

**COLUMBIA COUNTY BOARD OF COMMISSIONERS**  
**STAFF REPORT**  
November 23, 2022  
**Text Amendment – Legislative Process – Psilocybin Land Uses**

**HEARING DATE:** November 30, 2022

**FILE NUMBER:** TA 23-01

**APPLICANT/OWNER:** Columbia County  
Land Development Services  
230 Strand Street  
St. Helens, OR 97051

**REQUEST:** To amend the Columbia County Zoning Ordinance (CCZO) in response to Measure 109 and ORS 475A which allows for Psilocybin manufacture and service centers. This involves amending existing sections of the Zoning Ordinance as well as developing a Special Use Section 1804 for Psilocybin related uses.

**APPLICABLE CRITERIA:**

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## **BACKGROUND:**

Oregon voters approved Ballot Measure 109 on November 3, 2020, which authorizes the manufacture and use of psilocybin products under controlled supervision and establishes the regulatory framework for oversight and administration. Measure 109 was codified in ORS Chapter 475A and is patterned after the current marijuana statutes and regulatory system. Measure 109, which legalized psilocybin in Oregon, automatically opts cities and counties into the psilocybin program, which is currently under development and is slated to begin statewide on January 2, 2023. However, Measure 109 offers the option for cities and counties to opt out via a ballot measure in the next general election.

Ballot Measure 109 directs the Oregon Health Authority (OHA) to regulate the manufacture, delivery, purchase, and consumption of psilocybin, a psychoactive component found in certain mushrooms, at licensed psilocybin service centers. A person would be allowed to purchase, possess, consume, and experience the effects of psilocybin only at a state licensed psilocybin service center during a psilocybin administration session with a state licensed psilocybin service facilitator. The measure also directs the OHA to issue, renew, and revoke licenses in compliance with the measure. The measure establishes the Oregon Psilocybin Advisory Board to advise and make recommendations to the OHA regarding psilocybin, including recommendations regarding the requirements, specifications, and guidelines for providing psilocybin services to clients, public health and safety standards, industry best practices, education and training.

Columbia County passed Measure 109 in 2020 by 15,827 (50.8%) Yes votes to 15,307 (48.2%) No votes. On August 17, 2022, Land Development Services Staff met with the Columbia County Board of Commissioners and discussed the benefits of developing Time, Place, and Manner (TPM) regulations in response to Measure 109. The timelines associated with developing these regulations versus pursuing an opt-out measure were also discussed. During this meeting, it was decided that the Board would not pursue an opt-out measure on the ballot, but rather directed staff to begin the TPM process.

Measure 109 does contain limited basic criteria pertaining to land use. For instance, psilocybin service centers may not be located within 1,000 feet of elementary or secondary schools (500 feet if there is a physical or geographic barrier), and manufacturing facilities may not be located outdoors. Service centers may not be located in single family dwellings.

Although, Measure 109 provides little direction as to “reasonable” time, place, and manner restrictions. Ultimately, in order for regulations to be “reasonable,” such regulations must be necessary to protect public health, safety and welfare of the citizens of Columbia County. ORS 475A.530 defines local time, place and manner regulations which include, but are not limited to:

- (a) Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under ORS 475A.290 may manufacture psilocybin products;
- (b) Reasonable conditions on the manner in which a psilocybin service center operator that holds a license issued under ORS 475A.305 may provide psilocybin services;
- (c) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475A.210 to 475A.722 may operate;
- (d) Reasonable requirements related to the public’s access to a premises for which a license has been issued under ORS 475A.210 to 475A.722; and

(e) Reasonable limitations on where a premises for which a license may be issued under ORS 475A.210 to 475A.722 may be located.

On September 12, 2022, Staff held a work session with the Planning Commission to discuss the proposed amendments to the zoning ordinance. At this meeting, staff presented the general proposal to the Planning Commission. The general proposal for TA 23-01 includes psilocybin production/manufacturing permitted in the Primary Agriculture (PA-80) zone, authorized via administrative review process in Primary Forest zone and Industrial zones, authorized via conditional use permit in Rural Community zone and prohibited in all residential zones. Psilocybin Service Centers will be authorized via administrative review process in Commercial and Rural Community zones, permitted in Community Service – Institutional zone. Staff would like to note that the Community Service Institutional zone allows for similar uses such as hospitals, clinics, extended care facilities, etc. In addition to the zone specific processes, the proposal for TA 23-01 also includes establishing a new Section 1804 – Psilocybin Land Uses. This new section will require all new psilocybin uses to comply and be approved by the Oregon Health Authority. It describes the OHA Land Use Compatibility process and that the applicant shall obtain full land use approval prior to Columbia County signing off on a LUCs. It also requires separation from sensitive uses such as schools, public parks, and day care centers. Finally, the original proposal for TA 23-01 limited the business hours for proposed psilocybin service centers from 7AM to 6PM and did not allow for over night operations. This will be discussed in further detail.

On October 3, 2022, the Planning Commission held a public hearing to consider the proposal set forth for TA 23-01. Staff presented the Staff Report dated September 23, 2022 and heard testimony from interested parties. Ultimately, the Planning Commission unanimously adopted a motion to recommend APPROVAL to the Board of County Commissioners for the adoption of the proposed amendments related to Psilocybin land uses, with the direction to staff to research and provide further information regarding the hours of operation for service centers as originally proposed in CCZO Section 1804.4(D).

Hours of operation for service centers are very clearly laid out in the draft language of OAR 333-333-4480 - Service Center Privileges and Prohibitions. These hours of operation state that a service center may sell psilocybin products and provide services to clients 21 years of age or older between the hours of 6:00 AM and 11:59 PM local time. It also states that a service center must begin every administration session at a time that allows the minimum duration of that session described in OAR 333-333-5250 to elapse prior to 11:59 PM. With this information and hours of operation requirements from the Oregon Health Authority, staff recommends not including the hours of operation as originally proposed in Section 1804.4(D). The originally proposed language regarding hours of operation for service centers has been removed from the current proposal of TA 23-01.

If the County Board of Commissioners adopts the proposal set forth in TA 23-01, the current Land Use Fee Schedule does not have a fee that would apply to the review process for Psilocybin uses. As proposed, the psilocybin land use process will be very similar to the current Marijuana Operations land use review process. As such, part of the recommendation for TA 23-01 will include an amendment to the Land Use Fee Schedule to include “Psilocybin” to the “Marijuana Operation Permit”. This will result in establishing a fee for “Marijuana and Psilocybin Operation Permit”.

The remainder of this staff report will discuss to what extent the proposal conforms to the applicable sections of the Columbia County Zoning Ordinance, goals and policies of the Comprehensive Plan, and any relevant Oregon Revised Statute.

## **FINDINGS:**

This request is being processed under Section 1606 (Legislative hearing) and Section 1611 (Notice of Legislative Hearing) of the CCZO. The pertinent sections of the ordinance are reviewed as follows:

### **1606 Legislative Hearing:**

Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures.

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.

**Finding 1:** As stated in the Summary, Planning Staff held a work session with the Board of Commissioners on August 17<sup>th</sup>, 2022 in regards to Measure 109. At this work session, the Board directed staff to prepare a Zoning Ordinance Text Amendment and draft Time, Place, Manner regulations to allow for Psilocybin manufacturing and service centers in some capacity. With this information, the criteria required in Section 1606.1 has been met.

### Continuing with the Columbia County Zoning Ordinance:

- .2 Notice of a Legislative Hearing shall be published at least twice, one week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

**Finding 2:** A hearing notice was published in the Columbia County Spotlight Newspaper on September 16, 2022 and on September 23, 2022. Additionally, another hearing notice was published in the Chronicle Newspaper on and September 14, 2022 and on September 21, 2022. Both of these notices in each newspaper were published more than 10 days prior to the Planning Commission hearing date of October 3, 2022. Notice of the Board of Commissioners hearing on November 30, 2022 was published in the November 9<sup>th</sup> and November 16<sup>th</sup> editions of the Chronicle. The last notice was published more than 10 days prior to the Board of Commissioners hearing scheduled for November 30, 2022. The Board of Commissioners did not direct staff to notice individual property owners.

Pursuant to ORS 215.503, Measure 56 Notice of the proposed zoning code text amendment is not required. This will be discussed in detail in later findings. Staff finds appropriate public notice meeting the required timelines for legislative hearings has been given; therefore, this criterion is satisfied.

Continuing with the Columbia County Zoning Ordinance:

1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

**Finding 3:** The Planning Commission held a public hearing on October 3, 2022 to consider the adoption of the proposed amendments to the Zoning Ordinance. The Planning Commission does not make the final decision on this matter, but rather makes a recommendation to the Board of Commissioners for the final decision. The Planning Commission unanimously voted to recommend that the Board of County Commissioners approve TA 23-01 with additional staff research based on the hours of operation that were originally proposed. Staff finds there will be two public hearings on this matter, one before the Planning Commission and one before the Board of Commissioners. The Board of Commissioners is required to hold at least one public hearing, which is scheduled for November 30, 2022; therefore, this criterion is satisfied.

Continuing with the Columbia County Zoning Ordinance:

1611 Notice of Legislative Hearing:

The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.

**Finding 4:** All of the above information was included in the Planning Commission Notice of Public Hearing published twice in the Columbia County Spotlight and the Chronicle newspapers. This information was also included in the Notice of Public Hearing for the Board of Commissioners hearing schedule for November 30, 2022. Reference the attached notices. Staff finds that the public hearing notices given for the October 3, 2022 Planning Commission public hearing and the scheduled November 30, 2022 Board of County Commissioners hearing includes all of the required language for legislative hearings under CCZO Section 1611; therefore, these criteria have been satisfied.

The following Oregon Revised Statutes are applicable to this post-acknowledgement zoning ordinance amendment:

**ORS 197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.**

- (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.
- (3) Submission of the proposed change must include all of the following materials:
  - (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;
  - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;
  - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;
  - (d) The date set for the first evidentiary hearing;
  - (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and
  - (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.
- (4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:
  - (a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

- (b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

**Finding 5:** Notice of the proposed post-acknowledgement zoning ordinance amendment was uploaded to the DLCD PAPA Online Submittal portal on August 29, 2022 and the first public hearing date was October 3, 2022. Reference DLCD file number 003-02. The online submittal includes all of the required information describing the type of change, the text of the change, the date of the first public hearing and how a copy of the staff report can be obtained. This staff report was uploaded to the online portal once complete. Staff finds that minimum notice requirements to State agencies have been met by providing notice more than 20 days prior to the first public hearing. These criteria have been met.

The following Oregon Revised Statutes are applicable to this post-acknowledgement zoning ordinance amendment:

#### **NOTICE TO PROPERTY OWNERS** (Required by Measure 56)

##### **ORS 215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions.**

- (1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.
- (2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by the governing body of a county shall be by ordinance.
- (3) Except as provided in subsection (6) of this section and in addition to the notice required by ORS 215.060, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan, the governing body of a county shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.
- (4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.
- (5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the governing body of the county and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

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This is to notify you that (governing body of the county) has proposed a land use regulation that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), (governing body) will hold a public hearing regarding the adoption of Ordinance Number \_\_\_\_\_. The (governing body) has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number \_\_\_\_\_ is available for inspection at the \_\_\_\_\_ County Courthouse located at \_\_\_\_\_. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the (governing body) Planning Department at \_\_\_\_\_.

(6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by the governing body of a county pursuant to a requirement of periodic review of the comprehensive plan under ORS 197.628, 197.633 and 197.636, the governing body of the county shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment may affect the use of the property. The notice also shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

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This is to notify you that (governing body of the county) has proposed a land use that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

As a result of an order of the Land Conservation and Development Commission, (governing body) has proposed Ordinance Number \_\_\_\_\_. (Governing Body) has determined that the adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number \_\_\_\_\_ will become effective on (date).

Ordinance Number \_\_\_\_\_ is available for inspection at the \_\_\_\_\_ County Courthouse located at \_\_\_\_\_. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the (governing body) Planning Department at \_\_\_\_\_.

(7) Notice provided under this section may be included with the tax statement required under ORS 311.250.

- (8) Notwithstanding subsection (7) of this section, the governing body of a county may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.
- (9) For purposes of this section, property is rezoned when the governing body of the county:
  - (a) Changes the base zoning classification of the property; or
  - (b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.
- (10) The provisions of this section do not apply to legislative acts of the governing body of the county resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047, or resulting from an order of a court of competent jurisdiction.
- (11) The governing body of the county is not required to provide more than one notice under this section to a person who owns more than one lot or parcel affected by a change to the local comprehensive plan or land use regulation.
- (12) The Department of Land Conservation and Development shall reimburse the governing body of a county for all usual and reasonable costs incurred to provide notice required under subsection (6) of this section.

**Finding 6:** Finding 2 of this staff report stated that a Measure 56 notice was not required for the subject Zoning Ordinance Text Amendment. As stated in ORS 215.503(9), property is rezoned when the governing body of the county changes the base zoning classification of the property or adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone. As stated in the Summary, Measure 109 and ORS 475A goes into effect on January 2, 2023. The proposed text amendment for TA 23-01 will also go into effect on or before that date. The proposed text amendment will not amend an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zones because the use of psilocybin is not an allowable use until January 2, 2023 and thereafter. With this information, staff finds that a Measure 56 notice is not required.

Review of the following Columbia County Comprehensive Plan Goal & Policies:

The Columbia County Comprehensive Plan has twenty one parts, each with a set of general Goals and implementing Policies. These Goals and Policies are implemented by Ordinance and most specifically the CCZO. The most applicable portions of the Comprehensive Plan are Part I – Administrative Procedures for Zoning Text Amendments, Part V – Agriculture, and Part XIV – Public Facilities and Services are reviewed below.

## Columbia County Comprehensive Plan

### Part 1 Administrative Procedures

#### Goals:

1. To assure the goals and policies of this plan are implemented.
2. To provide review and revision procedures which include provisions for participation by citizens and affected interest groups.
3. To provide and understandable framework for reviewing and revising this plan.

#### Policies:

5. Provide a framework by which the Comprehensive Plan may be reviewed, revised and amended. Amendments to the Comprehensive Plan and its implementing ordinance(s) shall be in accordance with the following procedures and guidelines:
  - A. Amendments may be initiated by the Board of Commissioners, the Planning Commission, the Planning Director or the owner(s) of the affected property.
  - B. A Citizen Planning Advisory Committee may, upon a majority vote of its members, formally request either the Board of Commissioners or the Planning Commission initiate an amendment.
  - C. Revisions or amendments will follow the same process as initial adoption - CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of revisions or amendments.
  - D. For quasi-judicial amendments, all property owners within two hundred and fifty (250) feet of the affected area shall be notified of the hearing date and the requested amendment at least ten (10) days prior to the first scheduled public hearing.
  - E. For legislative amendments, notice of the public hearing and a copy of the proposed amendment, will be mailed to all Citizen Planning Advisory Committees and interested parties at least ten (10) days prior to the first scheduled public hearing.

**Finding 7:** The proposed zoning ordinance text amendment was initiated by the passage of Measure 109 and the adoption of ORS 475A. Planning Staff discussed the matter with the Columbia County Board of Commissioners at the August 17<sup>th</sup>, 2022, Board work session. At this meeting, the Board initiated the CCZO text amendment and authorized staff to begin the process of drafting time, place and manner regulations relating to the manufacturing and administering of psilocybin products. This project was not initiated by a CPAC and is not a quasi-judicial decision. Adoption of the proposed text amendments will follow the process for a legislative amendment with notice and opportunity to comment given to CPAC's, followed by a Planning Commission public hearing and recommendation and then a Board of Commissioners public hearing and adoption of amendment. Notice to CPAC's was more than 10 days

before the first scheduled public hearing with the Planning Commission on October 3, 2022. Reference Findings 2-6 for specific details of the notice. Staff finds the process used for this legislative text amendment to the CCZO is consistent with Part 1 of the Comprehensive Plan. These criteria are satisfied.

Continuing with the Columbia County Comprehensive Plan:

Part IV Forest Lands

GOAL:

To conserve forest lands for forest uses

Policies:

It shall be the policy of Columbia County to:

1. Conserve forest lands for forest uses, including:

- A. The production of trees and the processing of forest products;
- B. Open space;
- C. Buffers from noise;
- D. Visual separation from conflicting uses;
- E. Watershed protection;
- F. Wildlife and fisheries habitat;
- G. Soils protection from wind and water;
- H. Maintenance of clean air and water;
- I. Compatible recreational activities; and
- J. Grazing land for livestock.

**Finding 8:** The proposal for TA 23-01 includes manufacturing/producing psilocybin crop to be authorized via an administrative review process in the forest zones. This administrative review process is similar to the land use approval process for marijuana uses in the forest zones. As proposed, commercial service centers are prohibited in forest and other resource zones. This is because commercial uses do not conform to the Goals and Policies of Forest Lands in the Comprehensive Plan. These policies are to conserve forest lands for forest uses including, the production of trees, open space, watershed protection, soils protection from wind and water, and compatible recreational activities. Also, allowing commercial service centers in any resource zone could have a large impact on the available services in these rural areas such as, emergency services, roads, water, wildlife, etc.

With these findings, staff finds that the proposal for TA 23-01 is consistent with Part IV of the Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan:

## Part V Agriculture

### GOAL:

To preserve agricultural land for agricultural uses.

### Policies:

5. Encourage agricultural activities on designated agricultural lands.

**Finding 9:** The proposal for TA 23-01 includes the allowing psilocybin manufacturing/production as a permitted use in the Primary Agriculture (PA-80) zone. This is because ORS 475A.570 defines psilocybin-producing fungi as crop, for the purposes of “farm use” defined in ORS 215.203. As such, in order to be consistent with Part V of the Comprehensive Plan, the proposal will encourage these agricultural activities on designated agricultural lands. Staff finds the proposal for this legislative text amendment to the CCZO is consistent with Part V of the Comprehensive Plan.

## Continuing with the Columbia County Comprehensive Plan:

## Part XIV Public Facilities and Services

### GOAL:

To plan and develop a timely, orderly, and efficient arrangement of public as a framework for urban and rural development.

20. Designate as Community Service Institutional (CSI) those lands that:

- A. Support various types of public and private institutional facilities existing as of the date of this ordinance; or,
- B. Are needed to support public and private institutional facilities which can be shown to satisfy the minimum standards set out in the implementing ordinances.

**Finding 10:** Ballot Measure 109 directs the Oregon Health Authority to regulate the manufacture, delivery, purchase, and consumption of psilocybin, a psychoactive component found in certain mushrooms, at licensed psilocybin service centers. A person would be allowed to purchase, possess, consume, and experience the effects of psilocybin only at a licensed psilocybin service center during a psilocybin administration session with a licensed psilocybin service facilitator. The measure establishes the Oregon Psilocybin Advisory Board to advise and make recommendations to the OHA regarding psilocybin, including recommendations regarding the requirements, specifications, and guidelines for providing psilocybin services to clients, public health and safety standards, industry best practices, education and training.

Currently psilocybin is a Schedule I drug, a substance having no currently acceptable medical use within the US. However, the FDA has granted psilocybin a breakthrough therapy designation for treatment resistant depression and major depressive disorder under the direction of physicians and scientists.

While there are no current plans to partner or provide publicly available psilocybin treatments, by supporting a more diverse spectrum of health care options, the proposed text amendment will allow Columbia County citizens to benefit through this therapy. With this information, staff finds that the proposed text amendments will result in supporting various types of public and private institutional facilities.

### **COMMENTS:**

There were no comments received from any federal, state, or local agency. Testimony received at the October 3, 2022 Planning Commission hearing has been summarized in this staff report as well as the attached Planning Commission meeting minutes.

## **CONCLUSION & DISCUSSION:**

A work session with the Planning Commission for the proposed text amendment was conducted on September 12, 2022. This work session included general discussions about the proposal and clarification regarding the specific language. A Measure 56 notice is not required for the proposal. Notice of the public hearing was published in two local newspapers and mailed notice was given to Federal, State and Local agencies. All notices given have been shown to meet the timelines required by State and Local law.

Notice of the Planning Commission public hearing was available on the County website, published in local newspapers and mailed notice was given to Federal, State, and Local agencies. The Planning Commission held a public hearing on October 3, 2022. After hearing the staff presentation and public testimony and deliberating on the matter, the Planning Commission unanimously approved a motion to recommend approval of the item to the Board of Commissioners, which also directed staff to research the proposed hours of operation for psilocybin service centers. This further research showed that the hours of operation for service centers have been addressed in the Oregon Administrative Rule and is not necessary for the County to adopt additional standards for operating hours.

## **STAFF RECOMMENDATION:**

Based upon the findings in this staff report, Staff forwards to the Board of County Commissioners the recommendation of the Columbia County Planning Commission to **APPROVE**, the proposed legislative text amendments to the CCZO, contained in File Number TA 23-01, which will adopt time, place, and manner regulations for allowing uses associated with psilocybin producing fungi and establish a new Special Uses Section 1804 Psilocybin Land Uses. Staff also recommends that the Board of County Commissioners amend the Land Development Services Fee Schedule to include “Psilocybin” in the current “Marijuana Operations” fee category.

### Attachments:

1. Application for TA 23-01
2. Proposed Zoning Ordinance Text for TA 23-01
3. Planning Commission Final Order and Recommendation
4. Published Notice of Legislative Hearing
5. DLCD Notice of Proposed Change
6. Measure 109 Explanatory Statement
7. Oregon Administrative Rules, Division 333
8. October 3, 2022 Planning Commission Minutes
9. Land Development Services Fee Schedule