



Marion County
OREGON

Recreational and Medical Marijuana



Regulations on growing, processing and selling recreational and medical marijuana in rural Marion County

Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305
(503) 588-5038 Fax (503) 589-3284
email: planning@co.marion.or.us

Are recreational marijuana businesses allowed in Marion County?

No. In the November 8, 2016 general election, the voters of Marion County did not pass Measure 24-405 to allow recreational marijuana businesses in unincorporated Marion County (outside city limits).

This prohibition includes growing, processing and retail sales businesses.

Are medical marijuana businesses (growing, processing and/or selling) allowed in Marion County?

Yes. At the same election, the citizens of Marion County passed Measure 24-404 to allow medical marijuana businesses in unincorporated Marion County.

Please note medical marijuana growers, processors and dispensaries must be licensed by the State of Oregon Health Authority (OHA) and comply with any State regulations. Contact the OHA for more information.

Are there County regulations for medical marijuana businesses?

Yes. The Marion County Board of Commissioners passed Ordinance #1372 that approved amendments to the County's Urban and Rural Zone Codes that include various regulations on medical marijuana growing, processing, and dispensaries.

Medical Marijuana Production (Growing):

The production of medical marijuana is allowed as farm use in the Exclusive Farm Use and Special Agriculture zones. Growing must be conducted indoors and any visible grow lights must be turned off from 7:00 pm to 7:00 am.

Producing is also allowed in all urban and rural Industrial zones after obtaining a Conditional Use permit and subject to standards in the Urban Code section MCC 16.32.500(A) and in the Rural Code at MCC 17.120.120(A). These standards include:

- The activity is conducted indoors.
- Emit no light or odors detectable on neighboring properties.
- Comply with the alarm system control ordinance.
- The person or entity shall keep all real and personal property tax accounts current for the business for which it is the taxpayer.
- No minors allowed on the business premises.
- Owners and employees must pass a background check.
- No consumption allowed on the business premises unless otherwise allowed for employees in OAR 333-008-1200.
- The business must comply with the Oregon Indoor Clean Air Act that prohibits indoor tobacco smoking. The business may not be co-located with a tobacco smoking lounge, or any kind of marijuana social club where marijuana is consumed.

Medical marijuana growing **is not** allowed in the following zones:

- Farm/Timber
- Timber Conservation
- Public
- Residential
- Commercial
- Urban Transition
- Urban Development
- Interchange District

Medical Marijuana Processing:

Small scale medical marijuana processors and facilities are allowed in the EFU and SA zones after obtaining an Administrative Review approval. The processing must be conducted indoors with no lights visible or odors detectable on adjacent neighboring properties.

Medical marijuana processing is allowed in all rural and urban Industrial zones after obtaining a Conditional Use permit and are also subject to the standards in Marion County Urban Code Section 16.32.500(A) and Marion County Rural Code Section 17.120.120(A). These standards are the same as outlined above for medical marijuana production.

Medical marijuana processing **is not** allowed in the following zones:

- Farm/Timber
- Timber Conservation
- Public
- Residential
- Commercial
- Urban Transition
- Urban Development
- Interchange District

Medical Marijuana Dispensaries (Retail Sales):

Medical marijuana dispensaries are allowed in all of the urban and rural Commercial zones except the urban Commercial Office zone, after obtaining a Conditional Use permit. The specific Conditional Use standards in the Urban Code are in Section 16.32.500(B) and in the Rural Code in Section 17.120.120(B) and include:

- The facility may not be located within 1,000 feet of a property containing a pre-kindergarten, Head Start program, community learning center, certified child care facility, relief nursery, public park, public or private elementary, secondary, or career school primarily attended by minors.
- May not be open before 7:00 am or after 10:00 pm.
- Comply with the alarm system control ordinance.
- The person or entity shall keep all real and personal property tax accounts current for the business for which it is the taxpayer.
- No minors are allowed on the business premises unless the minor is an Oregon Medical Marijuana Program (OMMP) cardholder and is accompanied by a parent or guardian and not in areas prohibited by OAR 333-008-1200.
- No consumption of medical marijuana is allowed on the business premises unless otherwise as allowed for employees in OAR 333-008-1200. The business must comply with the Oregon Indoor Clean Air Act that prohibits indoor tobacco smoking. The business may not be co-located with a tobacco smoking lounge, or any kind of marijuana social club where marijuana is consumed.

Medical marijuana dispensaries **are not** allowed in the following zones:

- Exclusive Farm Use
- Special Agriculture
- Farm/Timber
- Timber Conservation
- Public
- Residential
- Industrial

- Interchange District
- Urban Transition,
- Urban Development
- Commercial Office
- Highway Commercial

Are there any other restrictions?

Yes:

- Medical marijuana businesses cannot be home occupations.
- Income from medical marijuana businesses cannot be used to justify a farm dwelling.
- Farm stands and agri-tourism events may not be used for the sale of or to promote the sale of marijuana products or extracts.

Where do I obtain a Conditional Use or Administrative Review permit?

Marion County Planning Division issues these permits. You can download an application from our website or obtain one from the office.

Visit our website at:

publicworks.co.marion.or.us/planning

