

**ORDINANCE NO. 655
CITY OF DAYTON, OREGON**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, OREGON,
IMPLEMENTING AN AMENDMENT TO TEXT OF THE LAND USE AND
DEVELOPMENT CODE REGARDING PSILOCYBIN LAND USE REGULATIONS AND
DECLARING AN EMERGENCY**

WHEREAS, on November 3, 2020, Oregon voters passed Ballot Measure 109 (Oregon Psilocybin Services Act), which directs the Oregon Health Authority (OHA) to license and regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and to provide related of psilocybin services; and

WHEREAS, Measure 109 authorizes local jurisdictions to adopt reasonable time, place, and manner regulations beyond those already required in the original Measure and subsequent State law; and

WHEREAS, the City of Dayton (“City”) initiated amendments to the text of the Land Use and Development Code regarding psilocybin land use regulations in compliance with State law specifically time, place, and manner restrictions on psilocybin service and manufacturing centers; and

WHEREAS, the City submitted the proposed amendments to DLCD on October 9, 2022; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed zoning code text amendments, public testimony, and staff report at its meeting on November 9, 2022; and

WHEREAS, the City Council conducted a duly-noticed public hearing, and reviewed the proposed zoning code text amendments, Planning Commission recommendation, public testimony and staff report at its meeting on December 5, 2022; and

WHEREAS, since the passage of Measure 109, OHA has developed a regulatory framework for providing psilocybin services and licensing. Final rulemaking continues but is expected to be completed by December 31, 2022. Applications for a license to operate a psilocybin facility or service center will start being accepted on January 2, 2023, subject to local land use approval, and as a result, the City desires to have these regulations in place before OHA begins to issue licenses and declares an emergency; and

WHEREAS, the City Council considered the application, the evidence in the record, and applicable criteria for the amendments proposed in Application File No. LA 2022-01 (Legislative Amendment).

Now, therefore:

THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the proposed Land Use and Development Code Text Amendments related to psilocybin land uses as set forth in the attached Exhibit “A”.

Section 2. In support of its decision, the City Council adopts the findings within the Planning Commission Recommendation for File No. LA 2022-01, dated November 2, 2022, as set forth in the attached Exhibit “B.”

Section 3. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 5th day of December 2022 and **EFFECTIVE** on the 5th day of December 2022.

Mode of Enactment:

Date of first reading: December 5, 2022 In full _____ or by title only XX

Date of second reading: _____ In full _____ or by title only _____

XX No Council member present at the meeting requested that the ordinance be read in full.

XX A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor: Frank, Holbrook, Mackin, Maguire, Marquez, Sandoval-Perez, Wytoski

Opposed: None

Absent: None

Abstained: None

Elizabeth Wytoski, Mayor

Date of Signing

ATTESTED BY:

Patty Ringnalda, City Recorder

Date of Enactment