

# MARIJUANA, NEIGHBORS, AND THE ENVIRONMENT



Whether it be for recreational purposes or for medical reasons, growing marijuana in Josephine County, Oregon, is legal, provided the appropriate licenses and permits (when applicable) are obtained. Some areas do allow it to be grown for profit. Regardless, marijuana, like other crops, can create disruptions in the neighborhood or if not tended to properly can potentially damage the environment. This guide is designed to help the crop thrive while maintaining neighborhood relations and the beautiful sanctuary that draws residents and visitors to Josephine County.

(Be advised each agency treats the confidentiality of complaints differently. Some require disclosure, some honor anonymity, some do not require the name of the complainant. If you have a concern, ask the agency you are calling.)

**Complaint:** They cut down the forest to make room for their grow.

Q: Did they haul the timber off-site, or are they stockpiling/burning it on-site?

A: Cutting the timber and converting it to farm field is a 'forestry conversion'. Call the Oregon Department of Forestry (ODF). They may also be concerned if the timber is hauled off-site. If being burned on-site, notify the Oregon Department of Agriculture (ODA). ODA can inspect to ensure water quality is not threatened.

#: ODF – (541) 664-3328  
ODA – (541) 414-8797

**Complaint:** Runoff from their dirt piles and/or compost pile, or excess irrigation, is entering the creek.

Q: Does the runoff appear to have sediment or other matter in it?

A: Runoff is naturally occurring phenomenon in many cases. If however the water is carrying sediment, nutrients, or other particles, the Oregon Department of Agriculture (ODA) and Division of State Lands (DSL), might want to investigate.

#: ODA – (541) 414-8797  
DEQ – (888) 997-7888

**Complaint:** They dammed the stream and are taking the water.

Q. Can the water flow over or through the dam?

A: Damming the water is of concern to the Department of State Lands (DSL). Taking the water would be a concern to the Oregon Water Resources Department/Water Master (WM).

#: DSL – (503) 508-4035 or (503) 986-5200 (main office)  
WM – (541) 479-2401

**Complaint:** They dug ponds, put in culverts, and/or water diversions (irrigation ponds or ditches, culverts to cross a stream, diversions to move water from streams for irrigation).

Q. Does the project impact fish habitat or fish passage (like a culvert in a stream)?

A. If fish habitat or passage is affected, the Oregon Department of Fish and Wildlife (ODFW) would get involved. In all water circumstances, you should also contact the Water Master (WM). Additionally, the Oregon State Police (OSP) may be concerned as well. The OSP have Fish and Wildlife Troopers that respond to clean stream issues.

#: ODFW – (503) 508-4035 or (503) 986-5200 (main office)  
WM – (541) 479-2401  
OSP – (541) 776-6114

**Complaint:** Workers are defecating/urinating on the ground.

Q: Are you sure they don't have a self-contained unit or a porta-potty?

A: Disposal of human waste is regulated by the Department of Environmental Quality (DEQ).

#: DEQ – (888) 997-7888

**Complaint:** They're shooting guns all night/I'm worried for my safety.

Q. Is this occurring in an unincorporated area, on private property?

A. The Josephine County Sheriff's Office (SO) or the Oregon State Police might respond, depending on the circumstances, and time of day. With limited funding, not every call can be answered. For help, call the Sheriff's Office, NOT 911 (unless it's a life threatening situation).

#: SO – (541) 474-5123, ext. 3

**Complaint:** They put up a plastic fence. It looks terrible.

Q. Have you talked to your neighbor?

A. Sometimes a fence is required by the OLCC, and sometimes vegetative or other screening is required. Talking to the neighbor at the first signs of a crop and/or development of the fence may help the owner decide what type of product to use.

#: OLCC – (541) 618-7554 or 776-6193 or (800) 452-6522 (main office)

**Complaint:** Their fence is plastic, torn, and blowing on my property.

Q. I complained to my neighbor and they said the state made them put up the fence. Is that true?

A. OLCC requires the fencing, or screening, and are who you would need to contact. (If they put up a solid fence, 7' in height or higher, then they would need a permit from the county.)

#: OLCC – (541) 618-7554 or 776-6193 or (800) 452-6522 (main office)

**Complaint:** They don't have a license. It's illegal.

Q. Are you sure?

A. The OLCC regulates recreational production, the OHA medical production. If you know for sure it is a recreational grow, contact the OLCC and they can investigate. Contact OHA regarding concerns about medical marijuana.

#: OLCC – (541) 618-7554 or 776-6193 or (800) 452-6522 (main office)  
OHA – (800) 699-9075

**Complaint:** It smells like skunk and I cannot enjoy my property.

Q: Is the grow indoors or outdoors?

A: If outdoors, there is little you can do other than contact an attorney to initiate a civil complaint (the Right to Farm Law prevents government from interfering with odor, but as a civilian, you can initiate a lawsuit). If indoors, a carbon scrubber or other device might reduce the smell—talk to your neighbor. Keep in mind, what one may find offensive, another may find acceptable.

Q: Their greenhouse is right up to my property line.

A: OLCC exempts opaque 'greenhouses' from local regulation (development permit, setbacks, etc.). If the greenhouse is not 100% opaque, it does require a permit, and have to meet setbacks, per Josephine County. Call the Code Enforcement Administrator (CEA).

#: CEA – (541) 474-5425

**Complaint:** They planted the crop right up to the lot line/road. Their lights are too bright.

Q: What is the setback? What can the county do about the lights?

A: Josephine County currently has no setback or lighting requirements pertaining to the marijuana industry. Setbacks, lighting, and other management tools are being considered and will be subject of a public hearing in late summer of 2016. Follow the Josephine County Calendar of Events to learn more about the proposal. The calendar is on the county's website: [www.co.josephine.or.us](http://www.co.josephine.or.us)

**Complaint:** Our subdivision has rules that don't allow 'xxxx'.

Q: Are they in your subdivision?

A: If in your subdivision, the CCRs might apply. However, the county is not responsible for, nor can it enforce, restrictions contained in CCRs. Enforcement of the CCRs would be a civil matter. Call your attorney or Home Owner's Association, if there is one.

**Complaint:** They're using butane and other chemicals I'm afraid will explode.

Q. Do you know if they have a permit?

A. Chances are if they have a permit, the Building Safety Department (B/S), or the Fire Marshal (FM) have already inspected the property. You can contact those agencies and they might let you know if an inspection has been completed.

#: B/S – (541) 474-5405  
FM – (541) 618-7982

**Complaint:** There are camping units out there and people are living in them.

Q. Are they in a recreational vehicle, or a tent?

A. Josephine County regulates the placement of a recreational vehicle, but not individual tent sites. If there is a recreational vehicle, contact the Josephine County Code Enforcement Administrator (CEA).

#: CEA – (541) 474-5425

**Complaint:** They are so noisy!

Q. Does the county have a Noise Ordinance?

A. Yes, the voters approved a Noise Ordinance in 1995. However, it only applies to those making 'excessive noise'. All it basically says is, "Excessive noise is a violation. All provisions of the Oregon Criminal code concerning violations apply to this Ordinance". It is enforced by the Sheriff's Office.

**Complaint:** The county doesn't care. I've complained, and nothing is being done.

Q. Why doesn't the county do more to protect us?

A. The County Planning Department has a Code Enforcement Administrator, but the voters voted down the ability to issue citations, which means there isn't 'teeth' to enforce the codes, and, compliance is voluntary. In severe cases, the Board of County Commissioners can authorize the legal department to proceed with legal action. Also, voters have voted down levies that could fund more deputies in the Sheriff's Office. Without funding, they can't hire deputies to enforce the laws.

**Complaint:** STOP calling it marijuana! It's cannabis.

Q. Why does the county keep referring to the cannabis industry/crop as 'marijuana'?

A. To avoid confusing the public, the county uses the same terminology as the state. The State of Oregon laws use the term 'marijuana'.