

## Clash: Company invested tens of thousands of dollars in patio upgrades

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the restaurant, yet to be collected.

Neighboring property owner Nick Sears said the restaurant continues to operate despite the city's order, failed to go through the Design Review Board process and is violating the city's noise ordinance.

The Cannon Beach Municipal Code classifies family dwellings as "noise sensitive" areas and Sears said he was able to demonstrate to city officials with a sound-level meter that the Wayfarer exceeds those limits.

Martin Hospitality President Ryan Snyder said the Wayfarer did receive approval through the proper channels — city code allowing minor modifications without Design Review Board approval — and will not stop using the new patio.

Snyder said they're moving forward with initial approval — even with the threat of fines — because the company has invested tens of thousands of dollars in outdoor patio upgrades.

Sears said he understands the restaurant owners' frustration after investing the money on patio improvements. Nevertheless, he said the Wayfarer is violating municipal code and "completely disregarding my property rights."

### The letters

The city's letter to Martin Hospitality cited two factors for revocation of the outdoor patio license: the city's failure to review the proposal against screening requirements and Martin Hospitality's failure to implement the plans as approved.

A privacy screen was not installed and removal of shrubbery along the south property line was not approved, the letter stated.

Sears added that a concrete patio less than two feet from the shared property line replaced what was once hedge and grass, providing visual and sound buffers between the two properties.

The patio, adjacent to the main living area and ocean front yard, has ruined his view, he said. When he purchased the property in 2008, the restaurant had a small wood patio on the side of his property and seated 20. The wood patio and seating remains, with an additional patio area with a 50-diner capacity.

"The negative impact of the new patio on my property is substantial," he said. "I lost the landscape buffer that previously existed, I lost all visual privacy. Imagine being 1 1/2 feet away

from a 50-person outdoor restaurant where everybody is looking through your yard to see Haystack Rock. The noise generated by the new patio when it is in use can be heard inside my house even with the windows closed."

He called Martin Hospitality's response "arrogant" and said the new patio is preventing his duplex from being sold at full-market value.

"I understand when people disagree with a decision," Sears added. "I disagreed with the decision to approve the new patio, but as a law-abiding citizen, I had to live with its existence until the city had time to review my complaint and take action. They are intentionally taking the value of my property for the profit of their business."

### Peak season profits

In a second letter sent July 24, the city followed up on its July 2 correspondence, asking the Wayfarer not to seat anyone on the new patio until proper approval was given.

City Manager Brant Kucera warned Martin Hospitality the restaurant would be in violation of municipal code and fined \$400 per day beginning July 27 if it didn't stop using the outdoor patio.

Snyder said the company received the city's letter in early July and did not receive a date to appear on the Design Review Board agenda until September, despite a request to be heard at the board's August meeting.

The company is willing to go through the Design Review Board process, he noted, but has no plans to curtail use of the new outdoor patio in the meantime. Every day the patio would be closed, Snyder said, would result in lost revenue, particularly during busy summer months.

Martin Hospitality will "not allow that to happen," he said.

He added that the restaurant has been in the same location since 1977, with a patio since 1997, so Sears knew what he was getting into when he bought a property next door.

"I think the complaint is self-serving," Snyder said.

Sears called the dispute between himself and Cannon Beach's largest employer a "David and Goliath" one.

Even if police enforce the city's fine, Sears said, a court may ultimately decide whether Martin Hospitality pays or not.

The Design Review Board will examine the Wayfarer's patio plans later this month.

## LNG: Astoria resolution describes project as a threat to health, safety

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The resolution depicts the project, which involves a terminal on the Skipanon Peninsula and an 87-mile pipeline to a natural gas line in Washington state, as a threat to health and safety and the environment. Mayor Arline LaMear and City Councilor Cindy Price timed the resolution to influence the decision in Warrenton and the public hearings later this month on the Federal Energy Regulatory Commission's draft environmental review of the project.

The development permits in Warrenton are among several local, state and federal regulatory approvals Oregon

LNG must win for the project to advance.

Price hopes the city's resolution sends a message to Gov. Kate Brown, U.S. Sen. Ron Wyden, D-Ore., and other elected officials about the degree of community opposition.

"We need to let them hear from Astoria," Price said, "and I'm very happy that we will."

City Councilor Russ Warr, who voted against the resolution, questioned whether the city has proven that the project is a risk to health and safety and the environment.

Warr warned that the resolution could have an impact on Astoria's relationship with Warrenton. "I think we should

think about that," he said. "We're going to need them for a long, long time. And when we act in our own interests, we don't want people objecting to what we're doing."

"I think we should give them the same consideration." Price said the resolution is not "anti-Warrenton."

"Our purpose here tonight is to stand up for our constituents, who have asked us over and over again and have gone to every hearing for 10, 12 years, to say a resounding 'no,'" she said.

### 'Respect the city'

Kujala said he respects the ordinances, codes and standards of other municipalities, including Astoria's, "and I

would ask that Astoria elected and appointed officials respect the city of Warrenton's process as well."

"I think we've worked well together — Warrenton and Astoria and Clatsop County — on issues regarding (Federal Emergency Management Agency) flood plain mapping, and I think there's a lot of opportunities for us to work together in the future," he continued. "However, I'm confident that this City Commission will make the best decision for what is in Warrenton's best interest, first and foremost, and we will be regarding the application's consistency with the Warrenton ordinances, codes and standards that we have in place."

## Students: Warrenton offered full-day kindergarten before a similar state mandate

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over, in two portable buildings purchased by the district to meet the needs of its booming enrollment. Kindergarten classes in Warrenton, usually with 60 to 70-plus students, have jumped to 100, 80 and 108 over the last three years.

Part of the increase was Warrenton's offering full-day kindergarten several years before a similar state mandate. Kindergarten enrollment is back down to 75 so far this year, as other schools offer full-day programs. But Superintendent Mark Jeffery said he has researched Warrenton-Hammond's birth rates and can't find a correlation with the growth in enrollment.

"Because of the affordability of our land, we tend to attract younger families," Jeffery said.

Warrenton High School lost 23 students between 2006-07 and last year. For the past few years, Jeffery said, the majority of students Warrenton lost transferred to Astoria, a trend he said the district has cut down by improving its programs and people's perception of the district.

### Urban migration

"I came here in 1996, and we had 200 kids per class," Hoppes said of Astoria. "It's gone down quite a bit."

Astoria consolidated into its four main schools in the early 2000s, a move Hoppes said mirrored what other districts did during the most recent recession to save money. Up and down the Oregon coast, he said, has seen a drop in enrollment since the 1990s.

While cautioning he doesn't have any proof, Hoppes said the enrollment trends point toward a migration from rural to urban Oregon by families seeking better job opportunities.

"It would be interesting



Edward Stratton/The Daily Astorian

Students arrive Tuesday morning for the first day of the year at Astoria High School. The student population has dropped by 20 percent between 2008 and 2014.

to analyze the effect of coming out of the recession and people being confident in finding employment in rural

areas," Jackson said.

Astoria School District can't control the affordability of housing or the economy,

Hoppes said. "All we can do as a district is continue to work to build quality programs."

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## Rentals: Offer to purchase college building was contingent on rezoning

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City planning staff found that converting the Josie Peper Building into a second home and vacation rental would not be any more intensive than the previous uses, including the law firm, which was improper for a residential zone. Planning staff determined that a zoning change to commercial might provide a market-driven incentive to invest and preserve a property the college has deemed surplus.

The Planning Commission voted 4-1 in July to recommend approval of the zoning change.

JoAnn Zahn, the college's vice president of finance and operations, told the City Council Tuesday night that the college had accepted a purchase offer for the Josie Peper Building in June contingent on the rezoning.

### 'Dangerous step'

Donna Quinn, who lives



Edward Stratton/The Daily Astorian

Clatsop Community College wanted the city to rezone the Josie Peper Building and the Performing Arts Center from high-density residential to general commercial. A prospective buyer wanted to use the Josie Peper Building as a second home and vacation rental.

on Franklin Avenue, is the director of sales and marketing at the Cannery Pier Hotel. She had submitted a petition to the Planning Commission from neighbors who opposed the zoning change.

Quinn framed the deci-

sion for the City Council as about protecting historic neighborhoods and not becoming an "absentee owner, vacation rental town."

She said the zoning change would be "a dangerous step in the wrong direction for Astoria."