



**Development Services
Planning Division**

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Marijuana Use Regulations

On March 16, 2016 the Jackson County Board of Commissioners adopted an Emergency Ordinance amending the Jackson County Land Development Ordinance (LDO) to regulate marijuana Production (growing), Processing, Wholesaling, and Retailing/Dispensing. These new requirements apply to property outside of incorporated city limits within Jackson County. The answers to some frequently asked questions are below.

Quick Reference Use Table

1=Type 1 Permit, 2=Type 2 Permit, 3=Type 3 Permit, (-)=Not Permitted

Use	Zoning District					
	EFU (Exclusive Farm Use)	FR, WR, OSR (Forest)	RR-00, RR-2.5, RR-5, RR-10 (Rural Residential)	UR-1 to UR-30 (Urban Residential)	GI/LI (Industrial)	GC (Commercial)
Production ¹	1	1	-	-	Only with Processing	-
Processing	2	-	-	-	1/2	-
Wholesaling	-	-	-	-	1/2	1/2
Retailing/ Dispensing	-	-	-	-	-	3

¹ Production in excess of homegrown recreational marijuana or personal medical marijuana (equivalent to growing for one cardholder), as allowed by state law.

What types of marijuana production (growing) are regulated by the LDO?

The standards and criteria in LDO Section 3.13 do not apply to homegrown recreational marijuana or personal medical marijuana (equivalent to growing for one cardholder), as allowed by State laws. All production exceeding these limits requires a Land Use Authorization.

What zones allow for marijuana production?

Exclusive Farm Use (EFU) and Forest (WR, FR & OSR) zones, as well as General & Light Industrial (GI & LI) but only in conjunction with Marijuana Processing.

What approvals are required?

A Land Use Authorization from Jackson County Development Services is required. The applicant is responsible for being in compliance with all local and state laws. The Oregon Health Authority manages the Oregon Medical Marijuana Program, and the Oregon Liquor Control Commission manages licensing for recreational marijuana.

Is recreational marijuana production (growing) allowed in residential zones?

Yes, but limited to “homegrown” (4 plants) only.

Is medical marijuana production (growing) allowed in residential zones?

Yes, but limited to one medical marijuana card grow (6 plants) only. Lawfully established medical marijuana grows in residential zoning that existed prior to changes in state laws and Jackson County ordinances may be eligible for what is called a Non-Conforming Use Verification. Check with Development Services for more details or download an application online (www.jacksoncountyor.org/ds/planning/forms-applications).

Is growing personal recreational and personal medical marijuana allowed outdoors?

Yes, except in White City residential and other Urban Residential zones, where it must be indoors.

Are structures used for marijuana production eligible for an Agricultural Exemption?

If the Jackson County Assessor's Office assesses a property for a farming activity (property class in the 500s), then a building may be eligible for a structural exemption. If Development Services needs to make a discretionary decision to confirm a Farm Use (as defined by ORS 215.203(2)(a)), a Type 2 application will need to be submitted and approved prior to authorizing any Agricultural Exemptions.

Are there setbacks (spatial buffers) from the neighbor's property lines for marijuana production?

No, however no outdoor marijuana production is allowed within 250 feet of city limits and the boundary line around White City. All structures need to meet setbacks for the applicable zone and all overlays, see LDO Table 8.2-1 for specific dimensional requirements. All personal (homegrown or medical) marijuana grown in residential zones in White City and other Urban Residential zones must be indoors (no greenhouses).

Does a fence require a permit?

A fence over seven (7) feet requires a structural permit. A fence over eight (8) feet usually requires engineered plans. A fence over eight (8) feet will usually need to be at least 30 feet from property lines on EFU or Forest zones.

How do I get an address?

Development Services has an Address Request Form that needs to be submitted with the processing fee and a map of surrounding properties. Generally, one address is assigned per parcel. Approved address requests will typically be assigned within two weeks.

What about Processing, Wholesaling, Retailing, and Medical Marijuana Dispensing and where do I find more information on marijuana?

More details on these uses can be found in LDO Section 3.13 (available at www.jacksoncountyor.org). If you have further questions please call the Planner of the Day at 541-774-6907 and leave a detailed message for a returned call, email jcplanning@jacksoncounty.org, or visit Development Services at 10 S. Oakdale in Medford.

How do I change my zone?

Changing a zoning designation is a Type 4 application and can be expensive and time consuming. If you would like to determine the feasibility of changing your zoning, please contact Development Services to schedule and pay for a research request or appointment.