

MINUTES FOR THE
BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
LAND USE MEETING HELD ON
NOVEMBER 30, 2022

The Board of Commissioners' meeting is for a continued public hearing to consider a Jackson County Planning Commission (JCPC) recommendation for approval of text amendments to Chapters 3, 4, 6, and 13 of the Jackson County Land Development Ordinance (JCLDO) related to psilocybin regulations. File No. 439-22-00005-LRP. Those participating were:

Dave Dotterrer, Chair
Colleen Roberts, Commissioner
Rick Dyer, Commissioner
Joel Benton, County Counsel
Ted Zuk, Director, Development Services Department
Shandell Clark, Planning Manager, Development Services Department
Charles Bennett, Planner III, Development Services Department
Alycia Hartley, Recording Secretary
Members of the Public and Press

Commissioner Dotterrer called the land use meeting to order on Wednesday, November 30, 2022, at 1:30 p.m., in the Courthouse Auditorium and by audio/videoconference.

Commissioner Dotterrer read the recommendation for approval by title.

Commissioner Roberts moved to admit Exhibits 1-36 into the record of the Board of Commissioners' Land Use Meeting for File No. 439-22-00005-LRP. Commissioner Dyer seconded the motion. Those who voted aye: Commissioner Roberts, Commissioner Dyer, and Commissioner Dotterrer. Motion passed.

The Commissioners moved to deliberations.

Commissioner Roberts asked if the Oregon Health Authority (OHA) had completed the rulemaking related to psilocybin. Mr. Benton explained that the comment period on the proposed rules has been closed; however, OHA has not posted anything about adopting the final rules.

Commissioner Dyer explained that he has done a lot of research and given the matter much consideration. He noted that the Board is tasked with making reasonable time, place, and manner regulations regarding when, where, and how the activity should take place. While he believes that, based on his research, there is a potential benefit to be conferred, there is a question of if that benefit would confer to all of the citizens in the County. He noted that the activity is allowed in certain cities as well as in the unincorporated areas, and much of what was discussed during the public hearing was outside of staff's recommendation and outside of commercial zones. Commissioner Dyer said that, while there could be benefits for service centers in remote, rural locations, he has not seen any research indicating that it is therapeutically necessary and would prevent the benefits of treatment

if it was not. He further explained that, while Ballot Measure 15-203 was rejected, it was a countywide vote and not just a vote of the individuals affected by the decision and, in addition, the County was the only jurisdiction that was not able to vote only for themselves in the affected community. Commissioner Dyer also stated that, with regard to Oregon Ballot Measure 109 (2020), the rural and unincorporated areas of the County were opposed 54.6 percent to 45.4 percent. He referenced a psilocybin study out of John Hopkins University which reported that 10 percent of individuals said that their worst "bad trip" put themselves and others in harm; therefore, while it was repeatedly stated that this would not be a factor, adverse experiences do happen. He feels that the Board should be reasonable and cautious in proceeding with how it is allowed to take place, and potential negative impacts should be mitigated as much as possible. He noted that, in land use, it is preferred to gradually allow greater latitude as it becomes prudent versus reigning back in once it is allowed to commence.

Commissioner Roberts noted that psilocybin production and service centers are also allowed in Butte Falls and that there are ample places to proceed. She agreed with being cautious. She further explained that the Oregon Department of Land Conservation and Development and the Department of Justice stated that a service center cannot stand alone in Exclusive Farm Use (EFU) land, it has to be with agricultural farming; however, the amount of psilocybin that can be kept is very minimal. In addition, she noted that several comments referred to potential water hauling issues. She further stated that she agrees with the previous comments made by the County Surveyor.

Commissioner Dotterrer expressed that this is a land use decision, and is not based on the efficacy, use, or safety of psilocybin. From a land use perspective, service centers do not meet the legislative intent of the establishment of EFU and forest zone designations; these are resource zones with limited legislative exceptions. He agreed with Commissioner Dyer and said that, while there was much testimony received regarding the efficacy of psilocybin in rural zones, no data was received that asserts those statements. He explained that it is an entirely new therapy and, from a policy standpoint, there should be limitations.

Commissioner Dyer moved to approve the text amendments to JCLDO Chapters 3, 4, 6, and 13 to add psilocybin time, place, and manner regulations, as written in the original Planning Staff report. File No. 439-22-00005-LRP. Commissioner Roberts seconded the motion.

There was continued discussion related to what the staff recommendation entailed with regard to required setbacks from schools for both services centers and production. Mr. Benton confirmed that the proposed rules by OHA already include a 1,000-foot setback from schools for service centers. The recommendation from staff was to allow service centers in commercial zones and the production would still be in resource zones based on State regulations. There was additional discussion regarding specific details of the setbacks for both service centers and production, and Mr. Bennett confirmed that staff's recommendation included a production setback of 1,000 feet from elementary schools, in addition to other minor setbacks.

Those who voted aye: Commissioner Dyer, Commissioner Roberts, and Commissioner Dotterrer. Motion passed.

Commissioner Dotterrer instructed staff to prepare the Ordinance for approval and set the dates for the first reading on December 14, 2022, at 9:30 a.m., in the Courthouse Auditorium and by audio/videoconference, and the second reading and public hearing for December 28, 2022, at 1:30 p.m., in the Courthouse Auditorium and by audio/videoconference.

Board of Commissioners' Land Use Meeting
File No. 439-22-00005-LRP
Minutes for November 30, 2022
Page 3 of 3

There being no further business, Commissioner Dotterrer adjourned the Land Use Meeting at 1:56 p.m.

JACKSON COUNTY BOARD OF COMMISSIONERS

/s/ Dave Dotterrer
Dave Dotterrer, Chair

/s/ Colleen Roberts
Colleen Roberts, Commissioner

/s/ Rick Dyer
Rick Dyer, Commissioner

/s/ Alycia Hartley
Alycia Hartley, Recorder
Approved on: 12/14/2022