

# City of Brookings

## MEETING AGENDA

### CITY COUNCIL

**Monday, August 8 2022, 7:00pm**

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

The City Council will meet in Executive Session at **6:00 PM**, in the City Manager's office, under the authority of ORS 192.660(2) (i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

### CITY COUNCIL

#### A. Call to Order

#### B. Pledge of Allegiance

#### C. Roll Call

#### D. Scheduled Public Appearances

(Informational presentations to Council on non-agenda items – 10 minute limit per person.)

1. Henry Johnson – Love Your Fourth
2. Linda Maxon – Coast Community Health

#### E. Oral Requests and Communications from the audience

(\*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

#### F. Consent Calendar

1. Approve City Council minutes for July 25, 2022 [Pg. 1]
2. Accept Planning Commission minutes for July 5, 2022 [Pg. 3]
3. Accept July Vouchers [Pg. 5]

#### G. Staff Reports/Hearings

1. Letter of Support for Coast Community Health Center [Pg. 8]
  - a. Draft Support Letter [Pg. 9]
2. Monthly Street Project Update [Pg. 10]
3. Fuel Tax Ordinance [Pg. 12]
  - a. Ordinance 22-O-799 [Pg. 13]
4. Letter of Concern to Oregon Community Foundation [Pg. 15]
  - a. Project Turnkey general information [Pg. 16]
  - b. Draft Letter [Pg. 25]
5. Ballot Measure Prohibiting Psilocybin Manufacture and Service Centers [Pg. 28]
  - a. Resolution 22-R-1233 Option A [Pg. 30]
  - b. Resolution 22-R-1223 Option B [Pg. 34]
  - c. Memorandum from City Attorney dated July 6, 2022 [Pg. 38]
  - d. City of Amity Presentation [Pg. 41]
  - e. Summary Analysis of Measure 109 as published in the 2020 Statewide Ballot Pamphlet [Pg. 43]
  - f. "Oregon Psilocybin Services" Article from the Oregon Health Authority [Pg. 45]
  - g. Drug Fact Sheet, U.S. Department of Justice, Drug Enforcement Administration [Pg. 47]
  - h. On-Line Article regarding use of Psychedelic Drugs for PTSD Treatment [Pg. 49]

- i. Article on Development of Psilocybin Rules, Interview with Rules Committee Member, Oregon Public Broadcasting June 9, 2022 [Pg. 52]

## **H. Remarks from Mayor and Councilors**

### **I. Adjournment**

\*Public Comment forms and the agenda packet are available on-line at [www.brookings.or.us](http://www.brookings.or.us), at Brookings City Hall and at Chetco Community Public Library. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

If you would like to view the City Council Meeting live, you can via:

- Television – Charter Channel 181
- Internet – Go to the City of Brookings website at <http://www.brookings.or.us>

Watch Meeting Live instructions: 1. Visit the City of Brookings website home page. 2. Click on Government (top page). 3. Click on City Council (right side). 4. Under Agenda & Meetings click Watch Meeting Live. 5. You will need to download the VLC Media Player. Follow directions and links for your device.

**City of Brookings**  
**CITY COUNCIL MEETING MINUTES**  
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415  
**Monday, July 25, 2022**

**Call to Order**

Mayor Hedenskog called the meeting to order at 7:00 PM

**Roll Call**

Council Present: Mayor Ron Hedenskog, Councilors Brad Alcorn, Ed Schreiber, John McKinney, and Michelle Morosky; a quorum present.

Staff present: City Manager Pro Tem Gary Milliman and Deputy City Recorder Natasha Tippetts

Media Present: 1

Others Present: 5 audience members

**Announcements**

- 1) Yard of the Month
  - a) Commercial – 850 Chetco Avenue – Evergreen Federal Bank
  - b) Residential – 830 Cameo Court – Rick and Diana Eslinger

**Public Comments**

1. Commissioner Courte Boice; provided information about a "Consumption Tax"
2. Don Bemis and Debra Salzman, Brookings; provided information on behalf of Wreaths Across America
3. Scott Larson, 920 Helen Lane, Brookings; provided opinion on Project Turnkey and asked Council to draft a letter opposing the project.

**Consent Calendar**

1. Approve Council minutes for July 11, 2022
2. Accept June 2022 financials

**Mayor Hedenskog moved, Councilor McKinney seconded, and Council voted unanimously to approve the Consent Calendar.**

**Staff Reports**

**1. Approve Agreement for City Manager Pro Tem**

*Staff report presented by Gary Milliman*

**Mayor Hedenskog moved and Councilor McKinney seconded, and Council voted unanimously to authorize the Mayor to execute and Agreement for City Manager Pro Tem Services with Gary Milliman**

**2. Clarify Fuel Tax Rate**

*Staff report presented by Gary Milliman*

**Milliman clarified that the council was unanimous on their agreement for the upcoming fuel tax ballot to state \$0.05 for five years.**

**Council is unanimous.**

**Remarks from Mayor and Councilors**

None

**Adjournment**

Mayor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to adjourn the meeting at 7:38 PM.

Respectfully submitted:

ATTESTED:  
this 8th day of August, 2022:

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Ron Hedenskog, Mayor

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Gary Milliman, City Recorder Pro Tem



## **BROOKINGS PLANNING COMMISSION MINUTES**

**July 5, 2022**

### **CALL TO ORDER**

The regular meeting of the Brookings Planning Commission was called to order by Chair Wulkowicz at 7:02 pm in the Council Chambers at Brookings City Hall followed by the Pledge of Allegiance.

### **ROLL CALL**

Commissioners Present: Anthony Bond, Skip Hunter, Clayton Malmberg , Skip Watwood, John Weaver, Chair Gerry Wulkowicz

Commissioners Absent: Cody Coons

Staff Present: PWDS Director Tony Baron, Planning Tech Lauri Ziemer

Others Present: 14 audience members

**PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS** – Chair Wulkowicz noted that Item 4.3 on the agenda has been postponed to the August 2, 2022 Planning Commission meeting.

### **PUBLIC HEARINGS**

4.1 In the matter of File No. CUP-18-22, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 1125 Ransom Avenue; Assessors Map & Tax Lot No. 4113-06BA-01502

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:08 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant, Norbert Roetzer, and his property manager, Ron Reel of Premier Ocean Properties, were present to answer any questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:12 pm.

The Commission deliberated on the matter. **Motion made by Commissioner Watwood to approve File No. CUP-18-22 a request for a Conditional Use Permit to operate a short term rental at 1125 Ransom Avenue based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 6-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-18-22, based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 6-0 vote the motion carried.**

4.2 In the matter of File No. CUP-19-22, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 1496 Seacrest Lane; Assessors Map & Tax Lot No. 4014-36AD-02009

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:14 pm. PWDS Director Tony Baron reviewed the staff report.

The applicants, Justin and Amanda Hanks, were present and addressed the Commission as to their intentions of operating a vacation rental and were available to answer any questions.

Joe Doherty, 1488 Seacrest Lane, Brookings spoke in opposition citing the majority of the Harris Beach Planned Unit Development (PUD) has CCR's against short term rentals, however this phase of the PUD did not have it specifically stated. Businesses are not allowed in the CCR's and believes this constitutes a business as a business license is required. Advised that the property is already being used as a vacation rental without an approved CUP.

Ginger Doherty, 1488 Seacrest Lane, Brookings spoke in opposition citing the CCR's prohibiting short term rentals and how short term rentals affect the long term rental market for the general workforce in Brookings.

Justin Hanks rebutted advising they are willing to work with the neighbors and that the CCR's do not block short term rentals. He advised they have been renting out the residence and was not aware it was prohibited.

No participant requested additional time to submit materials. Public hearing was closed at 7:38 pm.

The Commission deliberated on the matter. Chair Wulkowicz advised they have no authority to determine intentions of the CCR's and they make their decision based on the codes and ordinances of City of Brookings. Although a business license is required the property is used as a residence. The property owners would have to seek civil action against each other to determine if violations exist. Commissioners questioned the applicants using the property prior to issuance of an approved permit and the penalties. Staff advised they would be required to pay Transient Occupancy Taxes for any times rented, no other penalties to enforce currently exist.

**Motion made by Chair Wulkowicz to approve File No. CUP-19-22 a request for a Conditional Use Permit to operate a short term rental at 1496 Seacrest Lane based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 6-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-19-22, based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 6-0 vote the motion carried.**

#### **MINUTES FOR APPROVAL**

5.1 Minutes of regular Planning Commission meeting of June 7, 2022.

**Motion made by Commissioner Malmberg to approve the Planning Commission minutes of June 7, 2022; motion seconded and with no further discussion by a 6-0 vote the motion carried.**

**UNSCHEDULED PUBLIC APPEARANCES** – Candice Michel, 1253 Rowland Lane, Brookings voiced opposition to Short Term Rental Conditional Use Permits in general citing the current housing situation wherein affordable long term rental housing is not available for the general work force. Believes short term rentals change the atmosphere of residential neighborhoods and encouraged Planning Commission to plan ahead.

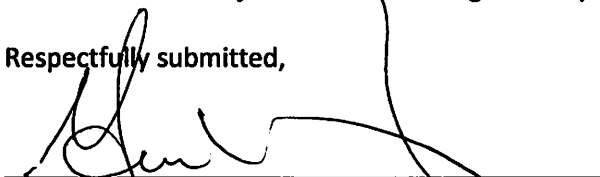
**REPORT FROM THE PLANNING STAFF** – August Planning Commission meeting will consist of three CUP's for short term rentals, a Land Development Code change, and a Variance.

**COMMISSION FINAL COMMENTS** – Commission discussed the number of short term rentals and the popularity of out of town buyers purchasing property with the intent of operating as short term rentals decreasing the number of long term rental properties. Commission advised they would like to schedule a joint workshop with the City Council to if determine if changes or additional criteria is needed on short term rental CUP's. Tony Baron to schedule and advise.

#### **ADJOURNMENT**

Chair Wulkowicz adjourned the meeting at 8:25 pm.

Respectfully submitted,



Gerald Wulkowicz, Brookings Planning Commissioner  
Approved at the August 2, 2022 meeting

## Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
07/22	07/20/2022	85254	5858	CH2M Hill OMI	50-00-2005	4,711.11- V
07/22	07/20/2022	87494	4	Angie Meeker	10-00-2005	234.00- V
07/22	07/07/2022	88649	5908	Amazon Capital Services	49-00-2005	219.88
07/22	07/07/2022	88650	4734	Aramark Uniform Services	10-00-2005	150.00
07/22	07/07/2022	88651	6032	Bicoastal Media LLC	32-00-2005	1,200.00
07/22	07/07/2022	88652	2407	Blue Star Gas	10-00-2005	6,702.08
07/22	07/07/2022	88653	4859	Brookings Harbor Garden Club	10-00-2005	1,500.00
07/22	07/07/2022	88654	313	Brookings Vol Firefighters	10-00-2005	2,250.00
07/22	07/07/2022	88655	715	Budge McHugh Supply	20-00-2005	2,003.68
07/22	07/07/2022	88656	5567	CAL/OR Insurance Specialists Inc	30-00-2005	683.33
07/22	07/07/2022	88657	5070	Canon Solutions America	10-00-2005	50.93
07/22	07/07/2022	88658	528	Caselle, Inc	25-00-2005	15,857.00
07/22	07/07/2022	88659	5952	Chetco Auto Marine & Industrial Supply	15-00-2005	406.91
07/22	07/07/2022	88660	3834	Clean Sweep Janitorial Service	33-00-2005	2,035.00
07/22	07/07/2022	88661	4882	Coastal Heating & Air	10-00-2005	383.00
07/22	07/07/2022	88662	5827	Coastal Investments LLC	10-00-2005	1,130.00
07/22	07/07/2022	88663	5939	Country Media Inc	10-00-2005	166.88
07/22	07/07/2022	88664	5042	Curry Health Network	10-00-2005	363.80
07/22	07/07/2022	88665	284	Day Management Corp	30-00-2005	1,262.55
07/22	07/07/2022	88666	317	DCBS - Fiscal Services	10-00-2005	1,276.56
07/22	07/07/2022	88667	5804	Early Management Team Inc	50-00-2005	2,000.00
07/22	07/07/2022	88668	5432	First Community Credit Union	25-00-2005	1,102.00
07/22	07/07/2022	88669	6137	Four Aces Security Solutions LLC	32-00-2005	800.00
07/22	07/07/2022	88670	6097	GP Energy	10-00-2005	4,623.76
07/22	07/07/2022	88671	6030	Hartwick Automotive LLC	10-00-2005	73.59
07/22	07/07/2022	88672	5860	Lane Council of Governments	10-00-2005	1,242.00
07/22	07/07/2022	88673	202	League of Oregon Cities	10-00-2005	5,658.64
07/22	07/07/2022	88674	328	Les Schwab Tire Center	10-00-2005	57.96
07/22	07/07/2022	88675	4443	Napa Auto Parts-Golder's	15-00-2005	192.59
07/22	07/07/2022	88676	685	Neilson Research Corporation	25-00-2005	1,795.50
07/22	07/07/2022	88677	5936	Northwest Insurance Group Inc	33-00-2005	3,257.00
07/22	07/07/2022	88678	4324	OGFOA	10-00-2005	120.00
07/22	07/07/2022	88679	4781	OHA Cashier	50-00-2005	4,150.00
07/22	07/07/2022	88680	5390	O'Reilly Automotive, Inc	10-00-2005	72.18
07/22	07/07/2022	88681	4	Macy Martinez	10-00-2005	234.00
07/22	07/07/2022	88682	6022	Philadelphia Insurance Companies	10-00-2005	301.00
07/22	07/07/2022	88683	866	Pitney Bowes Global Financial , LLC	10-00-2005	144.93
07/22	07/07/2022	88684	5101	Pitney Bowes Reserve Acct	10-00-2005	500.00
07/22	07/07/2022	88685	4992	Police Legal Sciences, Inc	10-00-2005	1,280.00
07/22	07/07/2022	88686	322	Postmaster	25-00-2005	850.00
07/22	07/07/2022	88687	207	Quill Corporation	10-00-2005	295.89
07/22	07/07/2022	88688	3	Yvonne Huston	20-00-2005	100.72
07/22	07/07/2022	88689	3	Gretchen Mattison	20-00-2005	294.76
07/22	07/07/2022	88690	3	Jenni Rebecca Sanders	20-00-2005	37.42
07/22	07/07/2022	88691	3	Logan Strasheim	20-00-2005	100.00
07/22	07/07/2022	88692	6094	SAIF Corporation	10-00-2005	62,155.53
07/22	07/07/2022	88693	6102	South Coast Shopper	10-00-2005	139.50
07/22	07/07/2022	88694	380	Stadelman Electric Inc	53-00-2005	29,435.70
07/22	07/07/2022	88695	4542	Umpqua Bank	45-00-2005	9,774.31
07/22	07/07/2022	88696	4971	Valley Athletics	10-00-2005	2,238.75
07/22	07/07/2022	88697	2122	Cardmember Service	10-00-2005	5,686.36
07/22	07/07/2022	88698	6136	Western Display Fireworks LTD	32-00-2005	12,250.00
07/22	07/07/2022	88699	5992	Ziply Fiber	30-00-2005	191.30

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
07/22	07/14/2022	88700	4854	ACE Engineering LLC	75-00-2005	960.00
07/22	07/14/2022	88701	5908	Amazon Capital Services	49-00-2005	267.94
07/22	07/14/2022	88702	4939	BI- Mart Corporation	20-00-2005	14.99
07/22	07/14/2022	88703	5048	Brookings Harbor Medical Center	10-00-2005	150.00
07/22	07/14/2022	88704	6088	Michael Brown	10-00-2005	1,400.00
07/22	07/14/2022	88705	5822	Chaves Consulting Inc	49-00-2005	370.20
07/22	07/14/2022	88706	3834	Clean Sweep Janitorial Service	25-00-2005	175.00
07/22	07/14/2022	88707	185	Del Cur Supply	10-00-2005	182.00
07/22	07/14/2022	88708	3342	Fastenal	25-00-2005	282.92
07/22	07/14/2022	88709	153	Ferrellgas	25-00-2005	750.40
07/22	07/14/2022	88710	282	Gov't Finance Officers Assn	10-00-2005	160.00
07/22	07/14/2022	88711	198	Grants Pass Water Lab	20-00-2005	48.00
07/22	07/14/2022	88712	4980	iSecure	10-00-2005	33.00
07/22	07/14/2022	88713	5858	Jacobs Engineering Group Inc	25-00-2005	116,266.87
07/22	07/14/2022	88714	6065	Local Government Law Group PC	10-00-2005	1,743.00
07/22	07/14/2022	88715	4269	Gary Milliman	10-00-2005	325.00
07/22	07/14/2022	88716	4901	Mountain View Paving, Inc	25-00-2005	3,361.50
07/22	07/14/2022	88717	4487	Net Assets Corporation	10-00-2005	240.00
07/22	07/14/2022	88718	3159	NorthCoast Health Screening	10-00-2005	45.00
07/22	07/14/2022	88719	5008	Online Information Services	10-00-2005	104.58
07/22	07/14/2022	88720	4	Cynthia Jordan	10-00-2005	244.00
07/22	07/14/2022	88721	4105	Precision Eyecare PC	10-00-2005	50.00
07/22	07/14/2022	88722	6124	Silke Communications Solutions Inc	10-00-2005	1,994.98
07/22	07/14/2022	88723	6155	Southern Oregon Audio Visual	32-00-2005	2,580.00
07/22	07/14/2022	88724	5992	Zipty Fiber	25-00-2005	1,078.64
07/22	07/21/2022	88725	5908	Amazon Capital Services	10-00-2005	153.38
07/22	07/21/2022	88726	6130	Apex Fencing	15-00-2005	1,642.50
07/22	07/21/2022	88727	6116	Brookings Chrysler Dodge Jeep Ram	10-00-2005	598.85
07/22	07/21/2022	88728	6147	Bullard Law	10-00-2005	4,207.99
07/22	07/21/2022	88729	5070	Canon Solutions America	10-00-2005	316.55
07/22	07/21/2022	88730	1373	Cascade Fire Equipment	10-00-2005	4,942.36
07/22	07/21/2022	88731	6146	CCD Business Development Corp	52-00-2005	5,065.00
07/22	07/21/2022	88732	3015	Charter Communications	30-00-2005	599.98
07/22	07/21/2022	88733	4928	CIS Trust	30-00-2005	216,242.95
07/22	07/21/2022	88734	5313	City of Brookings	10-00-2005	359.21
07/22	07/21/2022	88735	5874	Cumulus Global	49-00-2005	8,208.00
07/22	07/21/2022	88736	1620	Curry County Community Development	10-00-2005	330.00
07/22	07/21/2022	88737	1	Bobby Bergman	20-00-2005	50.44
07/22	07/21/2022	88738	1	Megan Bice	20-00-2005	159.69
07/22	07/21/2022	88739	1	Chetco Fabrication	20-00-2005	234.56
07/22	07/21/2022	88740	1	Gene Chickinell DDS	20-00-2005	10.48
07/22	07/21/2022	88741	1	Sydney Gibbons	20-00-2005	117.31
07/22	07/21/2022	88742	1	Ryan Johnson	20-00-2005	200.00
07/22	07/21/2022	88743	1	Kevin Kelly	20-00-2005	107.48
07/22	07/21/2022	88744	1	Ward Ockenden	20-00-2005	237.18
07/22	07/21/2022	88745	5333	Double D Electric	10-00-2005	1,301.51
07/22	07/21/2022	88746	6115	Douglas A Bergstrom, Ph.D.	10-00-2005	350.00
07/22	07/21/2022	88747	5951	Executech Utah LLC	49-00-2005	30.65
07/22	07/21/2022	88748	3342	Fastenal	15-00-2005	137.76
07/22	07/21/2022	88749	6097	GP Energy	10-00-2005	3,896.79
07/22	07/21/2022	88750	6030	Hartwick Automotive LLC	10-00-2005	424.24
07/22	07/21/2022	88751	4526	Janell K. Howard	10-00-2005	247.79
07/22	07/21/2022	88752	4171	In-Motion Graphics	10-00-2005	980.00
07/22	07/21/2022	88753	685	Neilson Research Corporation	25-00-2005	837.00
07/22	07/21/2022	88754	4	Angie Meeker	10-00-2005	234.00
07/22	07/21/2022	88755	4	Jessica Reich	10-00-2005	100.00

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
07/22	07/21/2022	88756	4	Tehila Woosley	10-00-2005	60.00
07/22	07/21/2022	88757	5768	Proficient Auto Center Inc	10-00-2005	2,006.40
07/22	07/21/2022	88758	207	Quill Corporation	10-00-2005	779.74
07/22	07/21/2022	88759	3	Dan & Michelle Carroll	20-00-2005	211.93
07/22	07/21/2022	88760	142	Tidewater Contractors Inc	51-00-2005	350,818.90
07/22	07/21/2022	88761	797	Town & Country Animal Clinic	61-00-2005	180.00
07/22	07/21/2022	88762	5174	Travel Information Council	10-00-2005	162.00
07/22	07/21/2022	88763	5973	Tyree Oil Inc	15-00-2005	890.47
07/22	07/21/2022	88764	861	Village Express Mail Center	10-00-2005	7.72
07/22	07/21/2022	88765	169	Roto Rooter of Curry County	25-00-2005	209.00
07/22	07/21/2022	88766	169	Waste Connections Inc	10-00-2005	1,494.92
07/22	07/21/2022	88767	4220	Woof's Dog Bakery	61-00-2005	68.99
07/22	07/21/2022	88768	5992	Ziply Fiber	10-00-2005	205.09
07/22	07/28/2022	88769	5908	Amazon Capital Services	49-00-2005	121.98
07/22	07/28/2022	88770	193	Central Equipment Co, Inc	10-00-2005	31.02
07/22	07/28/2022	88771	3015	Charter Communications	10-00-2005	149.98
07/22	07/28/2022	88772	6082	City of Crescent City	25-00-2005	360.00
07/22	07/28/2022	88773	182	Coos-Curry Electric	10-00-2005	4,389.57
07/22	07/28/2022	88774	4746	Curry County Treasurer	10-00-2005	112.00
07/22	07/28/2022	88775	173	Curry Equipment	33-00-2005	2,837.94
07/22	07/28/2022	88776	1	Dan & Michelle Carroll	20-00-2005	300.00
07/22	07/28/2022	88777	1	Leaf Property Trust	20-00-2005	28.40
07/22	07/28/2022	88778	1	Carroll Norris	20-00-2005	45.00
07/22	07/28/2022	88779	2640	Dyer Partnership, The	52-00-2005	37,656.47
07/22	07/28/2022	88780	749	Emerald Pool & Patio	10-00-2005	4,652.56
07/22	07/28/2022	88781	4980	iSecure	10-00-2005	33.00
07/22	07/28/2022	88782	4954	John Deere Financial	15-00-2005	1,131.65
07/22	07/28/2022	88783	3978	KLB Enterprises	15-00-2005	877.77
07/22	07/28/2022	88784	685	Neilson Research Corporation	25-00-2005	1,795.50
07/22	07/28/2022	88785	5155	Oregon Department of Revenue	10-00-2005	450.00
07/22	07/28/2022	88786	4	Alexander Ormsbee	10-00-2005	209.00
07/22	07/28/2022	88787	4	Falina Sandoval	10-00-2005	117.00
07/22	07/28/2022	88788	207	Quill Corporation	10-00-2005	359.69
07/22	07/28/2022	88789	380	Stadelman Electric Inc	53-00-2005	15,246.00
07/22	07/28/2022	88790	142	Tidewater Contractors Inc	20-00-2005	420.41
Grand Totals:						997,423.65

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 8, 2022

Originating Dept: City Manager

  
Signature (submitted by)

City Manager Approval

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Subject:

Coast Community Health Support Letter

Recommended Motion:

Motion to authorize the Mayor to execute a letter of support for Coast Community Health Center.

Background/Discussion:

Coast Community Health Center (CCHC) has requested a letter of support in connection with their allocation for funding through the U.S. Department of Health and Human Services. CCHC receives renewed funding for services every three years and this would be their third renewal.

The CCHC facility in Brookings is affiliated with Bandon Community Health Center dba Coast Community Health Center (CCHC), a not-for-profit, 501(c)(3) healthcare organization, serving low-income, underserved, Medicare, Medicaid, residents of Coos/Curry counties. CCHC's service area consists of coverage over two counties. In 2020/21 CCHC lead the COVID outreach in its service area, and adjacent communities of Gold Beach and Brookings to provide more than 1,600 tests, and 8,300 vaccinations. CCHC has since assumed representing the Oregon Health Authority (OHA) as a contracted public health entity. Since their last funding approval CCHC has continued to build on services offered, specifically: primary care, integrated behavioral health and SUD services, wrap around population health, 340B pharmacies, State programs, specifically Vaccine for Children's and Oregon Contraceptive Care Program. CCHC also supports patient assistance programs; transportation, radiology, preventive/emergent dental, food and housing assistance, Medicaid application assistance, and linkage to other agencies for all patients, regardless of their inability to pay. Sixty four per cent of CCHC's patients live on incomes at or below 200 per cent of Federal Poverty Guidelines, thus eligible for the Sliding Fee Discount Program which assists patients in meeting their financial obligations while reducing barriers to care. Three per cent of CCHC's patient population is uninsured while an additional 75 per cent are recipients of public insurances, thereby substantiating CCHC's role as a safety net provider to populations struggling with access to affordable primary care services. CCHC's offers culturally and linguistically appropriate healthcare services. CCHC is requesting \$1,395,921 in funding to serve patients by the end of the three-year designation period.

CCHC reports that they have recently received approval for an \$850,000 grant for improvements to their existing leased facility at 648 Chetco Avenue.

Attachment(s):

- a. Draft support letter





# City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-2163 Fax (541) 469-3650 TTY (800) 735-1232

[www.brookings.or.us](http://www.brookings.or.us)

August 8, 2022

Ms. Linda Maxon  
Chief Executive Officer  
Coast Community Health Center  
1010 1<sup>st</sup> Street S.E. Suite 110  
Bandon, Oregon 97411

**DRAFT**

Dear Ms. Maxon,

The City of Brookings is pleased to support your Service Area Competition – HRSA Funding Opportunity HRSA-23-019, authorized under section 330 of the Public Health Service Act.

Since opening in 2010, Coast Community Health Center (CCHC) has been a vital resource in Brookings in addressing the needs of veterans, Medicare, Medicaid, small business owners who are medically uninsured, and those who are persistently mentally ill who often present with substance use disorders. CCHC's desire to offer services to Brookings community will help to support a strong and stable safety net providing critically needed resources for citizens of all ages, while augmenting existing services that do not have the means to offer sliding fee services. Many of these constituents have been and continue to be adversely impacted by job loss in natural resources, and challenged by the rising costs of health insurance, and rent in this community.

CCHS has grown to be a respected and recognized institution in providing comprehensive primary medical services to the region while demonstrating you are a vital resource for directly addressing the needs of those with significant chronic health conditions who otherwise would not have access to healthcare services. Continued funding will also ensure that CCHC can remain a resource for those needing assistance with other services such as mental health, outreach, enrollment, transportation, pharmacy assistance, and dental.

We recognize that CCHC also indirectly supports the economic stability of the region's workforce by assisting employers in keeping the workforce healthy and productive, and creating jobs. Your organization's desire to take on some public health services has also ensured that Brookings citizens of all ages have access to vaccines and the prevention of communicable disease is addressed. We hope to see CCHC continue to grow in future years to come with ongoing funding from the Health and Human Services, Health Resources Services Administration.

We support your application and encourage the U.S. Department of Health and Human Services, Health Resources Services Administration to investment in granting continued and uninterrupted financial support for CCHC. Ensuring stable federal funding for your much-needed services in our region is critical to the ongoing collaborative and coordinated delivery system of healthcare for the underserved.

Sincerely yours,

Ron Hedenskog  
Mayor  
City of Brookings

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 8, 2022

Originating Dept: PWDS

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject:

2022 Street Projects Update

Recommended Motion:

Information only

Background/Discussion:

This report provides an update on a variety of past, current and future streets projects in the City.

The City Council adopted the 2022 Pavement Management Plan (PMP) update at the June 16 Council meeting. The update provides a 5-year CIP with recommended repairs and a detailed cost estimate for the ten highest-ranking CIP projects.

The first round of projects identified in the PMP update went out to bid in late July and the low bidder will be presented to Council for award this month. The projects include street paving on Alder Street, Memory Lane, Buena Vista Loop, Marine Drive and the first part of Mill Beach Road. The projects for 22-23 are estimated at \$550,000.

Street paving projects were completed by Tidewater totaling \$347,652 in 2021-22 and were funded through the fuel tax. The projects included the paving of First Street, Mendy Street, Maple Street, Sandy Lane and Hemlock Street from Oak to Alder which included new infill curb, gutter and sidewalks. Other street projects completed in 21-22 were funded through the Urban Renewal Agency and included paving, curb gutter and sidewalks on Hemlock from Oak to Fern Avenue completing the final section of sidewalk infill remaining on that street.

Safe Routes to Schools (SRTS) grant funded Fern Avenue street improvements totaling \$448,000 are now complete. The project included paving, stormwater infrastructure, and new curb gutter and sidewalks along Fern Avenue from Ransom Avenue to Elk Drive. Most notable portion of this project was the needed pedestrian improvements along the high school football field. The project also called in a Deferred Improvement Agreement between the City and School District for the portion between Easy Street and Ransom Avenue.



The Urban Renewal Agency funded Railroad Street Improvements began in July and are currently under construction. The project includes partial paving, the last remaining infill curb gutter and sidewalks along with needed sanitary sewer and stormwater upgrades. The project was awarded to McLennan Excavation in the amount of \$527,000.


**Attachments:**

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 8, 2022

Originating Dept: Elections Officer

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject:

Reauthorize Fuel Tax Ordinance

Recommended Motion:

Motion to adopt Ordinance 22-O-799, amending Chapter 3.25 Motor Vehicle Fuel Sales Tax, of Brookings Municipal Code Title 3, Revenue and Finance, operative July 1, 2023, only upon voter approval of the City's measure to reauthorize the \$0.05 per gallon motor vehicle fuel sales tax for five years to be placed on the November 8, 2022 general election ballot.

Financial Impact:

This Ordinance would reauthorize the enactment of administrative procedures for the proposed \$0.05 per gallon sold fuel tax measure which is to be placed on the November 8, 2022 ballot, retaining current revenue levels.

Background/Discussion:

At the June 13, 2022 City Council Meeting, the Council directed the City Recorder and City Attorney to prepare a Resolution calling for a measure proposing a local tax on motor vehicle fuel sales to be placed before the qualified electors of the City of Brookings on the November 8, 2022 general election ballot, with the tax rate to be \$0.05 for a duration of five years and there to be no maximum revenue cap.

The attached Ordinance is a counterpart to the Resolution and amends the Brookings Municipal Code Chapter 3.25, Motor Vehicle Fuel Sales Tax, extending the fuel tax for an additional five years and changing the tax rate to \$0.05 per gallon sold. It further stipulates the amendment will take affect only if a majority of the city electorate voting in the general election vote in favor of reauthorizing said Motor Vehicle Fuel Tax.

Attachment(s):

- a) Ordinance 22-O-799

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 22-O-799**

**IN THE MATTER OF ORDINANCE 22-O-799, AN ORDINANCE AMENDING CHAPTER 3.25, MOTOR VEHICLE FUEL SALES TAX, OF BROOKINGS MUNICIPAL CODE TITLE 3, REVENUE AND FINANCE, OPERATIVE JULY 1, 2023, ONLY UPON VOTER APPROVAL OF THE CITY'S MEASURE TO AUTHORIZE THE \$0.05 PER GALLON MOTOR VEHICLE FUEL SALES TAX FOR 5 YEARS TO BE PLACED ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT.**

**Sections:**

- Section 1. Ordinance identified.
- Section 2. Amend Chapter 3.25, Motor Vehicle Fuel Sales Tax.
- Section 3. Effective Date.

**The City of Brookings ordains as follows:**

Section 1. Ordinance Identified. This ordinance amends Chapter 3.25. Motor Vehicle Fuel Sales Tax of Brookings, Municipal Code, Title 3, Revenue and Finance, Operative July 1, 2023, only upon voter approval of the City's Measure to Authorize the \$0.05 per gallon motor vehicle fuel sales tax for 5 years to be placed on the November 8, 2022 ballot.

Section 2. Amend Chapter 3.25 Sections 3.25.010, Purpose, and 3.25.290, Effective Date and Expiration of Fuel Tax, Chapter 3.25, Motor Vehicle Fuel Sales Tax, are hereby amended to read as follows:

**3.25.010 Purpose**

The purpose of the motor vehicle fuel tax is to raise revenues necessary for the construction, reconstruction, improvement, repair, maintenance, operation, and use of the public streets system in the City. The City's estimates revenue from the fuel tax at \$375,000 adjusted annually by the Engineering News Record Construction Cost Index for the preceding May to May, twelve (12) month period.

**3.25.040 Amount and payment.**

In addition to any fees or taxes otherwise provided for by law, every dealer engaging in his own name, or in the name of others, or in the name of his representatives or agents with the city, in the sale, use or distribution of motor vehicle fuel, shall:

A. Not later than the twenty-fifth day of each calendar month, render a statement to the tax administrator or duly authorized agent of all motor vehicle fuel sold, used, or distributed by him/her in the city as well as all such fuel sold, used, or distributed in the city by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable motor vehicle fuel tax during the preceding calendar month.

B. Pay a motor vehicle fuel tax computed on the basis of \$0.05 per gallon of such motor vehicle fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this chapter.

**3.25.290 Effective Date and Expiration of Fuel Tax**

The Motor Vehicle Fuel Sales Tax will become effective July 1, 2023 and will expire at 11:59PM on June 30, 2028.

First Reading: \_\_\_\_\_ Passage: \_\_\_\_\_

Second Reading: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022

ATTEST:

\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Janell K Howard

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 8, 2022

Originating Dept: City Council

  
Signature (submitted by)

City Manager Approval

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### Subject:

Letter of Concern: Project Turnkey Application at 1144 Chetco Avenue

### Recommended Motion:

Discussion and possible modification of draft letter. If the City Council wishes to proceed with sending the subject letter:

Motion to authorize the Mayor to execute a letter of concern as approved by the City Council to the Oregon Community Foundation with respect to the Project Turnkey application at 1144 Chetco Avenue.

### Financial Impact:

Potential loss of Transient Occupancy Tax revenue.  
Potential increase in public safety costs.

### Background/Discussion:

Oasis Advocacy and Shelter and Brookings Community Resource Response (CORE), both non-profit organizations based in Curry County, have partnered to submit an application for funding to the Oregon Community Foundation (OCF) under the Project Turnkey program. If approved, the applicants would convert the existing motel at 1144 Chetco Avenue for use as a transitional housing facility and emergency shelter. The City Council has met previously with the applicants, and a town hall was conducted on July 14, 2022. The City has not received a written description of the project or a copy of the application. The published application deadline was July 25, 2022. Staff has confirmed with Oasis management that an application was submitted.

Following the July 14 town hall, staff was contacted by several members of the City Council requesting assistance in preparing a "letter of concern" with respect to this proposal. Staff contacted OCF Associate Program Officer Megan Loeb who advised that any correspondence from the City concerning this matter would be forwarded to the Project Turnkey Advisory Committee, which is the entity which makes funding recommendations.

### Attachment(s):

- a. Project Turnkey general information
- b. Draft letter





## Project Turnkey

Homelessness and housing insecurity are often described as intractable problems, so entrenched and complex that they seem nearly impossible to solve. Project Turnkey is the story of what Oregon can accomplish when communities, business, government and philanthropy join forces to take bold action.

### Background

In 2020 the Oregon Legislature allocated a total of \$65 million for Project Turnkey, for the purpose of acquiring motels/hotels for use as non-congregate shelter for people experiencing homelessness, at-risk of homelessness or displaced by wildfires. In less than seven months, Project Turnkey 1.0 created 19 new shelters in 13 counties, leading to a 20% increase in the state supply of shelter beds.

### Project Turnkey 2.0 (2022-2023)



Based on the success of the Project Turnkey 1.0, and in the face of ongoing need for emergency shelter and transitional housing, the Oregon Legislature allocated \$50 million in new funding for more emergency shelter and transitional housing around the state for Project Turnkey 2.0 in 2022.

### Oregon Community Foundation's Role

Oregon Community Foundation serves as the grantor and fiduciary, administering state-funded Project Turnkey 2.0 grants. Grantees are selected through an application and due diligence process, with guidance from a diverse advisory committee of state, local, and community stakeholders. Projects selected for grants are community centered and equity focused and support the most vulnerable of unhoused community members. OCF has worked

closely with Oregon Housing and Community Services to ensure that the selection process aligns with the state's strategic housing plan.

## Project Turnkey 2.0: Application Now Open

Eligible applicants include local entities (cities, counties, housing authorities) and nonprofit organizations. Grantees will be selected through an application and due diligence process, with guidance from a diverse advisory committee of state, local, and community stakeholders. Projects selected for grants are community centered and equity focused and support the most vulnerable of unhoused community members.

OCF has worked closely with Oregon Housing and Community Services to ensure that the selection process aligns with the state's strategic housing plan. The application is open from June 24 to July 22, in an effort to allow applicants time for planning and community engagement. Applicants do not need to have a property identified in order to apply.

Eligible property types include hotels, motels, and other vacant properties that can readily and affordably be converted to non-congregated shelter such as duplexes, apartment complexes, care facilities, or dormitories.

Click [here \(https://oregoncf.org/grants-and-scholarships/grants/project-turnkey/\)](https://oregoncf.org/grants-and-scholarships/grants/project-turnkey/) for the Project Turnkey 2.0 Application (Deadline: July 22)

Read more:

- [Project Turnkey 2.0 FAQs \(/assets/Press-Resources/Project-Turnkey-2.0\\_FINAL\\_Frequently-Asked-Questions\\_March-2022.pdf\)](/assets/Press-Resources/Project-Turnkey-2.0_FINAL_Frequently-Asked-Questions_March-2022.pdf)
- [Project Turnkey 2.0 Evaluation Framework \(/assets/PDFs-and-Docs/PDFs/Grants/Project-Turnkey-2.0-Framework-for-Evaluation-of-Grants.pdf\)](/assets/PDFs-and-Docs/PDFs/Grants/Project-Turnkey-2.0-Framework-for-Evaluation-of-Grants.pdf)
- [OCF Press Room \(/press-room/\)](/press-room/)

## Project Turnkey 1.0

**\$74.7 Million**

**TO ACQUIRE HOTELS/MOTELS AS SAFE, SOCIALLY-DISTANCED SHELTERS**

**20%**

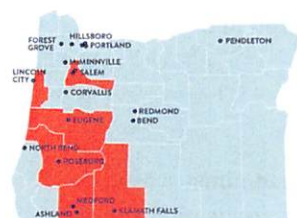
**INCREASE IN OREGON'S SUPPLY OF EMERGENT HOUSING**

**867 Rooms**

**19 PROPERTIES, 13 COUNTIES**

## PROJECT TURNKEY 1.0 SITE LOCATIONS

■ Counties affected by the 2020 fires



## LATEST NEWS

### Press Releases



# PROJECT TURNKEY: Oregon's Statewide Hotels-to-Housing Initiative

WRITTEN BY MARY TINGERTHAL FOR THE NATIONAL ALLIANCE TO END HOMELESSNESS

## DESCRIPTION OF THE PROGRAM

Project Turnkey is a state-level program that will provide \$71.7 million in grants for the acquisition of motels and hotels in Oregon for use as non-congregate shelter during the pandemic, and as cost-effective units to help build the State's long term affordable housing stock. Over the next several years, most properties will be converted to transitional housing, permanent supportive housing, or other forms of permanent affordable housing. Oregon's Legislature allocated \$65 million in state general funds in 2020 to two discrete pools: \$30 million specifically for eight counties and tribal communities impacted by wildfires in September 2020, and \$35 million to the remaining 28 counties in the state. In June of 2021, the legislature appropriated an additional \$9.7 million to the program so that additional projects that were already determined to be eligible could be funded. Any unused funds will be returned to the State.

The twin crises of wildfire displacement and COVID-19-driven needs for non-congregate housing made Oregon's shortages of emergency shelter and supportive housing dramatically worse. Temporary market conditions made possible a cost-effective, short- and long-term solution to emergency fire- and COVID-19-related non-congregate housing needs through the purchase and modest retrofitting of motels and hotels in good physical condition. This initiative immediately served fire-displaced persons and those in need of COVID-19 isolation/quarantine and who were unable to self-isolate. These two groups are disproportionately Black, Indigenous and People of Color (BIPOC), veterans and LGBTQ Oregonians, as well as unsheltered families with children.



The funds were appropriated by the Oregon Legislature and were assigned to the Oregon Community Foundation (OCF) to administer through a competitive grant process. OCF worked closely with state housing agency partners to establish an application, framework, criteria, and methodology for awards. To assist with the ambitiously-paced program, OCF retained two commercial real estate development consultants to do property-related due diligence. OCF assembled an Advisory Committee of diverse stakeholders including members of the Oregon Legislature, health and human services providers, state and local agency employees, people with prior or current experience of homelessness, people with accessibility needs, and veterans. This group participated in the review and selection process.

## KEY PROGRAM FACTS

### Program service area and population

The population of Oregon is 4.3 million and Project Turnkey is a statewide program. The program earmarked \$30 million to eight fire-affected counties and tribal communities (Clackamas, Douglas, Jackson, Klamath, Linn, Lane, Lincoln, and Marion counties); and \$35 million to the balance of state. The additional appropriated dollars will be allocated in the balance of state.

### Number of units planned

The goal of the initiative is to create 800 to 1,000 units in 18 to 20 properties. Most properties will initially serve as pandemic-related non-congregate shelter. Approximately two-thirds of those applying for funds intend to convert the properties to transitional or permanent supportive housing within the next 2-5 years. As of early July 2021, 19 properties have been approved, representing 867 units and \$71.7 million in grant funds.

### Project Timeline

Funds approved by State legislature	November 2020
Online application process open	Early December 2020
Phase 1 applications reviewed & Phase 2 eligible applicants notified	January 2021
Phase 2 application processing commenced	January 2021
Project award announcements (rolling basis)	February – June 2021
First projects occupied	March 2021
Additional funds approved by State legislature	June 25, 2021
Deadline for expenditures; return of unused funds to the State	June 30, 2021



### Sources and amounts of funding

Project Turnkey funds are awarded for the complete acquisition of motels and hotels, including due diligence fees and closing costs. Most grants also included funds for immediate repairs and renovations identified in property inspections, or for accessibility upgrades. While the Oregon legislature allowed up to \$10 million of the original \$65 million to be used for operating funds, to date, most organizations have been able to fund operations from other local, state, and federal sources including CARES Act Coronavirus Relief Funds, FEMA, Emergency Solutions Grants, etc. Each organization, as part of the application, described the supportive services offered, including pathways to long-term housing stability.

### Administrative/operational approach

As the administrator and fiduciary, OCF provides accountability, transparency, and grantmaking expertise with a significant amount of nimbleness. As a private entity, OCF has been able to act with greater flexibility than would typically be possible for a state agency.



PROJECT TURNKEY-EAST MULTNOMAH COUNTY | JOINT OFFICE OF HOMELESS SERVICES (JOHS)  
PHOTO COURTESY OF OREGON COMMUNITY FOUNDATION

## KEY PLAYERS AND THEIR ROLES

### Project Turnkey Partnership

Project Turnkey began as a collaborative, multi-agency, cross-sector partnership to provide technical assistance to counties throughout Oregon that were seeking ways to provide non-congregate shelter to people who needed to isolate or quarantine due to the pandemic. This included people experiencing homelessness, migrant and seasonal farmworkers, and wildfire evacuees. Recognizing that the pandemic could require the need for such shelter – especially as winter congregate shelters (which comprised more than 40% of all shelter beds statewide) could not operate at full capacity – the partnership surmised that acquiring motels and hotels was a cost-effective strategy. A planning group conducted a feasibility study of the concept, met with California Homekey program staff for their guidance, and concluded that there was merit to this model. That partnership that came together to pursue the idea includes the following organizations and individuals.

- Hacienda Community Development Corporation
- Network for Oregon Affordable Housing (NOAH)
- CASA of Oregon
- Oregon Housing and Community Services (OHCS)
- Oregon Community Foundation
- Association of Oregon Counties
- League of Oregon Cities
- Oregon Health Authority
- Office of Emergency Management
- Oregon Restaurant and Lodging Association
- Department of Land Conservation and Development
- Commissioner Claire Hall, Chair of Oregon Housing Stability Council
- Representative Pam Marsh, Oregon District 5



### Project Turnkey Advisory Committee

The Project Turnkey Advisory Committee was assembled to review and provide recommendations through the competitive grant process. The Advisory Committee is a diverse group including Oregon legislators, representatives from local agencies and state agencies, health and human services providers, rural service providers, affordable housing experts, people with experience with racial equity and housing, people with lived experience of homelessness, and people with accessibility needs. Advisory Committee members participated in several onboarding sessions to define guiding principles, root the work within a community engagement and equity framework, and determine selection criteria and methodology. The Advisory Committee meets regularly to review, discuss, prioritize, and approve applications. Importantly, this committee includes members of Oregon Housing and Community Services (OHCS), for alignment and insight with respect to statewide shelter and housing programs and priorities. OHCS staff have provided key insights and data to guide the process.

### Oregon Community Foundation (OCF)

Staff of the Oregon Community Foundation serve in the lead administrative role for Project Turnkey. OCF has contracted with two real estate development consultants with extensive experience in developing commercial real estate and affordable housing to provide oversight of the real estate due diligence process, provide technical assistance to the program applicants, and provide project management to each funded project.

### Project Turnkey Applicants

Applicants included local entities (such as cities, corrections departments, counties, housing and public health authorities) and nonprofit organizations (serving homeless people; survivors of domestic violence, sexual assault and/or human trafficking; medically fragile and senior populations; veterans; etc.), or a co-application of two or more of the above entities. The applicants proposed projects to meet the needs of priority populations, working in collaboration with their local communities and supportive services partners. Project Turnkey applicants around the state are working tirelessly and often creatively to address Oregon's housing crisis.

PROJECT TURNKEY-LINCOLN CITY  
PHOTO COURTESY OF OREGON COMMUNITY FOUNDATION







PROJECT TURNKEY-MEDFORD, PHOTO COURTESY OF OREGON COMMUNITY FOUNDATION

## PROJECT SELECTION AND DEVELOPMENT PROCESS

A framework and criteria provide guidance for the competitive application process. Equitable geographic distribution and community-centered projects were key components of the approach to funding allocations. In Phase 1, each initial application was reviewed, considered, and discussed by a minimum of five Advisory Committee members, and then brought to the full Advisory Committee to be considered for movement to Phase 2.

Upon being approved as highly-qualified, applicants entered Phase 2. This involved real estate-related due diligence on a selected property and additional operational planning. Upon successful conclusion of Phase 2 due diligence, a grant request memorandum was developed for each project (outlining the project, property details, operational plan, renovations and repairs needed, and other pertinent details) and presented to the Advisory Committee. This was done on a rolling basis so that the unique timing conditions of each purchase and sale agreement could be met.

A scorecard methodology was created to help the Advisory Committee make decisions as applications concluded due diligence, while weighing them in comparison to others still in the due diligence process. This methodology enabled the Advisory Committee to weigh all applications relative to quantitative and qualitative factors, such as local COVID impact, regional rates of homelessness, regional shelter capacity and needs, the applicant's equity lens, secured funding to support the project, community support of the project, connection to culturally specific providers, accessibility, and proximity of the property to amenities.

## KEY SUCCESS FACTORS

- Each project has been community-centered, in that the applicant has been able to propose the operational model, the priority population to be served, and the best-suited property for the community's short and long-term needs.
- Project Turnkey has been a collaborative effort from inception to implementation. The collective wisdom of many public and private sector partners helped this concept to gain traction within Oregon's Legislature and at the local level within communities. Those partners informed the design and priorities of the grant program, and continue to engage as champions and technical assistance providers to ensure long-term success of the initiative. It has been a hallmark example of public-private partnerships.
- The Advisory Committee has provided strong oversight, diverse expertise, and a focus on equity throughout the process. OCF provided each participating organization with a mini-grant of \$5,000 as a way to honor and value their contribution.
- As a private entity, OCF has acted nimbly throughout this process—from the application to the actual real estate transactions. For example, while the application period was intended to be a short window, OCF received feedback that the brevity did not allow rural and culturally-specific providers to engage with communities and develop applications. As a result, the application window was extended. The lack of bureaucratic processes has enabled Project Turnkey to be expedient and flexible.



- Retaining consultants with significant real estate and technical assistance expertise has been key to a successful process. The consultants provided unparalleled guidance and compressed a complex series of real estate transactions into a 4 to 6-week process for each applicant. Their consultancy supported applicants through a variety of challenges, including zoning and land use issues.
- Technical assistance was provided as the process unfolded, and continues to be offered. For example: OHCS offered a webinar on accessing FEMA funds for non-congregate shelter; the League of Oregon Cities and OHCS worked to provide connections to funding sources (such as Community Development Block Grant CV funds) for non-entitlement communities; and OCF presented a webinar with a local hospitality consulting firm to give guidance through the transition phase of owning and operating a motel property. OCF is currently coordinating a webinar with a mission-aligned Oregon modular design firm that has produced affordable plug-and-play kitchenettes as a resource for awardees planning to engage in renovations. This technical assistance is expected to continue in the form of a learning community/cohort for awardees.
- There is a statewide appetite for more hotel/motel conversions. Many communities have now observed the early success of the first Project Turnkey recipients, are able to envision how this sort of program could benefit the most vulnerable in their communities. They are dismayed to learn that this program is no longer accepting applications. Additional funds appropriated by the 2021 legislature allowed an additional five projects to be funded.

## BARRIERS AND LESSONS LEARNED

- Rural and culturally-specific providers needed more time for community conversations and to prepare applications. With both the application and the award funding provided on a rolling basis, they were often the “last in the door.” As a result, they may have been at a disadvantage as the funding pool was spent down.
- Zoning was a key barrier. It was necessary to work through the unique land use policies and processes of each local jurisdiction. This was less about local opposition, and more about land use processes that took more time than the program allowed. The 2021 state legislature passed a provision in HB 3261 that specifically allows the conversion of hotels and motels to emergency shelter and/or to affordable housing without being subject to land use requirements, with a few specific exceptions set forth in the statute. Implementation of this provision allowed several Project Turnkey projects that had been stalled to move forward.
- The fast pace of this process meant that there was not ample time for community engagement in site selection and planning. In several communities, this led to concerns about shelter siting and to lack of community support for projects. In several extreme cases, local applicants faced opposition from nearby neighbors.
- Not all communities—especially those devastated by wildfires—had suitable hotel or motel properties for sale.

PROJECT TURNKEY-FOREST GROVE | CENTRO CULTURAL DE WASHINGTON  
PHOTO COURTESY OF OREGON COMMUNITY FOUNDATION



## Contact Information and Website Links

Megan Loeb, Program Officer and Lead for Project Turnkey, [mloeb@oregoncf.org](mailto:mloeb@oregoncf.org)

Tom Kemper and Bruce Wood, real estate consultants retained by OCF for Project Turnkey for due diligence and project management, [tkemper@kempercollc.com](mailto:tkemper@kempercollc.com), [bruce@bruceallenwood.com](mailto:bruce@bruceallenwood.com)

Maureen Kenney, Public Relations Manager for OCF, [mkenney@oregoncf.org](mailto:mkenney@oregoncf.org)

Project Turnkey website landing page: [www.oregoncf.org/turnkey](http://www.oregoncf.org/turnkey)

OCF Press Room: <https://oregoncf.org/press-room/>

## AWARDED PROJECTS- WILDFIRE FUND

Organization	County	# of Units	Grant Amount
Peace at Home	Douglas	32	\$2.95 million
Options for Helping Residents of Ashland	Jackson	68	\$4.25 million
Rogue Retreat/City of Medford	Jackson	47	\$2.52 million
Klamath County	Klamath	28	\$1.77 million
Lane County	Lane	50	\$5.54 million
NW Coastal Housing	Lincoln	41	\$3.40 million
Center for Hope & Safety	Marion	52	\$4.89 million
Mid-Willamette Valley CAA	Marion	80	\$4.26 million
<b>8 projects</b>	<b>6 counties</b>	<b>398</b>	<b>\$29.5 million</b>

## AWARDED PROJECTS- BALANCE OF STATE

Organization	County	# of Units	Grant Amount
Corvallis Housing First	Benton	24	\$2.57 million
Coos Health & Wellness	Coos	17	\$1.34 million
Bethlehem Inn	Deschutes	36	\$2.69 million
City of Bend	Deschutes	28	\$2.97 million
Central City Concern	Multnomah	70	\$7.04 million
Joint Office of Homeless Services	Multnomah	43	\$3.47 million
Rockwood CDC	Multnomah	75	\$6.82 million
CAPECO	Umatilla	35	\$1.27 million
Centro Cultural	Washington	21	\$2.22 million
Washington County	Washington	61	\$6.18 million
Providence/YCAP	Yamhill	57	\$5.64 million
<b>11 projects</b>	<b>7 counties</b>	<b>467</b>	<b>\$42.2 million</b>

Megan Loeb  
Senior Program Officer  
Oregon Community Foundation  
1221 SW Yamhill Street  
Portland, OR 97205

**DRAFT**

Dear Ms. Loeb

The purpose of this letter is to express our concerns with respect to the proposal by Brookings Community Resource Response (CORE) and to undertake a Project Turnkey facility in the City of Brookings.

Like many communities across the nation, Brookings has experienced an increase in the number of people who are housing challenged. Economic conditions have left some of our residents...people who are employed but at low income...some of whom are long-term residents...unable to afford housing. We have also experienced an influx of unemployed transients...some of whom are mentally challenged...who have no historical connection to this community.

Small cities like Brookings lack the resources to effectively address this issue. While we appreciate the well-meaning efforts of the Project Turnkey applicant, there are issues beyond the scope of that project that must be considered.

**There is substantial community opposition to the project.** The City has received a petition from residents and a letters from the adjacent restaurant opposing the project at this location. City representatives also attended the July 14 community forum hosted by the applicant which was well attended and at which at least a two-thirds majority spoke in opposition.

**Medical and mental health resources in the community are limited.** Brookings is a rural community. The nearest hospital is over 25 miles, about 35 minutes driving time, from the project site.

**Public safety services are limited.** The Brookings Police Department is the only 24/7 law enforcement agency in Curry County and, at times, has only one police officer on duty. Fire and rescue services are provided by a volunteer Fire Department. The Brookings Police Department is already challenged by the impacts of a growing indigent population. The applicant has not consulted with the Police/Fire Department management concerning any aspect of the project.

**The concept of providing transitional housing is flawed.** The housing market in Brookings is extremely tight, and rental housing costs have increased substantially in recent years. There are an inadequate number of HUD housing vouchers to serve the need in Brookings. Essentially, there is no affordable housing to which a Project Turnkey resident could transition.

**There appears to be no security plan for the facility.** The community is concerned that non-resident transients will be attracted to the site and neighboring properties. The applicant has not provided any



proposed rules or regulations, or described any mechanism to enforce rules...such as prohibiting illegal drugs and alcohol on the site.

**Housing victims of domestic violence at a publicly known location on a federal highway is inappropriate.** Domestic violence victims were mentioned by the applicant as one of the client groups for housing at this project. Publicly announcing the location of domestic violence housing...a location on a busy highway in a small town...not only creates a danger to the victims and the public, but also demonstrates the applicants lack of competency to operate such a facility.

**The applicant does not have the experience or capacity needed to successfully manage the redevelopment of the property and the operation of the facility.** CORE became registered with the State of Oregon as a non-profit organization in July, 2021 and secured its federal non-profit status in January, 2022. The organization's website indicates that it has a three-member board of directors and two employees. The business description included in their filing with the Oregon Secretary of State states "We provide resource navigation, home visits, and street outreach to vulnerable populations." Providing or managing housing is not mentioned in their filing, and there is nothing on their website that indicates an experience in housing management or property development. CORE's partner in the proposed project, Oasis Shelter, has been providing emergency shelter and advocacy services for the survivors of domestic and sexual violence. Oasis operates a 15-bed emergency shelter in Gold Beach, located some 32 miles from the proposed 39-unit Project Turnkey facility in Brookings. They have indicated in public testimony that they plan to manage the Brookings facility from their current office in Gold Beach. The questions are:

1. Who will actually be managing the construction, and what is their experience in managing construction projects of this size?
2. Who will be managing the grant, and what is their experience in grant management?
3. Who will be doing the on-site management of the facility, and what is their experience in managing public housing...or any facility of this scope?

**Loss of local revenue and visitor service units.** Visitor service is an important aspect of the Brookings economy. This project would remove approximately 17 per cent of the motel units in Brookings from the visitor service market. This will not only result in a loss of tax revenue to the City, but will impact other local businesses that depend upon visitors, and will discourage visitors who cannot find overnight accommodations in Brookings. City representatives contacted the motel during the weekend of July 30 and were advised that the motel was fully booked with no rooms available.

**Brookings is not an urban city with older, decrepit motels that would benefit from rehabilitation to an alternative use.** Brookings is a coastal community that needs to preserve and expand visitor accommodations. The City is experiencing a significant increase in the number of applications to convert long-term rentals to visitor accommodations...largely because of the lack of available motel rooms to serve the burgeoning visitor population.

**Many unanswered questions remain.** Following are a few of the questions that were asked at a recent community form that remain unanswered:



- Will children be housed at this location?
- The applicant stated that the use of illegal drugs will not be allowed on the property. How will this be prevented?
- Will registered sex offenders be housed on the property?
- What happens to the property if the project fails?

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 8, 2022

Originating Dept: City Manager

  
Signature (submitted by)

City Manager Approval

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### Subject:

Ballot Measure Prohibiting Psilocybin Manufacture and Service Centers

### Recommended Motion:

Motion to adopt Resolution 22-R-1233 placing a Measure on the November 8, 2022 election ballot prohibiting psilocybin manufacture and service centers either permanently or for a two-year moratorium period.

### Background/Discussion:

Measure 109 was approved by Oregon voters in 2020 and allows the manufacture and use of psilocybin by licensed psilocybin product manufacturers and service center operators. Licensing will be through the Oregon Health Authority. Psilocybin is a naturally occurring compound that is considered a psychedelic drug, sometime referred to as “magic mushrooms”, and remains prohibited under federal law.

Measure 109 preempts the ability of the City Council, acting on its own, to prohibit the manufacture of sale of psilocybin, but does allow the City Council to regulate the location and manner of manufacture or use through land use. Measure 109 also authorizes the voters within a City to prohibit the manufacture and use, either temporarily (two years) or permanently.

The City Council has four options for addressing this matter:

1. Do nothing. The State would then retain control over all aspects of manufacture and use.
2. Submit a local measure to the voters that, if approved, would prohibit the manufacture, use and/or both the manufacture and use (i.e. service centers) for two years. This would allow the City to observe how the State regulations develop, and how implementation plays out in other communities..
3. Submit a local measure to the voters that, if approved, would permanently prohibit the manufacture, use and/or both the manufacture and use.
4. Enact an ordinance that would regulate the time, place and manner of manufacture and/or use. Under this option the manufacture and/or use would be allowed subject to the City’s building, zoning and development codes, plus time (i.e. hours of operation), place (i.e. specific zones or distances from other uses, or the same use) and manner (i.e. only at a facility licensed by the State of Oregon).

These alternatives were discussed at the City Council workshop on August 1, 2022, and Councilors indicated that they would consider placing a Measure on the ballot at the August 8, 2022, City Council meeting to implement either options 2 or 3 above.

There is no cost to the City for placing a Measure on the November ballot. According to the Curry County Elections Department, Brookings voters voted 1,135-1,120 in support of Measure 109...a 15 vote difference. Staff posted a question on the Oregon City/County Management Association list serve to gain information on how other cities are addressing this matter; a very limited response was received. Many cities are still wrestling with how to approach this matter.

As of this writing, the Oregon Health Authority has not completed the rulemaking process necessary for implementing the state's psilocybin regulatory program.

Attachment(s):

- a. Resolution – Option A
- b. Resolution – Option B
- c. Memorandum from City Attorney dated July 6, 2022.
- d. City of Amity presentation.
- e. Summary analysis of Measure 109 as published in the 2020 statewide ballot pamphlet.
- f. "Oregon Psilocybin Services" article from the Oregon Health Authority.
- g. Drug Fact Sheet, U.S. Department of Justice, Drug Enforcement Administration.
- h. On-line article regarding use of psychedelic drugs for PTSD treatment.
- i. Article on development of psilocybin rules, interview with rules committee member, Oregon Public Broadcasting June 9, 2022.

**CITY OF BROOKINGS  
STATE OF OREGON**

**RESOLUTION 22-R-1233**

**A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF BROOKINGS THE QUESTION OF BANNING PSILOCYBIN MANUFACTURING AND SERVICE CENTERS WITHIN THE CITY OF BROOKINGS.**

**WHEREAS,** In November 2020, Oregon voters approved Measure 109, which directed the Oregon Health Authority to license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services; and

**WHEREAS,** Section 128 allows the City of Brookings the option to prohibit the establishment of psilocybin manufacturers and/or psilocybin service centers licensed under Measure 109 from operating in the area subject to the jurisdiction of the City; and

**WHEREAS,** The City finds it would be in the public interest to refer the question of banning psilocybin manufacturers and service centers within City limits to the electors.

**NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of Brookings, Curry County, Oregon, as follows:

- 1. MEASURE:** A measure election is hereby called for the purpose of submitting to the electors of the City of Brookings a measure prohibiting the sale and establishment of certain psilocybin activities in the area subject to the jurisdiction of the City, a copy of which is attached hereto as " Exhibit A," and incorporated herein by reference.
- 2. ELECTION CONDUCTED BY MAIL:** The measure election shall be held in the City of Brookings on November 8, 2022. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Curry County, according to the procedures adopted by the Oregon Secretary of State.
- 3. DELEGATION:** The City of Brookings authorizes the City Recorder or her designee, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.
- 4. BALLOT TITLE:** The ballot title for the measure set forth as Exhibit A" to this resolution is hereby adopted.
- 5. NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL:** Upon receiving the ballot title for this measure, the City Elections Officer shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of the

ballot title, including notice that an elector may file a petition for review of the ballot title.

- 6. FILING WITH COUNTY ELECTIONS OFFICE:** The City Elections Officer shall deliver the Notice of Measure Election to the Curry County Elections Office and the ballot title for inclusion on the primary election ballot to be held on Tuesday, November 8, 2022.
- 7. EXPLANATORY STATEMENT:** The explanatory statement for the measure, which is attached hereto as "Exhibit" B," and incorporated herein by reference, is hereby approved.
- 8. EFFECTIVE DATE OF THIS RESOLUTION:** This Resolution shall become effective immediately upon its adoption.

**BE IT FURTHER RESOLVED** that

Passed by the City Council \_\_\_\_\_, 2022; effective \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Pro Tem Gary Milliman

**EXHIBIT A**

**BALLOT TITLE:**

**PROHIBITS UNTIL DECEMBER 31, 2024, PSILOCYBIN PRODUCT MANUFACTURING AND SERVICE CENTERS IN BROOKINGS**

**QUESTION:**

**SHALL CITY OF BROOKINGS PROHIBIT UNTIL DECEMBER 31, 2024, PSILOCYBIN PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTER OPERATORS FROM DOING BUSINESS WITHIN CITY LIMITS?**

**SUMMARY:**

State law allows the establishment of licensed psilocybin product manufacturers and service center operators. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of these licensed activities within city limits. Approval of this measure would prohibit until December 31, 2024, the establishment and operation of psilocybin product manufacturers that hold a license issued under ORS 475A.290 and psilocybin service center operators that hold a license issued under ORS 475A.305 within the area subject to the jurisdiction of the City of Brookings.

## **EXHIBIT B**

### **EXPLANATORY STATEMENT**

**Approval of this measure would prohibit the establishment and operation of certain psilocybin product manufacturers and service center operators licensed by the Oregon Health Authority. Psilocybin mushrooms are wild or cultivated mushrooms that contain psilocybin, a naturally occurring psychoactive and hallucinogenic compound.**

**Measure 109, approved by Oregon voters in November 2020, provides that the Oregon Health Authority shall license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services.**

**Under Measure 109, cities and counties may place referendums on local ballots to prohibit psilocybin-product manufacturers and/ or psilocybin service centers within their jurisdictions. The City Council of Brookings has adopted a resolution referring this measure to ban such uses in Brookings city limits to the voters.**

**If approved, this measure would prohibit licensed psilocybin product manufacturers and service center operators from operating within the City.**

**The authority to impose a tax or fee on the manufacturing or sale of psilocybin products, or the provision of psilocybin services in Oregon is vested solely in the Legislative Assembly. Additionally, Measure 109 prohibits a city from adopting or enacting an ordinance imposing a tax or fee on psilocybin manufacturing or the provision of psilocybin services. Consequently, approval of this measure should not have any revenue impacts on the City.**

**CITY OF BROOKINGS  
STATE OF OREGON**

**RESOLUTION 22-R-1233**

**A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF BROOKINGS THE QUESTION OF PROHIBITING THROUGH DECEMBER 31, 2024 PSILOCYBIN MANUFACTURING AND SERVICE CENTERS WITHIN THE CITY OF BROOKINGS.**

**WHEREAS,** In November 2020, Oregon voters approved Measure 109, which directed the Oregon Health Authority to license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services; and

**WHEREAS,** Section 128 allows the City of Brookings the option to prohibit the establishment of psilocybin manufacturers and/or psilocybin service centers licensed under Measure 109 from operating in the area subject to the jurisdiction of the City; and

**WHEREAS,** The City finds it would be in the public interest to refer the question of prohibiting until December 31, 2024, psilocybin manufacturers and service centers within City limits to the electors.

**NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of Brookings, Curry County, Oregon, as follows:

- 1. MEASURE:** A measure election is hereby called for the purpose of submitting to the electors of the City of Brookings a measure prohibiting until December 31, 2024 the sale and establishment of certain psilocybin activities in the area subject to the jurisdiction of the City, a copy of which is attached hereto as "Exhibit A," and incorporated herein by reference.
- 2. ELECTION CONDUCTED BY MAIL:** The measure election shall be held in the City of Brookings on November 8, 2022. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Curry County, according to the procedures adopted by the Oregon Secretary of State.
- 3. DELEGATION:** The City of Brookings authorizes the City Recorder or her designee, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.
- 4. BALLOT TITLE:** The ballot title for the measure set forth as Exhibit A" to this resolution is hereby adopted.
- 5. NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL:** Upon receiving the ballot title for this measure, the City Elections Officer shall publish in the next available



edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

- 6. FILING WITH COUNTY ELECTIONS OFFICE:** The City Elections Officer shall deliver the Notice of Measure Election to the Curry County Elections Office and the ballot title for inclusion on the primary election ballot to be held on Tuesday, November 8, 2022.
- 7. EXPLANATORY STATEMENT:** The explanatory statement for the measure, which is attached hereto as "Exhibit" B," and incorporated herein by reference, is hereby approved.
- 8. EFFECTIVE DATE OF THIS RESOLUTION:** This Resolution shall become effective immediately upon its adoption.

**BE IT FURTHER RESOLVED** that

Passed by the City Council \_\_\_\_\_, 2022; effective \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Pro Tem Gary Milliman

**EXHIBIT A**

**BALLOT TITLE:**

**PROHIBITS PSILOCYBIN PRODUCT MANUFACTURING AND SERVICE CENTERS IN BROOKINGS**

**QUESTION:**

**SHALL CITY OF BROOKINGS PROHIBIT PSILOCYBIN PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTER OPERATORS FROM DOING BUSINESS WITHIN CITY LIMITS?**

**SUMMARY:**

State law allows the establishment of licensed psilocybin product manufacturers and service center operators. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of these licensed activities within city limits. Approval of this measure would prohibit the establishment and operation of psilocybin product manufacturers that hold a license issued under ORS 475A.290 and psilocybin service center operators that hold a license issued under ORS 475A.305 within the area subject to the jurisdiction of the City of Brookings.

## **EXHIBIT B**

### **EXPLANATORY STATEMENT**

Approval of this measure would prohibit until December 31, 2024, the establishment and operation of certain psilocybin product manufacturers and service center operators licensed by the Oregon Health Authority. Psilocybin mushrooms are wild or cultivated mushrooms that contain psilocybin, a naturally occurring psychoactive and hallucinogenic compound.

Measure 109, approved by Oregon voters in November 2020, provides that the Oregon Health Authority shall license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services.

Under Measure 109, cities and counties may place referendums on local ballots to prohibit psilocybin-product manufacturers and/ or psilocybin service centers within their jurisdictions. The City Council of Brookings has adopted a resolution referring this measure to prohibit until December 31, 2024, such uses in Brookings city limits to the voters.

If approved, this measure would prohibit until December 31, 2024, licensed psilocybin product manufacturers and service center operators from operating within the City.

The authority to impose a tax or fee on the manufacturing or sale of psilocybin products, or the provision of psilocybin services in Oregon is vested solely in the Legislative Assembly. Additionally, Measure 109 prohibits a city from adopting or enacting an ordinance imposing a tax or fee on psilocybin manufacturing or the provision of psilocybin services. Consequently, approval of this measure should not have any revenue impacts on the City.

LOCAL  
GOVERNMENT  
LAW GROUP

An Oregon Professional Corporation

## Memo

To: Janell Howard, City Manager

From: Lori Cooper, Attorney

Date: July 6, 2022

Re: Measure 109 and Local Options

*This memo is a confidential communication between attorney and client and as such, it is not subject to disclosure. Discussion of this communication should only take place in an executive session called under ORS 192.660(2)(f) for the consideration of information or records that are exempt by law from public inspection.*

The purpose of this memorandum is to provide the City of Brookings with possible options related to the prohibition, allowance, and regulation of psilocybin after passage of Measure 109 (2020) - now codified in ORS Chapter 475A.

Measure 109, passed by Oregon voters in 2020, allows the manufacture and use of psilocybin (a naturally occurring psychedelic compound produced by fungi) within the state. Oregon is the first state in the United States to allow the use and manufacture of psilocybin. The measure was drafted by the same authors of the cannabis bills, so you'll notice some similarities. Measure 109 effectively permits the use and manufacture of psilocybin in all cities and counties in Oregon. The following options are presented for Council's consideration and not listed in any specific or preferred order.

**OPTION 1:** As authorized by ORS 475A.718, the City Council could consider adopting an ordinance to be referred to the voters that would prohibit or allow any one or more of the following:

- Licensed psilocybin product manufacturers
- Licensed psilocybin service center operators
- Any combination of the two

As mentioned above, Measure 109 allows psilocybin in all Oregon cities and counties. To opt out completely or partially (for instance, a city may choose to allow manufacturing but prohibit service centers), the City will need to refer an ordinance to the voters at the next general election. To do so, the Council would need to pass a resolution directing the issue to be put on the ballot. The resolution would contain the ballot measure and would also include as Exhibit A the ordinance that would become effective after the election if supported by the majority of voters. As things stand now, the option to opt out is available at every general election. In other

LOCAL GOVERNMENT LAW GROUP P.C.

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Page 2

words, if Council decides to do nothing this time and later psilocybin becomes an issue, then Council could refer an ordinance to the voters at the next approaching general election.

Obviously, since this option is tied to the general election, there are some deadlines to keep in mind.

August 19, 2022:	Ballot Title due for publication of notice
September 8, 2022:	SEL 802 Notice of Measure Election
September 12, 2022:	Explanatory statement for voters' pamphlet due

**OPTION 2:** As authorized by ORS 475A.530, adopt time, place, and manner regulations.

If Council does not want to completely prohibit the use, then Council may want to consider adopting time, place, and manner regulations of the use. These regulations do not need to go to the voters and are very similar to the time, place, and manner regulations for cannabis. Under this option, psilocybin would be allowed subject to the City's existing zoning, building, and development codes plus time, place, and manner regulations.

As a slight alternative, Council could decide to allow one of the uses (centers or manufacture) and put that ordinance before the voters and also adopt time, place, and manner regulations for the psilocybin use the City (and voters) choose to allow.

**OPTION 3:** Take no action.

The City is not required to do anything if it chooses not to. This option would allow the facilities to be located wherever the use is compatible with the zoning district and other applicable code that is already in place.

This third option is the "wait and see approach." Psilocybin will be different from cannabis in that the service center operators are predicted to be more like medical clinics and the operators will need to be licensed and have undergone some Oregon Health Authority training. It will probably take a couple of years before licenses from OHA really start to roll out and the program is ironed out a bit more. At that time, we might start seeing the use becoming more common.

Even if Council chooses to do nothing, it might be a good idea to review the City's existing zoning districts to determine where these uses might be permitted. To do this, you probably need to know what is envisioned for "psilocybin product manufacturers" and "psilocybin service centers." The relevant definitions in statute (ORS 475A.220) are as follows:

"Manufacture" means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container.

"Psilocybin products" means:

- (A) Psilocybin-producing fungi; and
- (B) Mixtures or substances containing a detectable amount of psilocybin.

"Psilocybin products" does not include psilocybin services.

"Psilocybin service center" means an establishment:  
(a) At which administration sessions are held; and  
(b) At which other psilocybin services may be provided.

"Psilocybin services" means services provided to a client before, during, and after the client's consumption of a psilocybin product, including:  
(a) A preparation session;  
(b) An administration session; and  
(c) An integration session.

"Integration session" means a meeting between a client and a psilocybin service facilitator that may occur after the client completes an administration session.

"Administration session" means a session held at a psilocybin service center at which a client purchases, consumes, and experiences the effects of a psilocybin product under the supervision of a psilocybin service facilitator.

"Preparation session" means a meeting between a client and a psilocybin service facilitator that must occur before the client participates in an administration session.

After Measure 109 passed in 2020, the Oregon Psilocybin Advisory Board was formed and tasked with developing recommendations to the Oregon Health Authority for program development. Some of those details are still in the process of being developed. Here is the state website for the program development:

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/Pages/Oregon-Psilocybin-Services.aspx>

As you will read there, they have quite a bit of work to do before January 2, 2023.

### **Additional Notes**

ORS 475A.527 provides that local governments are prohibited from requiring a license for the manufacturing or sale of psilocybin products, or for the provision of psilocybin services.

ORS 475A.534 provides that local governments are prohibited from adopting or enacting an ordinance imposing a fee or tax on the manufacturing, sale, or provision of psilocybin services.

Like cannabis, OHA will require a land use compatibility statement from local jurisdictions (ORS 475A.270).

Please let me know if I can help answer any additional questions or help draft documents based on Council's decision on next steps.

## **JULY 20, 2022, CITY COUNCIL MEETING AN INTRODUCTION**

### **What is Psilocybin?**

- Psilocybins are hallucinogenics – commonly referred to as “magic mushrooms”
  - May be used as medical treatments

### **What is Measure 109 (M109)?**

- M109 legalized them for personal use in a controlled environment
  - Law is already in effect, with rules on:
    - Manufacture (growing, packaging, & shipping)
    - Laboratories (purification & testing)
    - Facilitation (people)
    - Service (dispensing & providing)

### **What does it have to do with Amity?**

- The new law gives municipalities a limited ability to control psilocybin within city limits
  - Moratorium, Prohibition, Regulation, or Acceptance
  - Municipalities may only prohibit manufacture and service

## **JULY 20, 2022, CITY COUNCIL MEETING**

### **What are our choices and the outcomes?**

#### **Moratorium (voters decide)**

- The City can propose a 2-year ban on only the manufacture and service within Amity
- Allows us 2 years “get organized”
  - In 2024 we can either allow them (moratorium expires) or the voters choose to prohibit

#### **Prohibition (voters decide)**

- The City can propose a full prohibition on only the manufacture and service within Amity
- Ban them within the city, potentially losing tax revenue, new businesses, etc.

#### **Regulation (city acts unilaterally)**

- The City puts limitations on places, times, and manner of only manufacture or sale
- Must be done in a limited manner, cannot be a backdoor prohibition

#### **Acceptance (no action)**

- The City & community does nothing and accepts M109 and outcomes as they occur



**MEASURE 109: Oregon Psilocybin Services Act.**

**OFFICIAL TITLE:** Allows manufacture, delivery, administration of psilocybin at supervised, licensed facilities; imposes 2-year development period.

**INITIATIVE:** This measure is a statutory amendment placed on the ballot by initiative petition with an estimated 132,465 valid signatures.

**FINANCIAL IMPACT:** State revenue and expenditures will be impacted by passage of this measure. Local government expenditures will be impacted. The measure requires the Oregon Health Authority (OHA) to develop, over a two-year period, beginning January 1, 2021, a regulation, licensure, and enforcement program, including fees and fines. According to the Oregon Secretary of State, during the two-year development period, the cost to the General Fund would be an estimated \$7 million.

Once the program is established, ongoing costs are estimated at \$3.1 million annually. Fees and tax assessed under the law are expected to cover these costs. The cost to local governments for conducting required land use compatibility assessments for licensee applicants and adoption of any pertinent ordinances is indeterminate.

**PROBABLE RESULTS OF A “YES” VOTE:** If this measure passes, it would allow the manufacture, delivery, and administration of psilocybin at supervised, licensed facilities, and would impose a 2-year period for developing the policies, procedures, and infrastructure needed for the program to succeed.

**PROBABLE RESULTS OF A “NO” VOTE:** If this measure fails, it would retain current law, which prohibits the manufacture, delivery, and possession of psilocybin and imposes misdemeanor or felony criminal penalties.

**BACKGROUND:** Psilocybin mushrooms include a mixed variety of mushrooms with psychoactive properties. They are considered sacred medicine among indigenous tribes, with a long history of use in religious and spiritual ceremonies in both Europe and Mesoamerica. They must be carefully identified and are generally illegal in the U.S. because of potential adverse effects, including hallucinations, nausea, vomiting, drowsiness, or renal failure.

The Federal government classifies psilocybin mushrooms as a Schedule 1 Controlled Substance with no accepted medical use and high potential for abuse. However, studies conducted nationally and internationally have indicated beneficial outcomes from psilocybin treatment in mental health conditions, including but not limited to addiction, depression, anxiety disorders, and end-of-life psychological distress. In 2019 the cities of Denver, Colorado, and Oakland, California, voted to decriminalize these substances, making them a low priority for law enforcement but not setting up structured systems for assuring any beneficial use.

**PROPOSAL:** This measure legalizes, regulates, and taxes the manufacture, sale, and administration of psilocybin for mental health purposes. The proposed act, which draws on the 1998 Oregon Medical Marijuana Act (OR475B), contains 134 sections that establish an advisory board answerable to the Oregon Health Authority; sets prerequisites and standards for issuing licenses and establishing service centers (such as no criminal record and specified distance from school facilities); and defines treatment protocols. The Oregon Health Authority is given a number of new responsibilities, including the licensing role, testing psilocybin substances for contamination, and disseminating research relating to the safety and efficacy of these substances. In contrast to Oregon's marijuana program, the psilocybin act would not allow any retail sales or personal crops of psilocybin mushrooms. Section 128 would allow counties and local municipalities to prohibit the siting of psilocybin facilities based on a local vote, although the measure does not provide any financial resources to these entities.

The most prominent and distinguishing feature of Measure 109 is that the administration and consumption of psilocybin will be permitted: (i) only at a licensed "psilocybin service center;" and (ii) only under the supervision of a licensed "psilocybin service facilitator."

The measure establishes a fifteen percent point of sales tax based on the retail sales of psilocybin as a source of funding for administering the program by the Oregon Health Authority, tax collection and enforcement by the Oregon Department of Revenue, and administration of a psilocybin tracking system by the Oregon Liquor Control Commission

#### **ARGUMENTS PRO AND CON:**

##### **Yes - For the Measure**

- Oregonians with certain mental health issues, including opioid addictions, may find relief if psilocybin substances are more readily available.
- The program has been designed to protect patients and assure beneficial outcomes by making the substances available under tightly controlled conditions.
- The consumption of psilocybin will take place only in a controlled environment and only under the supervision of licensed and trained personnel.

##### **No - Against the Measure**

- Oregon would be in conflict with Federal drug policy, putting the Oregon program at legal risk.
- The U.S. is still learning about the impact of legalizing marijuana and it might be premature to embark on another biochemical experiment.
- The proposal does not go far enough; the use of a natural medicine should be decriminalized.

## Oregon Psilocybin Services

### What is psilocybin?

Psilocybin is a naturally occurring psychedelic compound. It is found in over 200 species of fungi (mushrooms). For centuries Indigenous and Tribal communities around the world have used psilocybin for spiritual, ceremonial and other purposes.

Psilocybin services will soon be an option in Oregon. However, psilocybin is still a Schedule I substance under the Federal Controlled Substances Act.

### What are the benefits of psilocybin?

Research suggests psilocybin may help address depression, anxiety, trauma and addiction. Studies have also found it can increase spiritual well-being.

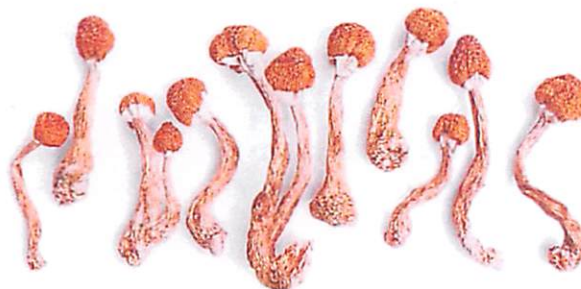
To learn more about the research on psilocybin benefits and risks, see the [2021 Oregon Psilocybin Advisory Board Rapid Evidence Review](#). It is available in English and Spanish.

### What are psilocybin services?

In Oregon, “psilocybin services” refers to preparation, administration and integration sessions provided by a licensed facilitator.

The psilocybin products consumed must be cultivated or produced by a licensed psilocybin manufacturer and may only be provided to a client at a licensed psilocybin service center during an administration session.

Psilocybin services will be available to people age 21 or older and will not require a prescription or medical referral. People accessing psilocybin services are called “clients”.



### The Oregon Psilocybin Services Act

Ballot Measure 109 (M109) is also known as the Oregon Psilocybin Services Act. It was voted into law by Oregonians in November 2020. It is codified in [Oregon Revised Statutes in ORS 475A](#). M109 directs Oregon Health Authority (OHA) to license and regulate psilocybin products and the provision of psilocybin services.

Oregon is the first state in the U.S. to create a regulatory framework for psilocybin services.

### The Oregon Psilocybin Services Section

The two-year development period for psilocybin services is from January 1, 2021 to December 31, 2022. During this time [Oregon Psilocybin Services \(OPS\)](#) is working with the Oregon Psilocybin Advisory Board and rulemaking advisory committees (RACs) to make rules for psilocybin products and services. All rules must be in place by December 31, 2022. The section will begin taking license applications on Jan. 2, 2023.



## How a client will access psilocybin services



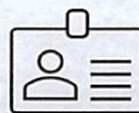
1. Preparation session: The client meets with a licensed facilitator for a preparation session.



2. Administration session: The client consumes the product at the service center and begins their session with a licensed facilitator.



3. Integration session: The client can take part in an optional session to follow up with a licensed facilitator and learn about additional peer support and other resources.



To provide these services, a licensed facilitator must complete:

- A training program with curriculum approved by OPS
- An exam administered by OPS, and
- All other license requirements.

## How psilocybin products will get to a service center

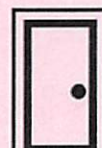
1. Psilocybin products are cultivated, produced and/or processed by a licensed manufacturer. They are tracked in a product tracking system.



2. The products are tested by a licensed testing laboratory. The lab must be accredited by the Oregon Environmental Laboratory Accreditation Program (ORELAP). The test results are entered into the product tracking system.



3. The products are sold or transferred from a licensed manufacturer to a licensed service center. This is tracked in the product tracking system.



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Oregon Psilocybin Services  
[www.oregon.gov/psilocybin](http://www.oregon.gov/psilocybin)  
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You can get this document in other languages, large print, braille or a format you prefer. Contact: Oregon Psilocybin Services at 971-341-1713 or email [OHA.Psilocybin@odhsoha.oregon.gov](mailto:OHA.Psilocybin@odhsoha.oregon.gov). We accept all relay calls or you can dial 711.

OHA 4226 (06/2022)





## Psilocybin

### WHAT IS PSILOCYBIN?

Psilocybin is a chemical obtained from certain types of fresh or dried mushrooms.

### WHAT IS ITS ORIGIN?

Psilocybin mushrooms are found in Mexico, Central America, and the United States.

### What are common street names?

Common street names include:

- Magic Mushrooms, Mushrooms, and Shrooms

### What does it look like?

Mushrooms containing psilocybin are available fresh or dried and have long, slender stems topped by caps with dark gills on the underside. Fresh mushrooms have white or whitish-gray stems; the caps are dark brown around the edges and light brown or white in the center. Dried mushrooms are usually rusty brown with isolated areas of off-white.

### How is it abused?

Psilocybin mushrooms are ingested orally. They may also be brewed as a tea or added to other foods to mask their bitter flavor.

### What is its effect on the body?

The physical effects include:

- Nausea, vomiting, muscle weakness, and lack of coordination



*Psilocybin mushrooms*

### What is its effect on the mind?

The psychological consequences of psilocybin use include hallucinations and an inability to discern fantasy from reality. Panic reactions and a psychotic-like episode also may occur, particularly if a user ingests a high dose.

### What are its overdose effects?

Effects of overdose include:

- Longer, more intense "trip" episodes, psychosis, and possible death

Abuse of psilocybin mushrooms could also lead to poisoning if one of the many varieties of poisonous mushrooms is incorrectly identified as a psilocybin mushroom.

### **Which drugs cause similar effects?**

Psilocybin effects are similar to other hallucinogens, such as mescaline and peyote.

### **What is its legal status in the United States?**

Psilocybin is a Schedule I substance under the Controlled Substances Act, meaning that it has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.



*Psilocybin mushrooms*  
*Image by Erik Fenderson*



HOME &gt; NEWS &gt; ALL NEWS &gt; A PSYCHEDELIC DRUG MAY HELP TREAT PTSD, BUT QUESTIONS REMAIN ON HOW BEST TO USE—AND REGULATE—IT

NEWS 4/12/21

## A psychedelic drug may help treat PTSD. But questions remain on how best to use—and regulate—it

MDMA was tested along with talk therapy, but the ideal pairing has yet to be studied

19 MAY 2021 10:01 AM EDT



An approach to treating post-traumatic stress disorder with MDMA emphasizes supervision from specially trained therapists. MULTIDISCIPLINARY ASSOCIATION FOR PSYCHEDELIC STUDIES

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The news last week that the compound 3,4-methylenedioxymethamphetamine (MDMA), popularly called ecstasy, alleviated post-traumatic stress disorder (PTSD) in a phase 3 trial was a milestone in efforts to turn psychedelic drugs into mainstream treatments. It also highlighted a therapeutic marriage that is getting increasing attention: providing a mind-altering drug while a patient receives care from a trained therapist. "This is really kind of a new zeitgeist in psychiatry," says Barbara Rothbaum, a clinical psychologist at Emory University.

Researchers funded by the nonprofit Multidisciplinary Association for Psychedelic Studies (MAPS) reported in *Nature Medicine* that after "MDMA-assisted therapy," two-thirds of treated participants no longer met the diagnostic criteria for PTSD. MAPS hopes to confirm the results in an ongoing second study and seek approval for the therapy from the U.S. Food and Drug

Administration (FDA) as early as 2023. In 2017, the agency granted MDMA a "breakthrough" designation, which comes with extra guidance during the trial process and an expedited review.

The idea that psychedelic drugs and talk therapy work in synergy raises complex questions about how to optimize—and regulate—the drug experience. "It's not understood what the role of MDMA or [another] psychedelic is in facilitating the psychotherapy, and what's happening neurobiologically," says Atheer Abbas, a neuroscientist and psychiatrist at Oregon Health & Science University. Because taking psychedelics without guidance can lead to negative experiences, "a guided, more psychotherapy-oriented approach is probably warranted," he says. "But it's not clear what aspects of that guidance are critical."

As MDMA and other tightly controlled psychedelic compounds inch closer to regulatory approval, careful supervision from therapists may help overcome their reputation as illicit substances and fears of indiscriminate use. "MAPS has done very well to really emphasize that they're not just trying to promote a compound," says Rachel Yehuda, who directs the Center for Psychedelic Psychotherapy and Trauma Research at the Icahn School of Medicine at Mount Sinai.

MAPS researchers have worked for more than 3 decades to turn MDMA into a prescription medicine. The substance doesn't produce the vivid hallucinations associated with either LSD or psilocybin, found in magic mushrooms. But it increases the brain's levels of certain neurotransmitters, including serotonin and dopamine, to create a sense of well-being and heightened empathy. That might allow trauma survivors who face intrusive flashbacks to reflect on disturbing memories with less fear and judgment. "It gives you this fascinating ability toward self-compassion," says Jennifer Mitchell, a neuroscientist at the University of California, San Francisco, and an investigator in the MAPS trial.

The psychotherapy the trial used looks different from the most thoroughly studied PTSD psychotherapies. Many of these direct a patient to confront painful memories. In one such approach, called prolonged exposure therapy, "we have them go back in their mind's eye to the time of the traumatic event and recount it out loud, in the present tense, over and over," Rothbaum says. "It's a good therapy, but it's also a hard therapy."

#### ADVERTISEMENT

In the MAPS approach, therapists are advised not to steer the conversation toward trauma, but to create a safe space to "support the participant's own unfolding experience," according to MAPS's manual. The manual also describes carefully curated surroundings for patients, advising "fresh flowers and artwork." Rothbaum, who studies and practices prolonged exposure therapy, describes MAPS sessions as "the sweetest therapy in the world for PTSD."

In the trial, 79 participants underwent three 90-minute preparatory therapy sessions; three 8-hour "experimental sessions" with either MDMA or a placebo, spaced about 1 month apart; and nine 90-minute "integration sessions" to process their experiences. Of 42 people who got MDMA, 67% no longer met the diagnostic criteria for PTSD 2 months after their last experimental session. For the placebo group, that rate was 32%. Improvements in the placebo recipients were comparable to those observed in studies of existing approaches such as exposure therapy, says MAPS's chief scientific officer, Berra Yazar-Klosinski.

Yehuda, who has long worried that prolonged exposure therapy can retraumatize some patients and discourage them from continuing treatment, says the research offers a new direction. But MDMA-assisted therapy needs to go head to head in clinical trials with established psychotherapies and the antidepressant drugs already approved for PTSD, says Arash Javanbakht, who directs the Stress, Trauma, and Anxiety Research Clinic at Wayne State University. Others want to test MDMA alongside more mainstream talk therapies. Rothbaum's team hopes to launch a pilot study this year that combines the drug with prolonged exposure therapy. Psychologist Anne Wagner of the mental health clinic Remedy is preparing to launch a pilot study that brings an approach called cognitive processing therapy into the pre- and post-MDMA sessions. Adding this more structured psychotherapy might improve results for some patients, she says.

Should MDMA win FDA approval, the MAPS psychotherapy approach is likely to dominate at least at first. FDA doesn't regulate psychotherapy, but Yazar-Klosinski says FDA has indicated any approval would stipulate that the drug be used alongside therapy from trained providers. (FDA declined to comment on how it might address supportive therapy in an approval.) A ↷



subsidiary of MAPS would manufacture the drug and hopes to receive a 5-year exclusivity period on marketing the drug for PTSD. It would sell MDMA only to providers who undergo MAPS's 100-hour training program.

Uncertainty about the right talk therapy pairings extends to research on other psychedelic drugs. Albert Garcia-Romeu, a psychologist at Johns Hopkins University School of Medicine, is testing psilocybin-assisted addiction treatment. For a recent study of cigarette smokers, the team made "kind of our best guess" to pair the drug with cognitive behavioral therapy, a common addiction talk therapy, he says.

Potential FDA decisions on psilocybin and MDMA are still years off. But in November 2020, Oregon became the first state to legalize psilocybin for therapeutic use. It has appointed an advisory board to help make a plan for regulating the compound by December 2022.

Oregon's measure describes a system of state-licensed providers and "a multisession, facilitator-guided, psychotherapy-type experience," says Abbas, who sits on the advisory board but was speaking only for himself. What type of psychotherapy experience should that be? And what qualifies a facilitator? "That's something the board is likely to have to tackle."

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By [Allison Frost](#) (OPB)

June 9, 2022 10:41 a.m. Updated: June 9, 2022 3:11 p.m.

**Broadcast: Thursday, June 9**

Psychedelic mushrooms, pictured in this 2021 file photo.

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