



MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Tanya Saltzman, AICP, Senior Planner
DATE: December 14, 2022
SUBJECT: Consideration of First Reading – Psilocybin TPM Amendments

On December 19, 2022, staff will present Ordinance No. 2022-014 and Ordinance No. 2022-015 to the Board of County Commissioners (Board) for consideration of first reading. On December 14, 2022 the Deschutes County Board of Commissioners (Board) conducted deliberations to consider legislative text amendments for time, place, and manner (TPM) regulations for psilocybin (File no. 247-22-000676-TA). The ordinances provided here reflect the decisions made during those deliberations.

The initial public hearing was held on November 21, 2022,¹ at which time the Board chose to continue the hearing to November 30 in order to accommodate the cancellation of the planned 6 p.m. reconvening of the hearing on November 21. The written record was held open until December 2 at 4 p.m.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on August 25, 2022. Staff presented the proposed amendments to the Planning Commission at a work session on September 8, 2022.² The initial public hearing was held on September 29, 2022,³ at which time the Planning Commission voted to continue the hearing to October 13 in order to receive additional oral and written testimony.⁴ At the conclusion of the October 13 public hearing continuation, the oral record was closed and the written record was left open until October 14, 2022. A summary of the testimony received during the Planning Commission process and of the Planning Commission recommendations was provided to the Board for its public hearings.

The record, which contains all memoranda, notices, and written testimony received, is available at the following website: <https://www.deschutes.org/cd/page/247-22-000676-ta-psilocybin-time-place-and-manner-tpm-text-amendments>.

¹ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-67>

² <https://www.deschutes.org/bc-pc/page/planning-commission-16>

³ <https://www.deschutes.org/bc-pc/page/planning-commission-19>

⁴ <https://www.deschutes.org/bc-pc/page/planning-commission-20>

I. OVERVIEW OF ORDINANCE

During deliberations, staff presented several decision points for Board consideration. A brief summary of the Board decisions is provided below. For a more in-depth overview of each of the below issues, please refer to the staff memorandum from deliberations on December 14.⁵

1. What hours should psilocybin service centers be permitted to operate?

Board direction: Keep hours as written to match OHA's hours (6:00 a.m. to 11:59 p.m.).

2. Should psilocybin manufacturing as farm and processing uses be allowed in forest zones (F1 and F2) in addition to EFU?

Board direction: Uphold Planning Commission recommendation, thereby allowing psilocybin manufacturing in forest (F1 and F2) zones.

3. Should psilocybin service centers in be permitted in destination resorts?

Board direction:

- Allow service centers in destination resorts and psilocybin manufacturing as an accessory use as a conditional use subject to DCC 18.128.015.
- Adopt language in DCC 18.113.030(D)(7) **with** the C. Celko/Emerge Law Group revisions proposed, modified to remove the "wellness" determination as noted by staff:

DCC 18.113.030(D)(7)(a): For a lawfully established destination resort, the establishment of a psilocybin service center in any area approved for commercial services or specialty shops pursuant to an approved final master plan does not require modification of an approved conceptual master plan or final master plan.

- In addition, amendments to this chapter are now separated into an independent ordinance, Ordinance No. 2022-015.

4. Should psilocybin service centers be prohibited as home occupations or as commercial activities in conjunction with farm use?

Board decision: Keep amendments as written, maintaining the potential option of service centers utilizing either home occupations or commercial activities in conjunction with farm use as a way to be sited on EFU land.

II. NEXT STEPS

The Board may choose to vote and adopt one or both ordinances by emergency, which requires a unanimous vote and then would be effective immediately. Alternatively, if the vote is not unanimous, the

⁵ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-70>

Board will hold first and second readings at least 14 days apart, and then the ordinance(s) will be effective 90 days after second reading.

Attachments:

Ordinance No. 2022-014 and Corresponding Exhibits – Emergency and Non-Emergency

Exhibit A – DCC 18.04 Definitions

Exhibit B – DCC 18.65 Rural Service Center

Exhibit C – DCC 18.66 Terrebonne

Exhibit D – DCC 18.67 Tumalo

Exhibit E – DCC 18.74 Rural Commercial

Exhibit F – DCC 18.100 Rural Industrial

Exhibit G – DCC 18.108 UUC – Sunriver

Exhibit H – DCC 18.116.380 Psilocybin Manufacturing, Service Centers, and Testing Laboratories

Exhibit I – Findings

Ordinance No. 2022-015 and Corresponding Exhibits – Emergency and Non-Emergency

Exhibit A – 18.113 Destination Resorts Zone

Exhibit B - Findings