



BOARD OF COMMISSIONERS

1300 NW Wall Street, Bend, Oregon
(541) 388-6570

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

6:00 PM

WEDNESDAY November 30, 2022

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Anthony DeBone, and Phil Chang. Also present were Nick Lelack, County Administrator; Stephanie Marshall, Assistant County Counsel; and Brenda Fritsvold, BOCC Executive Assistant.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal website www.deschutes.org/meetings

CALL TO ORDER: Chair Adair called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Public Hearing on Legislative Text Amendments for Time, Place and Manner (TPM) Regulations for Psilocybin Production and Use

Tanya Saltzman, Senior Planner, recounted that the first part of this public hearing was on November 21st. She presented a PowerPoint on proposed land use regulations concerning psilocybin manufacturing (cultivation and processing), service centers, and testing laboratories. The proposed amendments to County Code would:

- Add new definitions for terms relating to psilocybin;
- Allow psilocybin service centers as a conditional use with site plan review in certain areas;
- Add psilocybin service centers to uses allowed in destination resorts;
- Allow psilocybin testing laboratories as a conditional use with site plan review in the Tumalo Rural Community and Rural Industrial zones; and

- Add a new chapter creating time, place, and manner criteria for psilocybin manufacture as a farm use, psilocybin manufacture as a processing use, and psilocybin service centers.

Chair Adair acknowledged the receipt of emails from Janet Truselo and Tim Cedarbloom regarding the subject of the public hearing.

Public hearing was opened at 6:11 p.m.

- Nunzie Gould encouraged waiting a year before accepting applications to allow time for the Oregon Health Authority to prove that it can successfully implement and manage this program. She spoke to the cost involved to ensure compliance, asked that service centers not be allowed in rural unincorporated areas, and expressed concern about ensuring adequate setbacks from schools to protect children. She concluded that these uses should be restricted to cities in proximity to medical facilities and public transportation services.
- Rachel Dean supported the recommended regulations and said public transit is not associated with this type of use. Noting that psilocybin is a naturally-occurring compound and that fungi grow on every continent, she said experiencing psilocybin in nature amplifies the benefits of usage and advocated for allowing people to access it in rural areas.
- Elaine Marshall said studies on psilocybin safety negate concerns regarding its use. She described many benefits of psilocybin therapy including curing substance abuse disorder and treating depression and PTSD. She noted the suicide rate of veterans and active duty service members, said that voters have twice approved making psilocybin available, and urged the County to allow usage in natural environments.
- David Holland emphasized that voters have made clear they want these services made available. He pointed to evidence from many cultures that having access to nature while ingesting psilocybin reduces negative outcomes and increases positive results. He supported reasonable and non-restrictive regulations that allow usage in rural areas.
- Adele Sommer concurred that allowing usage in natural settings is important. She said psilocybin has helped many people including veterans and those with PTSD.
- Piper Lucas asked that the Board honor the process and adopt the TPMS as recommended by the Planning Commission.
- Julie Madavich stressed the need for a natural setting for this kind of therapy. Noting that voters approved allowing psilocybin by a wider margin the second time than the first, she believed this was due to people becoming more aware of the benefits of psilocybin therapy. She referred to undesirable side effects from anti-depressant medications and said allowing psilocybin therapy in a natural setting would offer the opportunity for improved mental health.
- Tim Cedarbloom said not all psilocybin therapy will be conducted outside and suggested allowing this to happen in a climate-controlled setting that could substitute for a natural outdoor experience, especially in the winter.

Public hearing was closed at 6:37 p.m.

Commissioner Chang inquired about the suggestion that the County defer accepting psilocybin applications for one year.

Assistant Legal Counsel Stephanie Marshall said because Deschutes County voters chose not to opt out of allowing psilocybin, these uses cannot be prohibited. Every associated use (i.e., manufacturing, testing, and administering) will require the County to provide a land use compatibility statement to OHA; if the time, place and manner regulations were not in place by the beginning of 2023, the County would have to accept and process applications via similar use analysis which would be more onerous and time-consuming and potentially more expensive.

Saltzman described the next steps in the process which anticipate Board deliberations on December 14th and adoption of an ordinance before the end of the year.

Chair Adair noted the consensus of the Board to leave the record open until 4 pm on Friday, December 2nd for written comments.

Commissioner DeBone commented that TPMs would provide clear instruction for what would be allowed and where, while having to resort to processing applications utilizing similar use analysis could be less clear. Commissioner Chang agreed and added that voters support allowing access to these services in the rural, unincorporated areas of the County.

OTHER ITEMS: None

ADJOURN: Being no further items to come before the Board, the meeting was adjourned at 6:47 p.m.

DATED this 30th Day of November 2022 for the Deschutes County Board of Commissioners.



PATTI ADAIR, CHAIR



ANTHONY DEBONE, VICE CHAIR

ATTEST:



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER