

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code *
Title 18, Deschutes County Zoning, to Create Time, *
Place, and Manner Regulations Concerning * ORDINANCE NO. 2022-014
Psilocybin Businesses in Unincorporated Deschutes *
County and Declaring an Emergency. *

WHEREAS, in November 2020, Ballot Measure 109, the Oregon Psilocybin Services Act, was passed by the voters of Oregon, allowing manufacture, delivery, administration of psilocybin at supervised, licensed facilities beginning on January 2, 2023; and

WHEREAS, the Oregon Psilocybin Services Act allowed the governing body of a city or county to adopt ordinances to be referred to the electors of the city or county for approval at the next statewide general election that prohibit the establishment of licensed psilocybin manufacturing or service centers (“Opt Out”); and

WHEREAS, after a duly noticed public hearing on July 13, 2022 the Board of County Commissioners (the “Board”) adopted Ordinance No. 2022-009 on August 8, 2022, prohibiting the establishment of licensed psilocybin manufacturing or service centers within unincorporated Deschutes County; and

WHEREAS, on November 8, 2022, Deschutes County Ballot Measure 9-152, "Concerning psilocybin manufacturing and service centers in unincorporated Deschutes County," was rejected by the electors and therefore allowed the Oregon Health Authority to begin accepting applications for psilocybin businesses in Deschutes County beginning January 2, 2023; and

WHEREAS, pursuant to Measure 109, the governing body of a city or county may adopt ordinances that impose reasonable time, place, and manner regulations on the location of and operation of businesses located at premises for which a license has been issued for a psilocybin business; and

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-22-000676-TA) to the Deschutes County Code (DCC) Title 18, Chapter 18.04, Title, Purpose, and Definitions; Chapter 18.65, Rural Service Center; Chapter 18.66, Terrebonne Rural Community Zoning Districts; Chapter 18.67, Tumalo Rural Community Zoning Districts; Chapter 18.74, Rural Commercial Zone; Chapter 18.100, Rural Commercial Zone; Chapter 18.108, Urban Unincorporated Community Zone; Sunriver; Chapter 18.113, Destination Resorts Zone; Chapter 18.116, Supplementary Provisions; to create time, place, and manner regulations concerning psilocybin businesses in unincorporated Deschutes County; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on September 29 and October 13, 2022 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a unanimous recommendation of approval pending several recommendations; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on November 21, 2022 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. Chapter 18.04, Title, Purpose, and Definitions, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. Chapter 18.65, Rural Service Center, is amended to read as described in Exhibit “B”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. Chapter 18.66, Terrebonne Rural Community Zoning Districts, is amended to read as described in Exhibit “C”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. Chapter 18.67, Tumalo Rural Community Zoning Districts, is amended to read as described in Exhibit “D”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. Chapter 18.74, Rural Commercial Zone, is amended to read as described in Exhibit “E”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. Chapter 18.100, Rural Industrial Zone, is amended to read as described in Exhibit “F”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. Chapter 18.108, Urban Unincorporated Community Zone; Sunriver, is amended to read as described in Exhibit “G”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. Chapter 18.113, Destination Resorts Zone, is amended to read as described in Exhibit “H”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. Chapter 18.116, Supplementary Provisions, is amended to read as described in Exhibit “I”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 10. FINDINGS. The Board adopts as its findings, Exhibit “J” attached and incorporated by reference herein.

Section 11. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, an emergency is declared to exist, and this Ordinance becomes effective immediately.

Dated this _____ of _____, 2022

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DEBONE, Vice Chair

ATTEST:

Recording Secretary

PHILIP CHANG

Date of 1st Reading: _____ day of _____, 2022.

Date of 2nd Reading: _____ day of _____, 2022.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	___	___	___	___
Anthony DeBone	___	___	___	___
Philip Chang	___	___	___	___

Effective date: _____ day of _____, 2022.