

## Navigating Local Planning Departments

After the passage of Measure 109, the Oregon Health Authority (OHA) established statewide rules and regulations for service center operation. Measure 109 also gave City and County governments the option to opt-out from allowing service centers in their jurisdiction\*, to adopt the statewide regulatory structure established by OHA rules (without any additional regulations), or to adopt additional “time, place, and manner” regulations around psilocybin service centers and manufacturers. The below guide has been developed with service centers in mind, but most of the information generally applies to manufacturers as well.

The information below is an **introductory guide** to the local planning process. This is not an in depth analysis on specific counties. For information about your specific area and zoning regulations, you will need to contact your local planner which this guide will help you do. This guide includes information on:

- [Time, Place, and Manner and Land Use Overview](#)
- [Information on Cities and Counties](#)
- [Where to find your planner: Incorporated City vs. Unincorporated County](#)
- [How to Engage Your Planner](#)
- [Getting to Know Your Local Government and Their Process](#)
- [Expectations: Process and timeline, how a LUCS form should be treated](#)
- [Questions](#)

### **Time, Place, and Manner and Land Use Overview**

“Time, place, and manner” regulations (sometimes referred to as TPM’s) are specific requirements which create a framework for how and where a business can operate within County or City lines, and can dictate certain business operations relating to time (i.e. hours of operation), place (i.e. zoning), and manner. Every local government choosing to adopt additional TPM’s on top of the state regulatory framework has unique, and slightly different TPM’s than their neighbor, so it is important to get particularly acquainted with the regulations for the jurisdiction where you plan to operate your business.

If a local government chooses to adopt the statewide structure laid out by OHA, every local planning department must still establish a way for psilocybin uses to be applied to their current code. This is important to note as each local government, while likely attempting to follow state direction, is left up to their own devices to interpret the law, and determine appropriate uses. Depending on the locality, this can create an easy-to-understand mechanism or a complicated web of land use rules for psilocybin businesses to meet.

The first step every psilocybin service center operator must go through with their local government is to get sign off to operate under the current state and local regulations in their jurisdiction, through an application form that is known as a **Land Use Compatibility Statement (LUCS)**. This local government approval is required regardless of whether they adopted TPM's or stuck with the statewide structure.

As a result, local governments and their planning departments play a pivotal role in the licensing process for psilocybin service centers. Every service center application must include a [Land Use Compatibility Statement Form](#) (i.e. LUCS Form), signed by the local planning department. **BEFORE establishing your business or purchasing property for a service center, give your local land use regulations a comprehensive review. You might also want to check with the local planning department, or have an attorney and or land use expert review state and local land use regulations to ensure that your business plan aligns with what is allowed in that locality.**

\*Not all Cities and Counties allow psilocybin service centers and manufacturers to operate in their jurisdictions. Here's a regularly updated, [comprehensive view](#) of the Cities and Counties allowing service centers in their localities.

**Information on Cities and Counties**

The information below lists the Counties and most populated Cities allowing psilocybin across the state. For more information on a City or County that is not listed, research the City/County website for psilocybin related information, or reach out to the planning department. For a list of current localities that have prohibited service centers and or production facilities, please reference the Oregon Health Authority list [here](#).

The list below is a starting resource for easy access to a planner, planning department code, or general information relating to land use in the localities listed below. All localities operate slightly differently, and the information below is subject to change.

Name	Description	Contact + Website for more info
Multnomah	State regulatory framework	<a href="https://www.multco.us/landuse/application-materials-and-forms">https://www.multco.us/landuse/application-materials-and-forms</a>
Washington	State regulatory framework	<a href="https://www.washingtoncounty.org/current-planning/psilocybin">https://www.washingtoncounty.org/current-planning/psilocybin</a>
Lane	State regulatory framework	Contact: <a href="mailto:rachel.serslev@lanecountyor.gov">rachel.serslev@lanecountyor.gov</a>  <a href="https://www.lanecounty.org/government/county_departments/public_works/land_management_division">https://www.lanecounty.org/government/county_departments/public_works/land_management_division</a>

Name	Description	Contact + Website for more info
Lincoln	State regulatory framework	Contact: <a href="mailto:ohusing@co.lincoln.or.us">ohusing@co.lincoln.or.us</a> <a href="https://www.co.lincoln.or.us/planning/page/planning-applications">https://www.co.lincoln.or.us/planning/page/planning-applications</a>
Deschutes	TPM's	Contact: <a href="mailto:Tanya.Saltzman@deschutes.org">Tanya.Saltzman@deschutes.org</a> <a href="https://www.deschutes.org/cd/page/land-use-forms">https://www.deschutes.org/cd/page/land-use-forms</a>
Jackson	TPM's	<a href="https://jacksoncountyor.org/ds/Planning/Forms-Applications">https://jacksoncountyor.org/ds/Planning/Forms-Applications</a>
Hood River	TPM's	<a href="https://www.hoodrivercounty.gov/index.asp?SEC=A467B125-E8F5-4F5B-98F2-81765BCFF8FA">https://www.hoodrivercounty.gov/index.asp?SEC=A467B125-E8F5-4F5B-98F2-81765BCFF8FA</a>
Wasco	TPM's	<a href="https://www.co.wasco.or.us/departments/planning/land%20use%20app%20forms.php">https://www.co.wasco.or.us/departments/planning/land use app forms.php</a>
Benton	TPM's	<a href="https://www.co.benton.or.us/cd/page/land-use-compatibility-statement-lucs">https://www.co.benton.or.us/cd/page/land-use-compatibility-statement-lucs</a>
Yamhill	TPM'S	<a href="https://www.co.yamhill.or.us/content/land-use-applications">https://www.co.yamhill.or.us/content/land-use-applications</a>
Columbia	TPM's	<a href="https://www.columbiacountyor.gov/departments/LandDevelopment/planning-applications-and-guides">https://www.columbiacountyor.gov/departments/LandDevelopment/planning-applications-and-guides</a>
City of Portland	State regulatory framework	Contact: Phil Nameny <a href="mailto:phil.nameny@portlandoregon.gov">phil.nameny@portlandoregon.gov</a>
City of Eugene	State regulatory framework	Contact: Rachel Serslev <a href="mailto:rachel.serslev@lanecountyor.gov">rachel.serslev@lanecountyor.gov</a>
City of Bend	State regulatory framework	<a href="https://www.bendoregon.gov/community/land-use">https://www.bendoregon.gov/community/land-use</a>
City of Salem	State regulatory framework	<a href="https://www.cityofsalem.net/business/land-use-zoning">https://www.cityofsalem.net/business/land-use-zoning</a>
City of Gresham	State regulatory framework	<a href="https://greshamoregon.gov/Applications-and-Forms/">https://greshamoregon.gov/Applications-and-Forms/</a>

Name	Description	Contact + Website for more info
City of Beaverton	State regulatory framework	<a href="https://www.beavertonoregon.gov/183/Community-Development">https://www.beavertonoregon.gov/183/Community-Development</a>
City of Hillsboro	TPM's	<a href="https://www.hillsboro-oregon.gov/Home/Components/News/News/14309/4300">https://www.hillsboro-oregon.gov/Home/Components/News/News/14309/4300</a>
City of Medford	State regulatory framework?	<a href="https://www.medfordoregon.gov/Government/Departments/Planning/PlanningProjects">https://www.medfordoregon.gov/Government/Departments/Planning/PlanningProjects</a>
City of Corvallis	TPM's	<a href="https://www.corvallisoregon.gov/cd/page/land-use-applications">https://www.corvallisoregon.gov/cd/page/land-use-applications</a>

### **Where to Find Your Planner: Incorporated City vs. Unincorporated County**

View this [statewide map](#) for information on cities + counties currently allowing psilocybin services.

Please note: Psilocybin services operators will be located in either a City, or a County. To determine which local government you need to submit your LUCS form to, check the business address to see if it falls into a City, or an unincorporated County. For example, if your business address is in Bend, you will work with the Bend planning department (and you will need to meet the requirements laid out by the City of Bend), as opposed to the Deschutes County planners. **There is no case** in which a psilocybin business will need to submit a LUCS form for a city AND a county.

**Find your local zoning map & psilocybin land use regulations- likely linked on the City or County land use website (or provided by the local planning department upon request). Use these tools to understand which types of zones a psilocybin business may operate.**

### **How to Engage Your Local Planner**

First and foremost, it is important to recognize that local planners are invaluable resources for the success of your psilocybin business.

In order to have a productive and efficient interaction, it's important for business owners to have thoroughly read and reviewed the local land use regulations, and to ensure that your business fits into the requirements laid out by the state, and your local government before submitting a LUCS form.

Not all local planners are completely familiar with the psilocybin therapy program, how it operates, or even possibly, their local rules around psilocybin, but they are experts in land use. If you need to interact with a planner, do so professionally, and assume that they may not have all of the information about the uses or program memorized.

Assume your time spent with local planners will be a collaborative effort, in which you work to develop a relationship, ensuring ease of communication in the future.

### **Getting to Know Your Local Government and Their Process**

There is a multi-step local process to land use changes, and therefore, several layers of decision-makers involved in the local land use planning process. This includes the local planning department (local staff), the Planning Commission (appointed land use experts), and the City Council/County Commission (elected leaders of the City or County).

At the time of writing this document, most Cities and Counties listed above have already gone through the exercise of developing psilocybin-related zoning code, however, *all local zoning codes are subject to change at any time at the discretion of the local government governing body.*

If a City or County Commission decides that a more formal policy change should be made to land use code, the below information will be helpful as a starting point for understanding who to engage.

#### ***Planning Department***

The planning department, sometimes also referred to as Community Development, is the primary entity that will process a LUCS form. The local planners are the public's primary point of contact for information relating to current code. They are responsible for enforcing zoning code, and making recommendations to their City Council or County Commissioners for policy changes.

#### ***Planning Commission***

If a new or current policy change is up for debate, the local Planning Commission, an appointed body, will hold a hearing (or a series of hearings), open to the public. This is generally the first formal public opportunity to weigh into a policy change. The planners will bring forward a challenge, or suggested direction, and after hearing the staff report, as well as public testimony, the Planning Commission will make a recommendation to the City Council/County Commission.

#### ***City Council/ County Commissioners***

The City Council or County Commission will hold at least one public hearing after hearing the Planning Commission recommendation, to make a final decision on a proposed land use update or new regulation. The governing body may or may not take the recommendation

of the Planning Commission, and the planning staff will be directed to develop and/or enforce this final outcome.

It is highly recommended as an initial step in opening your business to take the time to meet with each of your local elected officials (City or County Commissioners), help them understand what your business is about, and how you plan to operate safely and with the community well-being in mind. This way, they know there is a constituency paying attention to their decisions around psilocybin issues, and they may even call on you as a resource in the future.

Even if there is no current need for policy change, as a new industry, these relationships will pay off with dividends if a respectful connection is established. It should be assumed that your local elected officials know very little about psilocybin businesses, and it will be important to help educate them as you get to know them.

**Expectations: Process and timeline, how a LUCS form should be treated**

There are two options for local governments to provide a LUCS form. They can either use the OHA template, or author their own, which can be found through a planner or on a local government land use website.

Regardless of the form made available by the local government, a psilocybin business operator must submit their LUCS form prior to submitting a licensing application through OHA. Once the form has been submitted to the local government, they are required to return the form to the applicant within 21 days.

**Questions?**

For questions on zoning, what's allowed, or city/county specific information, please contact your local planning department.