

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Adoption of an Ordinance)
Amending the Yamhill County Zoning Code)
to Allow for the Establishment of Psilocybin)
Manufacturing and Service Centers Within Certain) Ordinance 922
Areas of Unincorporated Yamhill County;)
Declaring an Emergency and Setting the)
Effective Date)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on December 15, 2022, Commissioners Lindsay Berschauer, Mary Starrett, and Casey Kulla being present.

WHEREAS, In November 2020, Ballot Measure 109 was passed by the electors of Oregon, thereby creating a program to permit licensed service providers to administer psilocybin-producing mushroom and fungi products to individuals 21 years of age or older; and

WHEREAS, Ballot Measure 109 has been codified as ORS 475A.200 through ORS 475A.722; and

WHEREAS, ORS 475A.270 requires individuals seeking a license to either manufacture psilocybin or to provide psilocybin services to first obtain a “land use compatibility statement” from the county that authorizes land use in that area; and

WHEREAS, The State of Oregon intends to begin accepting licensing applications for psilocybin manufacturing and facilitation services on January 2, 2023; and

WHEREAS, The Board believes that the cultivation of psilocybin, the manufacturing of psilocybin products, and the proffering of psilocybin services should be regulated in the unincorporated areas of Yamhill County as provided in the attached Exhibit A; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Amendments to the Yamhill County Zoning Ordinance. The Board hereby adopts the Yamhill County Zoning Ordinance amendments as shown in Exhibit A, incorporated herein by this reference.

Section 2. Distribution. The text of this Ordinance shall be provided to the Oregon Health Authority and the Oregon Department of Land Conservation and Development.

Section 3. Severability. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 4. Emergency Clause; Effective Date. Pursuant to the provisions of ORS 203.045(4)-(9), an emergency has been declared to exist. This Ordinance shall therefore become effective on January 2, 2023, to coincide with the start date of the State of Oregon's psilocybin program.

DATED this 15th day of December, 2022, at McMinnville, Oregon.

ATTEST:



YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON

County Clerk

By: Carolina Rook
Deputy Carolina Rook

FORM APPROVED BY:

Jodi Gollehon
Office of County Counsel

Lindsay Berschauer

Chair

LINDSAY BERSCHAUER

Casey Kulla

Commissioner

CASEY KULLA

Mary Starrett

Commissioner

MARY STARRETT

EXHIBIT A
AMENDMENTS TO THE
YAMHILL COUNTY ZONING ORDINANCE

- I. **Section 202, Definitions.** Section 202, Definitions, is hereby amended to include the following definitions:

“PSILOCYBIN: As defined in ORS 475A.220(10).”

“PSILOCYBIN PRODUCTS: As defined in ORS 475A.220(12).”

“PSILOCYBIN SERVICE CENTERS: As defined in ORS 475A.220(13).”

- II. **Section 402, Exclusive Farm Use District (EF-80, EF-40, and EF-20).** Section 402, Exclusive Farm Use District (EF-80, EF-40, and EF-20) is hereby amended as follows (stricken indicates deleted language, underline indicates new language):

402.02 Permitted Uses.

In the Exclusive Farm Use District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 402.09 and any other applicable provisions of this ordinance:

...

- Y. Propagation and harvesting of psilocybin as regulated by the Oregon Health Authority in accordance with state law.

402.04 Conditional Uses.

The following uses are allowed in the Exclusive Farm Use District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202, and subsection 402.07(A) of this ordinance and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

...

O. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 402.10(A), subject to Section 1101, Site Design Review, except such uses are not allowed on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, may be established on properties with approved private campgrounds subject to additional conditional use approval and Section 1101 Site Design Review.

...

T. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, subject to Section 1101 Site Design Review. Psilocybin service centers shall be located on lots that also hold psilocybin production licenses and are actively producing the crop.

U. Permanent facility for the purpose of manufacturing psilocybin products in accordance with Oregon Revised Statute 475A, and as otherwise regulated by the Oregon Health Authority, subject to Section 1101 Site Design Review.

III. Section 403, Agriculture, Forestry District (AF-20, AF-40, AF-80). Section 403, Agriculture/Forestry District (AF-20, AF-40, AF-80) is hereby amended as follows (stricken indicates deleted language, underline indicates new language):

403.02 Permitted Uses.

In the Agriculture/Forestry District, the following uses shall be permitted subject to the standards and limitations set forth in Subsection 403.11, and any other applicable provisions of this Ordinance:

...

EE. Propagation and harvesting of psilocybin as regulated by the Oregon Health Authority in accordance with state law.

403.04 Conditional Uses.

The following uses are allowed in the Agriculture/Forestry District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202 of this ordinance, the criteria of Section 403.07 and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

...

- N. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 403.12(B), subject to Section 1101, Site Design Review, except such uses are not allowed on a tract identified as high-value farmland. Existing facilities on high-value farmland that are located wholly within a farm use zone may be expanded subject to conditional use approval. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, may be established on properties with approved private campgrounds subject to additional conditional use approval and Section 1101 Site Design Review.

...

- DD. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, subject to Section 1101 Site Design Review. Psilocybin service centers shall be located on lots that also hold psilocybin production licenses and are actively producing the crop.
- EE. Permanent facility for the purpose of manufacturing psilocybin products in accordance with Oregon Revised Statute 475A, and as otherwise regulated by the Oregon Health Authority, subject to Section 1101 Site Design Review.

IV. Section 601, Recreation Commercial District (RC). Section 601, Recreation Commercial District (RC) is hereby amended as follows (stricken indicates deleted language, underline indicates new language):

601.03 Conditional Uses.

In the RC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Drive-in theater;
- B. Open-land commercial or private recreation use, such as zoo, racing circuit, motorcycle hill climb, skydiving facility and similar uses;
- C. Home occupation, subject to the standards and limitations set forth in Section 1004;
- D. Utility facility, subject to Section 1101 for site design review; and
- E. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law.

- V. **Section 801, Public Assembly Institutional District (PAI).** Section 801, Public Assembly Institutional District (PAI) is hereby amended as follows (stricken indicates deleted language, underline indicates new language):

801.03 Conditional Uses.

In the PAI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Duplex or multi-family dwelling, or group living quarters, in conjunction with a permitted use; ~~and~~
- B. Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the requirements in subsection 404.10; and
- C. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law.
