

# City of Brookings

## MEETING AGENDA

### CITY COUNCIL

**Monday, September 12 2022, 7:00pm**

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

### CITY COUNCIL

#### A. Call to Order

#### B. Pledge of Allegiance

#### C. Roll Call

#### D. 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)

#### E. Consent Calendar

1. Approve City Council meeting minutes for August 22, 2022 [Pg. 1]
2. Approve Special City Council meeting minutes for September 6, 2022 [Pg. 3]
3. Accept Planning Commission minutes for August 2, 2022 [Pg. 4]
4. Accept August Vouchers [Pg. 7]

#### F. Staff Reports/Hearings

1. 2022 Street Project Update [Pg. 10]
  - a. Seacrest Subdivision Plat Map [Pg. 11]
2. Land Development Code Revisions – Marijuana Retail Facilities [Pg. 13]
  - a. Ordinance 22-O-800 [Pg. 14]
3. Psilocybin Manufacture and Wholesale [Pg. 18]
  - a. Ordinance 22-O-801 [Pg. 19]

#### G. Remarks from Mayor and Councilors

#### H. 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, August 22, 2022**

**Call to Order**

Mayor Hedenskog called the meeting to order at 7:04 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, Deputy Public Works Director Jay Trost, and Parks Tech Lauri Ziemer

Media Present: 1

Others Present: 2 audience members

**Public Comments**

1. Gordon Clay, PO Box 12, Brookings; spoke in support of September Suicide Prevention month.
2. Connie Hunter, 1310 English Court, Brookings; spoke in support of Curry County suicide awareness and the Veterans Task Force.

**Consent Calendar**

1. Approve Council minutes for August 8, 2022
2. Accept July 2022 Vouchers

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

**Staff Reports**

**1. Central Building Parking Lot Lease**

*Staff report presented by Gary Milliman*

**Councilor Schreiber moved and Councilor Alcorn seconded, and Council voted unanimously to authorize the Mayor to sign an addendum extending the parking lot lease with Coastal Investments LLC at a monthly rent of \$960 effective November 1, 2022 through October 31, 2027.**

**2. Award 2022-23 Street Paving Projects**

*Staff report presented by Jay Trost*

**Councilor McKinney moved and Mayor Hedenskog seconded, and Council voted unanimously to authorize City Manager to proceed with the Tidewater Contractors Task Order to pave various streets identified in the 2022 Pavement Management Plan Update.**

**3. Railroad Street Project Change Order**

*Item removed from agenda as Change Order under required limits for City Council approval.*

#### **4. Award Chetco Town Center Contract**

*Staff report presented by Jay Trost*

**Councilor Schreiber moved and Councilor Alcorn seconded, and Council voted unanimously to authorize City Manager to enter into an agreement with BK Quality Construction in the amount of \$157,000 for the Chetco Town Center patio project.**

#### **Remarks from Mayor and Councilors**

None

#### **Adjournment**

Mayor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to adjourn the meeting at 7:32 PM.

Respectfully submitted:

ATTESTED:  
this 12th day of September, 2022:

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Ron Hedenskog, Mayor

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Gary Milliman, City Recorder Pro Tem

# **City of Brookings**

## **CITY COUNCIL SPECIAL MEETING MINUTES**

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

**Tuesday, September 6, 2022**

### **Call to Order**

Mayor Hedenskog called the meeting to order at 4:17 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, Public Works Director Tony Baron, Police Lieutenant Donny Dotson, Police Chief Kelby McCrae, and Deputy City Recorder Natasha Tippetts.

Media Present: 2

Audience Present: 0

### **Staff Reports**

#### **1. Agreement with Ferraris Investigations and Consulting LLC**

*Staff report presented by Gary Milliman*

**Councilor Alcorn moved and Councilor Morosky seconded, and with a four to one vote, Councilor Schreiber voting nay, Council approved to authorize the Mayor to sign an agreement with Ferraris Investigations and Consulting LLC.**

### **Adjournment**

Mayor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to adjourn the meeting at 4:21 PM.

Respectfully submitted:

ATTESTED:

this 12th day of September, 2022:

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Ron Hedenskog, Mayor

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Gary Milliman, City Recorder Pro Tem

## **BROOKINGS PLANNING COMMISSION MINUTES**

**August 2, 2022**

### **CALL TO ORDER**

The regular meeting of the Brookings Planning Commission was called to order by Chair Wulkowicz at 7:00 pm in the Council Chambers at Brookings City Hall followed by the Pledge of Allegiance.

### **ROLL CALL**

Commissioners Present: Anthony Bond, Cody Coons, Skip Hunter, Clayton Malmberg, Skip Watwood, Jon Weaver (by phone), Chair Gerry Wulkowicz

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

Others Present: 7 audience members

### **PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS - None**

### **PUBLIC HEARINGS**

- 4.1 In the matter of File No. LDC-2-22, revisions to the BMC Chapter 17.08 Definitions, 17.48.040, 17.52.040 & 17.56.040 Conditional Uses, 17.82 Uses Prohibited in all Land Use Districts, 17.88.040 Exempt Signs and 17.124 Specific Standards Applying to Conditional Uses; City Initiated.

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 7:07 pm. PWDS Director Tony Baron reviewed the staff report. No members of the public spoke in opposition and no participant requested additional time to submit materials. The public hearing was closed at 7:10pm.

Commission discussed the merits of the matter. **Motion made by Chair Wulkowicz that Planning Commission recommend to City Council approval of File No. LDC-2-22; amending Chapter 17.08 Definitions, 17.48.040, 17.52.040 & 17.56.040 Conditional Uses, 17.82 Uses Prohibited in all Land Use Districts, 17.88.040 Exempt Signs and 17.124 Specific Standards Applying to Conditional Uses based on the Staff Report recommendation; motion seconded and with no further discussion by a 7-0 vote the motion carried.**

- 4.2 In the matter of File No. CUP-20-22, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 1237 Rowland Lane, Assessors Map & Tax Lot No. 4113-06CB-04805.

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 7:21 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's property manager, Ron Reel of Premiere Ocean Properties addressed written comments that had been submitted by neighboring property owners regarding parking and possible issues with noise and speeding.

Candice Michel, 1253 Rowland Lane, Brookings spoke in opposition citing short term rentals change the atmosphere of a neighborhood and the existing homeowners property rights should be considered.

Kristina Richison, 1237 Rowland Lane, Brookings spoke in opposition advising they share a driveway with the applicant and are concerned about the parking, safety of their children in the parking area with tenants who are unaware of them, noise, and property upkeep.

No participant requested additional time to submit materials. Public hearing was closed at 7:37 pm.

The Commission discussed the shared driveway and requested applicant and Ms. Richison to provide any documentation on easements that might exist. **Motion made by Commissioner Malmberg that the Planning Commission continue File No. CUP-20-22, a request for a Conditional Use Permit to operate a short term rental at 1237 Rowland Lane to the next scheduled Planning Commission meeting for the applicant or his representative to address easement question. I make this motion citing the following criterion as not being met and concerns regarding the properties and potential easement conflicts of the driveway.** Commission discussed further; **motion seconded and with no further discussion by a 7-0 vote the motion carried.** Applicant and Ms. Richison advised to provide further easement documentation.

4.3 In the matter of File No. CUP-21-22, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 418 Pine Street; Assessors Map & Tax Lot No. 4113-05BC-07100.

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 7:47 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's property manager, Ron Reel of Premiere Ocean Properties was 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 7:51 pm.

The Commission deliberated on the matter. **Motion made by Commissioner Bond to approve File No. CUP-21-22, a request for a Conditional Use Permit to operate a short term rental at 418 Pine Street 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 7-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-21-22, 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 7-0 vote the motion carried.**

4.4 In the matter of File No. CUP-22-22, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 17312 Holmes Drive; Assessors Map & Tax Lot No. 4014-36BB-02600.

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 7:52 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's property manager, Ron Reel of Premiere Ocean Properties was 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 7:56 pm.

The Commission deliberated on the matter. **Motion made by Commissioner Watwood to approve File No. CUP-22-22, a request for a Conditional Use Permit to operate a short term rental at 17312 Holmes Drive 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 7-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file CUP-22-22, 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 7-0 vote the motion carried.**

4.5 In the matter of File No. VAR-1-22, a request for approval of a Variance to a front yard setback at 1515 Beach Avenue, Assessor's Map & Tax Lot No. 4014-01AA-00405.

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 7:57 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's and their representative Spirit Meller, Sanct Architecture, 519 Chetco Ave, Ste 6, Brookings, were present to address written comments that had been submitted by neighboring property owners and provided a written response that was entered into the public record. Mr. Meller advised that currently neither the garage nor the driveway can accommodate an oversize vehicle and the intent of the variance was to enlarge a single garage 3'6" to be able to park a longer vehicle inside.

No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 8:10 pm.

The Commission discussed the items addressed in the comments submitted and deliberated on the matter. **Motion made by Commissioner Bond to approve File No. VAR-1-22, a request for a Variance to a front yard setback at 1515 Beach Avenue from 20' to 16', 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 7-0 vote the motion carried.**

**Motion made by Chair Wulkowicz to approve the Final Order regarding file VAR-1-22, 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 7-0 vote the motion carried.**

#### **MINUTES FOR APPROVAL**

5.1 Minutes of regular Planning Commission meeting of July 5, 2022.

**Motion made by Commissioner Malmberg to approve the Planning Commission minutes of July 5, 2022; motion seconded and with no further discussion by a 7-0 vote the motion carried.**

**UNSCHEDULED PUBLIC APPEARANCES - None**

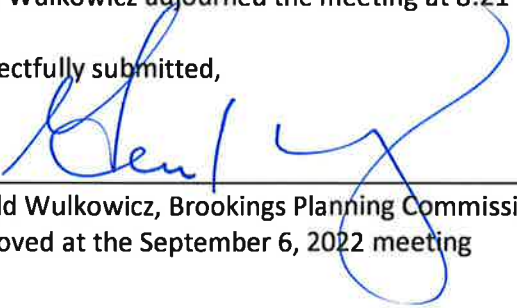
**REPORT FROM THE PLANNING STAFF** – Only item scheduled for the September meeting will be the CUP-20-22 matter that was continued tonight. The Land Development Code changes for Conditional Use Permits for Short Term Rentals will be scheduled for the October Planning Commission meeting.

**COMMISSION FINAL COMMENTS - None**

#### **ADJOURNMENT**

Chair Wulkowicz adjourned the meeting at 8:21 pm.

Respectfully submitted,



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Gerald Wulkowicz, Brookings Planning Commissioner  
Approved at the September 6, 2022 meeting

## Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount	
08/22	08/10/2022	88681	4	Macy Martinez	10-00-2005	234.00-	V
08/22	08/24/2022	88741	1	Sydney Gibbons	20-00-2005	117.31-	V
08/22	08/04/2022	88791	5908	Amazon Capital Services	49-00-2005	415.45	
08/22	08/04/2022	88792	5727	Blue Line K9 LLC	61-00-2005	4,500.00	
08/22	08/04/2022	88793	6116	Brookings Chrysler Dodge Jeep Ram	10-00-2005	127.88	
08/22	08/04/2022	88794	313	Brookings Vol Firefighters	10-00-2005	2,250.00	
08/22	08/04/2022	88795	715	Budge McHugh Supply	20-00-2005	4,383.92	
08/22	08/04/2022	88796	5567	CAL/OR Insurance Specialists Inc	30-00-2005	683.33	
08/22	08/04/2022	88797	5070	Canon Solutions America	10-00-2005	54.52	
08/22	08/04/2022	88798	6031	Cascade Home Center	10-00-2005	951.54	
08/22	08/04/2022	88799	5822	Chaves Consulting Inc	49-00-2005	370.20	
08/22	08/04/2022	88800	5952	Chetco Auto Marine & Industrial Supply	25-00-2005	203.63	
08/22	08/04/2022	88801	3834	Clean Sweep Janitorial Service	33-00-2005	2,242.00	
08/22	08/04/2022	88802	5827	Coastal Investments LLC	10-00-2005	1,130.00	
08/22	08/04/2022	88803	1745	Coastal Paper & Supply, Inc	10-00-2005	499.26	
08/22	08/04/2022	88804	284	Day Management Corp	50-00-2005	7,273.88	
08/22	08/04/2022	88805	1	Penny Dexter	20-00-2005	2.87	
08/22	08/04/2022	88806	1	Rock Norton	20-00-2005	74.05	
08/22	08/04/2022	88807	5804	Early Management Team Inc	50-00-2005	2,000.00	
08/22	08/04/2022	88808	5432	First Community Credit Union	25-00-2005	4,662.00	
08/22	08/04/2022	88809	5065	Gold Beach Lumber	10-00-2005	26.92	
08/22	08/04/2022	88810	5657	Gold Form & Label Company	25-00-2005	1,900.45	
08/22	08/04/2022	88811	6097	GP Energy	10-00-2005	4,026.52	
08/22	08/04/2022	88812	6030	Hartwick Automotive LLC	10-00-2005	60.99	
08/22	08/04/2022	88813	5860	Lane Council of Governments	10-00-2005	187.99	
08/22	08/04/2022	88814	202	League of Oregon Cities	10-00-2005	1,240.00	
08/22	08/04/2022	88815	5813	Mark Rogers Painting	50-00-2005	16,400.00	
08/22	08/04/2022	88816	4269	Gary Milliman	10-00-2005	325.00	
08/22	08/04/2022	88817	4269	Gary Milliman	10-00-2005	6,000.00	
08/22	08/04/2022	88818	4443	Napa Auto Parts-Golder's	20-00-2005	6.68	
08/22	08/04/2022	88819	685	Neilson Research Corporation	25-00-2005	837.00	
08/22	08/04/2022	88820	4487	Net Assets Corporation	10-00-2005	312.00	
08/22	08/04/2022	88821	329	New Hope Plumbing	10-00-2005	1,125.00	
08/22	08/04/2022	88822	5008	Online Information Services	10-00-2005	128.80	
08/22	08/04/2022	88823	252	Paramount Pest Control	10-00-2005	140.00	
08/22	08/04/2022	88824	4	Michael Lange	10-00-2005	132.00	
08/22	08/04/2022	88825	4	Amber Woinarowicz	10-00-2005	209.00	
08/22	08/04/2022	88826	5101	Pitney Bowes Reserve Acct	10-00-2005	500.00	
08/22	08/04/2022	88827	322	Postmaster	25-00-2005	850.00	
08/22	08/04/2022	88828	207	Quill Corporation	10-00-2005	407.27	
08/22	08/04/2022	88829	6102	South Coast Shopper	10-00-2005	139.50	
08/22	08/04/2022	88830	4542	Umpqua Bank	45-00-2005	9,774.31	
08/22	08/04/2022	88831	2863	Verizon Wireless	10-00-2005	728.40	
08/22	08/11/2022	88832	5908	Amazon Capital Services	10-00-2005	451.84	
08/22	08/11/2022	88833	6130	Apex Fencing	15-00-2005	1,642.50	
08/22	08/11/2022	88834	4734	Aramark Uniform Services	10-00-2005	120.00	
08/22	08/11/2022	88835	2407	Blue Star Gas	10-00-2005	7,396.00	
08/22	08/11/2022	88836	4788	Bureau of Labor & Industries	52-00-2005	1,114.00	
08/22	08/11/2022	88837	5048	Brookings Harbor Medical Center	10-00-2005	150.00	
08/22	08/11/2022	88838	5939	Country Media Inc	10-00-2005	1,520.41	
08/22	08/11/2022	88839	185	Del Cur Supply	10-00-2005	35.40	
08/22	08/11/2022	88840	1	Alexa Bond	20-00-2005	251.76	
08/22	08/11/2022	88841	1	Krikor & Sossie Keoseyan	20-00-2005	45.00	

M = Manual Check, V = Void Check



GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/22	08/11/2022	88842	1	Laura Miller	20-00-2005	82.72
08/22	08/11/2022	88843	1	Joe Montoya	20-00-2005	59.28
08/22	08/11/2022	88844	139	Harbor Logging Supply	10-00-2005	307.50
08/22	08/11/2022	88845	6030	Hartwick Automotive LLC	10-00-2005	797.71
08/22	08/11/2022	88846	5858	Jacobs Engineering Group Inc	25-00-2005	123,266.75
08/22	08/11/2022	88847	2834	Kelby McCrae	10-00-2005	48.40
08/22	08/11/2022	88848	5789	Moss Adams LLP	10-00-2005	8,000.00
08/22	08/11/2022	88849	3159	NorthCoast Health Screening	10-00-2005	45.00
08/22	08/11/2022	88850	4324	OGFOA	10-00-2005	350.00
08/22	08/11/2022	88851	4	Advanced Health Inc	10-00-2005	243.00
08/22	08/11/2022	88852	4	Macy Martinez	10-00-2005	234.00
08/22	08/11/2022	88853	4	Elizabeth McGuffee	10-00-2005	437.00
08/22	08/11/2022	88854	4	Siera Nelson	10-00-2005	234.00
08/22	08/11/2022	88855	6104	Progressive Microtechnology Inc	10-00-2005	495.00
08/22	08/11/2022	88856	207	Quill Corporation	10-00-2005	781.93
08/22	08/11/2022	88857	3	Patricia Easley	20-00-2005	27.18
08/22	08/11/2022	88858	3	James Walker Jr	20-00-2005	333.57
08/22	08/11/2022	88859	6094	SAIF Corporation	10-00-2005	11,138.46
08/22	08/11/2022	88860	6134	Patrick Smith	10-00-2005	9,849.32
08/22	08/11/2022	88861	861	Village Express Mail Center	10-00-2005	58.82
08/22	08/11/2022	88862	2122	Cardmember Service	10-00-2005	3,194.48
08/22	08/11/2022	88863	169	Waste Connections Inc	10-00-2005	1,743.81
08/22	08/11/2022	88864	4220	Woof's Dog Bakery	61-00-2005	55.99
08/22	08/11/2022	88865	5992	Ziply Fiber	30-00-2005	336.83
08/22	08/18/2022	88866	6121	AutoZone Inc	10-00-2005	7.43
08/22	08/18/2022	88867	6156	Backflow Management Inc	25-00-2005	620.00
08/22	08/18/2022	88868	6142	Gracie Brozdounoff	10-00-2005	58.00
08/22	08/18/2022	88869	3015	Charter Communications	30-00-2005	599.98
08/22	08/18/2022	88870	4882	Coastal Heating & Air	10-00-2005	295.00
08/22	08/18/2022	88871	5951	Executech Utah LLC	49-00-2005	30.55
08/22	08/18/2022	88872	3342	Fastenal	25-00-2005	512.32
08/22	08/18/2022	88873	6127	Ferguson Enterprises LLC #3325	20-00-2005	37.11
08/22	08/18/2022	88874	6097	GP Energy	10-00-2005	3,551.79
08/22	08/18/2022	88875	4526	Janell K. Howard	10-00-2005	466.50
08/22	08/18/2022	88876	4171	In-Motion Graphics	10-00-2005	18.00
08/22	08/18/2022	88877	6157	Michael Keller	10-00-2005	800.00
08/22	08/18/2022	88878	6065	Local Government Law Group PC	10-00-2005	2,709.00
08/22	08/18/2022	88879	6035	Frank Mowery	10-00-2005	900.00
08/22	08/18/2022	88880	699	Oregon Department of Transportation	55-00-2005	19,356.99
08/22	08/18/2022	88881	4970	Outdoor Creations Inc	10-00-2005	5,340.00
08/22	08/18/2022	88882	5610	Pamplin Media Group	10-00-2005	460.27
08/22	08/18/2022	88883	4	Jennifer Bodman	10-00-2005	150.00
08/22	08/18/2022	88884	4	Sara Names	10-00-2005	168.00
08/22	08/18/2022	88885	5768	Proficient Auto Center Inc	20-00-2005	1,142.00
08/22	08/18/2022	88886	207	Quill Corporation	10-00-2005	267.08
08/22	08/18/2022	88887	5195	Sonsray Machinery LLC	15-00-2005	49.78
08/22	08/18/2022	88888	5943	Jesus Zamora	10-00-2005	525.00
08/22	08/18/2022	88889	5992	Ziply Fiber	25-00-2005	952.13
08/22	08/25/2022	88890	6116	Brookings Chrysler Dodge Jeep Ram	10-00-2005	1,614.38
08/22	08/25/2022	88891	6147	Bullard Law	10-00-2005	6,262.50
08/22	08/25/2022	88892	5070	Canon Solutions America	10-00-2005	365.94
08/22	08/25/2022	88893	566	Curry County Assessor	20-00-2005	25.00
08/22	08/25/2022	88894	4746	Curry County Treasurer	10-00-2005	192.00
08/22	08/25/2022	88895	317	DCBS - Fiscal Services	10-00-2005	962.88
08/22	08/25/2022	88896	1	Sydney Gibbons	20-00-2005	117.31
08/22	08/25/2022	88897	1	Robert Gilmore	20-00-2005	300.00

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/22	08/25/2022	88898	1	Henry Niedzwiecki III	20-00-2005	53.34
08/22	08/25/2022	88899	1	Jean Soderman	20-00-2005	225.13
08/22	08/25/2022	88900	2640	Dyer Partnership, The	52-00-2005	35,336.28
08/22	08/25/2022	88901	6127	Ferguson Enterprises LLC #3325	20-00-2005	924.12
08/22	08/25/2022	88902	4171	In-Motion Graphics	10-00-2005	35.00
08/22	08/25/2022	88903	4980	iSecure	10-00-2005	33.00
08/22	08/25/2022	88904	4954	John Deere Financial	15-00-2005	808.47
08/22	08/25/2022	88905	202	League of Oregon Cities	10-00-2005	400.00
08/22	08/25/2022	88906	4981	McLennan Excavation, Inc	75-00-2005	182,780.09
08/22	08/25/2022	88907	5155	Oregon Department of Revenue	10-00-2005	766.99
08/22	08/25/2022	88908	4	Kayla Cain	10-00-2005	234.00
08/22	08/25/2022	88909	4	Jennifer Carr	10-00-2005	333.00
08/22	08/25/2022	88910	4	Chris Witt	10-00-2005	129.00
08/22	08/25/2022	88911	142	Tidewater Contractors Inc	51-00-2005	145,590.06
08/22	08/25/2022	88912	5992	Ziply Fiber	30-00-2005	186.01
Grand Totals:						<u>668,470.14</u>

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Recorder: \_\_\_\_\_

Report Criteria:

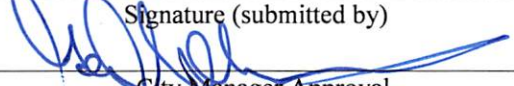
Report type: Summary

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 12, 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 awarded the 2022-23 Street Paving Projects to Tidewater at the August 22 City Council meeting. The project includes street paving on Alder Street, Memory Lane, Buena Vista Loop, Marine Drive and the first part of Mill Beach Road. Other projects included in the Tidewater bid are various street patching as well as the rehabilitation of the Kidtown parking lot at Azalea Park. Of these projects, Mill Beach Road, Marine Drive and Cottage Street will be the only projects completed before the November election. The remaining projects are on hold until the waterline projects are complete.

The Urban Renewal Agency funded Railroad Street Improvements are currently under construction and set to be complete by the end of September. The project has been moving along quite well even though during construction a degraded storm water pipe under Railroad Street was discovered and had to be replaced. Even with that wrinkle, the project has managed to stay on schedule. Something to note as both staff and contractors have noticed during construction is that Railroad Street has a considerable amount of traffic on it, perhaps due to the speed zone change on Chetco Avenue or the possibility that locals are using Railroad as a bypass to Chetco Avenue.

The Seacrest Subdivision on Seacrest Lane off of East Harris Heights is near completion. The multi phased project is entering its final phase as curb gutter, sidewalks and street paving are under way for phase three. Phase one and two of the project are complete and homes are already under construction. The project adds 42 residential lots complete with three new streets added to the streets inventory.

Attachments:

- a. Seacrest Subdivision Plat Map

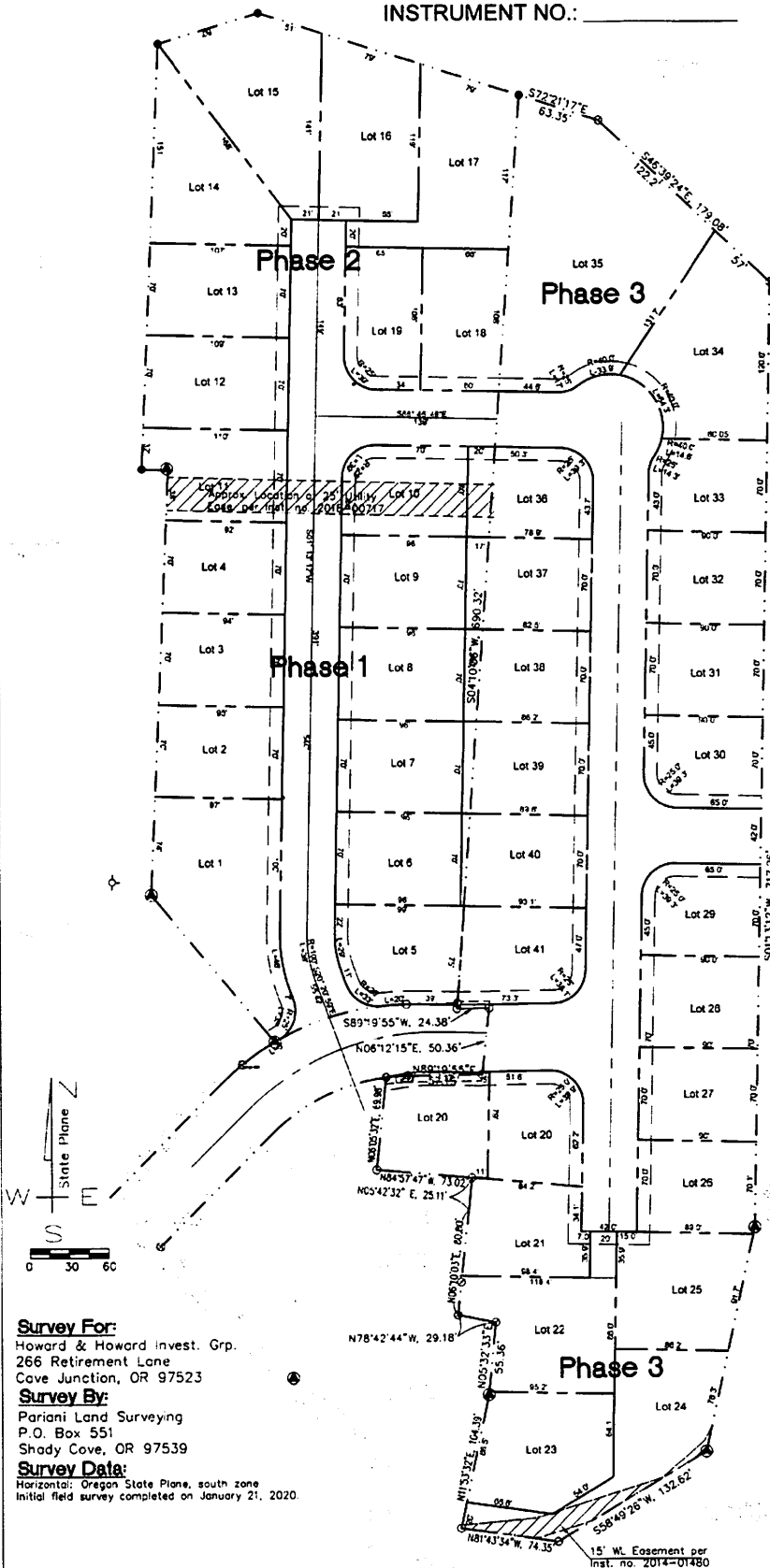
PLAT NUMBER: PRELIMINARY  
SUBDIVISION PLAT  
INSTRUMENT NO.: \_\_\_\_\_

## Seacrest Estates Subdivision Phase 3

Located at  
NE1/4 Section 08, Township 43 South, Range 14 West,  
W.M., Curry County, Oregon

### LEGEND:

- ① Found 3" Brass Cap per F.S. 11857
- ② Found 5/8" Rebar w/ Cap Marked "ROBERTS  
PLS2730" per F.S. 40-1060 or as noted
- Found 3/4" Iron Pipe per F.S. 40-261
- ③ Found 5/8" Rebar w/ Cap Marked "LS 2009" per F.S. 2003-10
- ④ Found 5/8" Rebar w/ Cap Marked "PLS 1027" per F.S. 1907-18
- Set 5/8"x30" Rebar w/ Cap Stamped "PARIANI PLS 51382"
- F.S. Field Survey Number Curry County Surveyor's Office
- Right of Way / Boundary Lines
- - - Easement Lines
- Adjoining Lot Lines



Seacrest Estates Subdivision - Phase 3

## Pariani Land Surveying

17 South Platt Avenue, Suite C  
Eagle Point, OR 97524  
541-890-1131

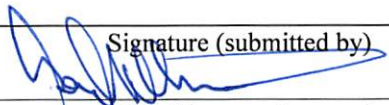


# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 12, 2022

Originating Dept: PW/DS

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

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Subject:

Land Development Code Revisions – Marijuana Retail Facilities

Recommended Motion:

Adopt Ordinance 22-O-800 amending Brookings Municipal Code Chapter 17, amending Chapter 17.08 Definitions, 17.48.040, 17.56.040 and 17.56.040 Conditional Uses, 17.82 Uses Prohibited in all Land Use Districts, 17.88.040 Exempt Signs and 17.124 Specific Standards Applying to Conditional Uses.

Background/Discussion:

ORS 475C.499 provides that cities and counties may regulate marijuana facilities by imposing reasonable restrictions on hours of operation, location, and manner of operation of recreational marijuana producers, processors, wholesalers and retailers.

Staff received direction from City Council at the joint workshop meeting with the Planning Commission held on June 20, 2022 to prepare revisions to the Brookings Municipal Code placing restrictions on new marijuana businesses by requiring a Conditional Use Permit to operate as well as prohibiting the manufacturing of cannabinoid concentrates in the City. Additional regulations are proposed for exempt signs restricting the content displayed to only the title of the business, location, and hours of operation on sandwich board signs.

Staff presented proposed code amendments to the Planning Commission on August 2, 2022 and they approved LDC-2-22 with a recommendation to Council for adoption of ordinance 22-O-800.

Staff recommends adoption of ordinance 22-O-800 amending Brookings Municipal Code Chapter 17, amending Chapter 17.08 Definitions, 17.48.040, 17.56.040 and 17.56.040 Conditional Uses, 17.82 Uses Prohibited in all Land Use Districts, 17.88.040 Exempt Signs and 17.124 Specific Standards Applying to Conditional Uses.

Attachment(s):

- a. Ordinance 22-O-800

**IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON  
ORDINANCE 22-O-800**

**IN THE MATTER OF ORDINANCE 22-O-800, AN ORDINANCE AMENDING THE BROOKINGS MUNICIPAL CODE CHAPTERS 17.08 DEFINITIONS, 17.48.040, 17.52.040 AND 17.56.040 CONDITIONAL USES, 17.82 USES PROHIBITED IN ALL LAND USE DISTRICTS, 17.88.040 EXEMPT SIGNS AND 17.124 SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES.**

**Sections:**

- Section 1. Ordinances Identified.
- Section 2. Amends Chapter 17.08.130 M Terms
- Section 3. Amends Chapter 17.48.040, 17.52.040 and 17.56.040 Conditional Uses
- Section 4. Amends Chapter 17.82. Uses Prohibited in all Land Use Districts
- Section 5. Amends Chapter 17.88.040 Exempt Signs
- Section 6. Amends Chapter 17.124 Specific Standards Applying to Conditional Uses
- Section 7. Amends Chapter 17.124 Specific Standards Applying to Conditional Uses by adding 17.124.240 Recreational and Medical Marijuana Retail Facilities.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends the Brookings Municipal Code Chapter 17.08 Definitions, Chapter 17.48.040, 17.52.040 and 17.56.040 Conditional Uses, Chapter 17.82 Uses Prohibited in all Land Use Districts, Chapter 17.88.040 Exempt Signs and Chapter 17.124 Specific Standards applying to Conditional Uses.

Section 2. Amends Chapter 17.08.130 M Terms to read as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

Section 3. Amends Chapter 17.48.040, 17.52.040 and 17.56.040 Conditional Uses to read as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

Section 4. Amends Chapter 17.82 Uses Prohibited in all Land Use Districts by adding Chapter 17.82.020(B) to read as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

Section 5. Amends Chapter 17.88.040 Exempt Signs, 17.88.040(R)(1) Sandwich Board Signs to read as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.



Section 6. Amends Chapter 17.124 Specific Standards Applying to Conditional, 17.124.010 Day care and nursery schools. to read as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

Section 7. Amends Chapter 17.124 Specific Standards Applying to Conditional Uses by adding Chapter 17.124.240 Marijuana Retail Facilities to read as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

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 Pro Tem Gary Milliman



## EXHIBIT A

### Changes to BMC:

(additions are **bold and underlined**, deletions are ~~**bold and underlined**~~)

### Chapter 17

### LAND DEVELOPMENT CODE

#### 17.08.130 M Terms

**“Marijuana Retail Facility” means a facility for selling marijuana to consumers.**

#### 17.48.040 Conditional Uses

**(KK) Marijuana Retail Facility**

#### 17.52.040 Conditional Uses

**(P) Marijuana Retail Facility**

#### 17.56.040 Conditional Uses

**(V) Marijuana Retail Facility**

#### 17.82 Uses Prohibited in all Land Use Districts

#### **17.82.020(B) Manufacturing of Cannabinoid Concentrate**

**B. A facility where Marijuana is used to manufacture Cannabinoid Concentrate.**

#### 17.88 Exempt Signs

#### 17.88.040(R)(1) Sandwich Board Signs

**E. Signs shall only display business title, location, and hours of operation.**

17.124 Specific Standards Applying to Conditional Uses

17.124.010 Daycare or nursery schools.

**F. Shall not be allowed within 500 feet of a Marijuana Retail Facility.**

**17.124.240 Marijuana Retail Facilities**

- A. **Shall not be allowed within 1000 feet of any school, public or private.**
- B. **Shall not be permitted within 1000 feet of another marijuana facility.**
- C. **Shall not be located within 500 feet of a library.**
- D. **Shall not be located within 500 feet of a daycare facility.**
- E. **Shall not be located within 500 feet of city parks.**
- F. **Shall not be located adjacent or affronting a residential zone.**
- G. **Shall not be located within 250 feet of an existing ground floor residence in a C3 – General Commercial District.**
- H. **Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the facility is prohibited.**
- I. **Shall be located entirely within a permanent building and may not be located in a trailer, cargo container, motor, or recreational vehicle.**
- J. **Outdoor storage of merchandise, raw materials, or other material associated with the facility is prohibited.**
- K. **No marijuana or paraphernalia product display windows facing the public shall be displayed from the outside of the licensed premises, including views through doorways, windows, and other openings.**
- L. **Must utilize an air filtration and ventilation system that, to the greatest extent feasible, confines all marijuana-related odors within the facility.**
- M. **Sandwich board signs displayed in the right of way (ROW) for Marijuana retail facilities subject to the provisions of Chapter 17.88 Sign Regulations.**
- N. **No minors shall be allowed in the Marijuana retail facility.**
- O. **Facility hours of operation are limited from 7:00 am to 10:00 pm, seven days a week.**

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 12, 2022

Originating Dept: City Manager

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

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Subject:

Psilocybin Ordinance

Recommended Motion:

Adopt uncodified Ordinance 22-O-801, declaring a prohibition on psilocybin product and manufacturers and psilocybin service center operators within the jurisdiction of the City of Brookings, Oregon until December 31, 2024 only upon voter approval on the November 8, 2022 General Election.

Background/Discussion:

Measure 109 allows for the manufacture, delivery, and administration of psilocybin at license facilities. The Oregon Health Authority has initiated a rulemaking process to implement the states psilocybin's regulatory program and intends to begin accepting application for psilocybin-related licenses on January 2, 2023.

Council voted to adopt Resolution 22-R-1233 placing a measure on the November 8, 2022 election ballot prohibiting the manufacture and service centers for a two-year moratorium period at the August 8, 2022 City Council meeting.

The attached Ordinance is the counterpart to the Resolution, it further stipulates the Ordinance will take affect only if a majority of the city electorate voting in the general election vote in favor of declaring prohibition on psilocybin product manufacturing and service centers within the City of Brookings for a length of 2 years effective December 31, 2022.

Attachment(s):

- a. Ordinance 22-O-801

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 22-O-801**

**IN THE MATTER OF ORDINANCE 22-O-801, AN UNCODIFIED ORDINANCE DECLARING A PROHIBITION ON PSILOCYBIN PRODUCT MANUFACTURERS AND PSILOCYBIN SERVICE CENTER OPERATORS WITHIN THE JURISDICTION OF THE CITY OF BROOKINGS, OREGON UNTIL DECEMBER 31, 2024 ONLY UPON VOTER APPROVAL ON THE NOVEMBER 8, 2022 GENERAL ELECTION.**

Sections:

- Section 1. Ordinance identified.
- Section 2. Explanation.
- Section 3. Effective Date.

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

Section 1. Ordinance Identified. This ordinance Operative December 31, 2022, only upon voter approval of the City's Measure prohibiting until December 31, 2024 the sale and establishment of certain psilocybin activities in the area subject to the jurisdiction of the City.

Section 2. Explanation In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified as ORS chapter 475A), which allows for the manufacture, delivery, and administration of psilocybin at licensed facilities

ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services in the state.

The Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023.

Under Measure 109, cities 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 to this measure to prohibit until December 31, 2024, such uses in Brookings City limits to the voters.

Section 3. Effective Date

Subject to approval by the voters of the City of Brookings on November 8, 2022 General Election Ballot, psilocybin product manufacturers and psilocybin service centers shall be prohibited within the City of Brookings' jurisdictional boundaries until December 31, 2024.

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

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

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

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

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