws related to the cannabis industry are continuing to cause significant impacts in Douglas County.

Now, therefore,

The Board of County Commissioners of Douglas County ORDERS:

1. A local state of emergency exists in Douglas County, effective on October 20, 2021, throughout all of Douglas County related to the production of cannabis in violation of County Codes, State criminal laws, and State water laws.
2. The County shall request the assistance of the State of Oregon, through Governor Brown and the Oregon Legislature, to provide the revenue and resources necessary to properly enforce the County Codes, State criminal laws and State water laws through whatever means are available including, but not limited to:
 - (a) Funds from the State to the County to employ sufficient personnel to adequately enforce County Codes and State criminal laws relating to cannabis production including Code Enforcement Officers, Sheriff's Deputies, Administrative Hearings Officers, Deputy District Attorneys, and administrative personnel.
 - (b) Assigning sufficient State personnel to assist in the enforcement of County Codes, State criminal laws, and State water laws including Administrative Law Judges to assist in resolving County Code citations, State law enforcement personnel to enforce State criminal laws, State Water Resources personnel to enforce State water laws, and to pursue enforcement against unlicensed hemp and illegal marijuana production sites.
 - (c) Ordering the deployment of the Oregon National Guard to assist, as able, in the enforcement of laws related to the illegal growing and production of cannabis.
3. This declaration of emergency shall expire on December 20, 2022, unless rescinded or extended further.

DATED this 20th day of October, 2021,

DOUGLAS COUNTY BOARD OF COMMISSIONERS

Tom Kress, Chair

Tim Freeman, Commissioner

Chris Boice, Commissioner