



MEMORANDUM

TO: Board of County Commissioners
FROM: Audrey Stuart, Associate Planner
DATE: July 10, 2024
SUBJECT: July 17th Public Hearing for Appeal of Psilocybin Service Center

The Board of County Commissioners (“Board”) is conducting a public hearing on July 17, 2024, to consider an appeal of a Hearings Officer Decision denying a request for a psilocybin service center. The subject request is for a Conditional Use Permit and Site Plan Review (land use file nos. 247-23-000614-CU, 247-23-000615-SP).

I. BACKGROUND

The Applicant requests a Conditional Use Permit and Site Plan Review to establish a psilocybin service center at Juniper Preserve (formerly Pronghorn) destination resort. The subject property is zoned Exclusive Farm Use and Destination Resort Combining Zone and is located in the core area of Juniper Preserve. The applicant proposes to administer psilocybin to clients within an existing structure, under licensing from the Oregon Health Authority.

A public hearing was held before the Deschutes County Hearings Officer on March 12, 2024, and a Hearings Officer decision denying the applications was mailed on April 29, 2024. The applicant appealed the Hearings Officer’s decision on May 10, 2024 (appeal file no. 247-24-000292-A). At a work session on May 29, 2024, the Board voted to hear this appeal, and a second work session was held on July 1, 2024, to prepare for the public hearing.

II. PUBLIC COMMENTS

Staff has received over 180 written comments over the course of this review. This includes 153 public comments that were received prior to the March 12th hearing, 25 comments that were received during the subsequent open record period, and nine comments that were received following the mailing of the Hearings Officer Decision. Key issues raised by those in opposition included:

- The proposal’s compatibility with existing Resort uses and functions;

- The Resort’s existing access across BLM land;
- The proposal’s compatibility with the Resort’s Final Master Plan;
- The Resort’s distance from emergency services;
- Impact to property values.

Key issues raised in support included:

- Appropriateness of the proposed location;
- Community benefits of psilocybin treatment;
- The proposed use is permitted in the zone and does not require a modification to the Resort’s Final Master Plan.

III. HEARINGS OFFICER DECISION

A Hearings Officer decision denying the applications was mailed on April 29, 2024. The Hearings Officer’s denial was based on the Applicant’s failure to demonstrate compliance with four criteria of Deschutes County Code, which were related to the screening of the parking lot, the service drive clear vision area, and transportation access to the proposed site. The criteria that the denial was based on are as follows:

- DCC 18.116.030(F)(1), relating to the screening of the parking lot.
- DCC 18.116.030(F)(7), relating to clearance areas for service drives.
- DCC 18.124.060(G), relating to the screening of the parking lot.
- DCC 18.128.015(A)(2), relating to the suitability of the site based on the adequacy of transportation access.

IV. HEARING FORMAT

The Board voted to hear this appeal *limited de novo*, meaning testimony and evidence must address the four criteria that were the basis for the Hearings Officer’s denial. The Board also voted to establish the following time limits for oral testimony:

- 30 minutes for the Applicant
- 10 minutes for public agency staff
- 3 minutes for general members of the public
- 10 minutes for the Applicant’s rebuttal

V. NEXT STEPS

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

VI. RECORD

The record for File Nos. 247-23-000614-CU, 247-23-000615-SP, 247-24-000292-A are as presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-23-000614-cu-247-23-000615-sp-psilocybin-service-center-juniper-preserve>

Attachments:

1. Hearing's Officer Decision for file nos. 247-23-00614-CU, 247-23-000615-SP