

IN 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 Amending the Yamhill County Zoning Code to Clarify the Allowance of Psilocybin Manufacturing and Service Centers Within Certain Areas of Unincorporated Yamhill County; Repealing Ordinance 922; Declaring an Emergency and Setting the Effective Date

ORDINANCE 929

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on August 10, 2023, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, The Board passed Ordinance No. 922 on December 15, 2022 amending the Yamhill County Zoning Code (YCZO) and allowing for the establishment of psilocybin manufacturing and service centers within certain areas of unincorporated Yamhill County; and

WHEREAS, Ordinance 922 was appealed by both the Department of Land Conservation and Development (DLCD) and Friends of Yamhill County (Friends) via LUBA No. 2023-003/005 (the "Appeal"); and

WHEREAS, As a result of the Appeal, the County engaged in discussions with DLCD and Friends to determine language satisfactory to all parties; and

WHEREAS, The Board now wishes to change the language adopted in Ordinance 922 to further clarify the County's allowance of psilocybin service centers within the Exclusive Farm Use District and the Agriculture, Forestry District; and

WHEREAS, The Board held an initial public hearing on July 13, 2023 and a second public hearing on August 10, 2023 to discuss the proposed amendments; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Rescinding of Ordinance 922. Ordinance 922 is hereby rescinded.

Section 2. 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 3. Distribution. The text of this Ordinance shall be provided to the Oregon Health Authority and the Oregon Department of Land Conservation and Development as needed.

Section 4. Severability. Invalidation 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 5. 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 upon passage.

DATED this 10<sup>th</sup> day of August, 2023, at McMinnville, Oregon.



YAMHILL COUNTY BOARD OF COMMISSIONERS

ATTEST

KERI HINTON  
County Clerk

By: Carolina Rook  
Deputy CAROLINA ROOK

Lindsay Berschauer  
Chair LINDSAY BERSCHAUER

AYE NAY  
\_X\_

Kit Johnston  
Commissioner KIT JOHNSTON

\_X\_

FORM APPROVED BY:

Jodi Gollehon  
JODI GOLLEHON  
Assistant Yamhill County Counsel

Mary Starrett  
Commissioner MARY STARRETT

\_X\_

**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):

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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.

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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 as a commercial activity in conjunction with the psilocybin-producing fungi crop, on properties with approved private campgrounds, subject to additional conditional use approval and Section 1101 Site Design Review. Psilocybin service centers shall be located on “licensed premises” as that term is defined under OAR 333-333.

...

T. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, may be established as a commercial activity in conjunction with the psilocybin-producing fungi crop, subject to Section 1101 Site Design Review. Psilocybin service centers authorized under this subsection shall be located on:

1. Lots that produce at least one psilocybin crop annually; and
2. “Licensed premises” as that term is defined under OAR 333-333.

U. Permanent facility for the purpose of processing psilocybin products in accordance with ORS 215.255, and as otherwise regulated by ORS 475A and the Oregon Health Authority, subject to Section 1101 Site Design Review.

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#### 402.10 Definition of Terms Used in this Section.

The following terms apply only to Section 402, and have no relevance to the same term used in other sections of this ordinance unless specifically stated.

...

B. Commercial Activities in Conjunction with Farm Use - As authorized under subsection 402.04(G), a commercial activity in conjunction with farm use is:

...

2. Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products. Such uses include, but are not limited to, the following:

...

- Psilocybin Service Centers located on “licensed premises” as that term is defined under OAR 333-333. A permit to operate a psilocybin service center does not authorize any other use that would otherwise require authorization under the YCZO, unless additional land use approval is obtained.

**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):

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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.

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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 as a commercial activity in conjunction with the psilocybin-producing fungi crop on properties with approved private campgrounds, subject to additional conditional use approval and Section 1101 Site Design Review. Psilocybin service centers shall only be located on “licensed premises” as that term is defined under OAR 333-333.

...

DD. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, may be established as a commercial activity in conjunction with the psilocybin-producing fungi crop, subject to Section 1101 Site Design Review. Psilocybin service centers authorized under this subsection shall be located on:

1. Lots that produce at least one psilocybin crop annually; and
2. “Licensed premises” as that term is defined under OAR 333-333.

EE. Permanent facility for the purpose of processing psilocybin products in accordance with ORS 215.255 and as otherwise regulated by ORS 475A and the Oregon Health Authority, subject to Section 1101 Site Design Review.

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#### 403.12 Definition of Terms Used in this Section.

The following terms apply only to Section 403, and have no relevance to the same term used in other sections of this ordinance unless specifically stated.

C. Commercial Activities in Conjunction with Farm Use - As authorized under subsection 403.04(G), a commercial activity in conjunction with farm use is:

...

3. Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products. Such uses include, but are not limited to, the following:

...

- Psilocybin Service Centers located on “licensed premises” as that term is defined under OAR 333-333. A permit to operate a psilocybin service center does not authorize any other use that would otherwise require authorization under the YCZO, unless additional land use approval is obtained.

**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):

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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.

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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):

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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.

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