

POINT of view

'How do you feel about flu shots?'



"I think people should get them, especially if they are over 50 or under 5. I know they don't always work, but compared to the flu, they are much better."

Clay Robinson, Asheville, N.C.



"I don't take them. I never have. I don't like shots, and everyone I've known who's taken one has gotten sick. I am not going to do it."

Jacque Pressly, Astoria



"I think they're a necessary evil."

Marilyn Burnam, Cathlamet, Wash.

Party barn?

Court decision stalls as state ruling delays resolution in Gearhart spat

By R.J. MARX
The Daily Astorian

GEARHART — The Neacoxie Barn battle is still being waged.

Marcia Harper of Seaside was called as a witness to Gearhart Municipal Court Monday night. She described a meeting with Neacoxie Barn owner Shannon Smith in which she sought a location for her grandson's wedding. Drawn by its nearby local and wide range of services, she contacted Smith. Rental of the barn for the event would cost a donation of \$2,400, she was told. As a North Coast resident, Harper could receive the "local rate" of \$2,100.

"Suppose I wanted to make a smaller donation, say, \$50?" Harper said she told Smith. "She said, 'That would not be acceptable.'"

The city presented Judge John Orr with evidence this and other recent events indicate the barn is being used illegally as a special event hall.

But complexities of a Land Use Board of Appeals ruling in April muddied the 4 1/2-hour court session and left a final decision weeks away.

Internet site, barter deals

For years, Smith and the city have been at odds over what the city says is the nonpermitted commercial use of the barn. Monday's hearing was only the latest in a round of court dates and council meetings roiling the city.

City officials say Smith continues to host special events and gatherings despite a lack of an active conditional use permit allowing commercial activities. After Smith was ticketed for using her barn for two weddings held this summer, she contested the \$500 citations — pleading not guilty to the charges — and brought the case to municipal court for hearing.

City Manager Chad Sweet testified the website www.neacoxiebarn.org listed the barn as "a place for your events," including corporate events, catering, and more, advertising about six events per month, with a photo gallery of past events.

Police Chief Jeff Bowman and Officer Ian Brown shared observations before the court on the nights in question, June 20 and Aug. 7. Brown estimated he saw at least 50 people at the Neacoxie Barn, although a beach use permit from the same wedding party indicated the number of guests could have been as high as 150.

Bowman said he had received similar reports of violations or activities at the barn at least six times within the past year.

Steve Osterlund, owner of Coastal Landscape in Gearhart and Seaside, described a wedding-for-landscape services barter deal at Neacoxie Barn. There was no cash fee, he said, but he provided several days of work and at least "one or two" employees at \$60 per hour in exchange for the wedding fee.

Seaside's Harper described her encounter with Smith when making preparations for her grandson's wedding. "I did an Internet search to find a business that had wedding venues in the area," Harper said.

Harper submitted a copy of an unsigned contract provided



EO Media Group/File Photo

Gearhart resident Shannon Smith has been trying for several years to renovate her historic livery for use as an events center.

by Smith. "She said, 'It's normally \$2,400, \$2,100 for locals,' and I was a local," Harper said.

When Harper offered to give Smith a check to book the facility, Smith insisted funds be deposited via PayPal.

Because of this and health and safety concerns, Harper chose another venue for her grandson's wedding, she said.

Land use decision could have relevance

An April decision by the state's Land Use Board of Appeals added a layer of confusion to the citation hearing.

The city presented arguments that Smith's conditional use permit had lapsed after several extensions over a period of several years.

Smith claimed that the conditional use permit is "what is called alive and valid upon remand"

Smith said a conditional use permit was still pending, and she could "trigger it" at any time by appearing before the city's Planning Commission. "LUBA has not put a time frame for me to do that," she said.

Smith said she declined further commission review because the political climate in Gearhart was "not right" for such a hearing.

"It's my understanding that I can wait to determine the political environment in my city, and LUBA could sit there and I could wait to trigger the actual hearing," Smith said.

Decision delayed

More than four hours after the start of the court hearing,

Orr postponed a decision, but not before laying out his thought process.

"At the end of the day, I'm looking at a properly admitted document that discusses a pretty active commercial event building and facility for weddings, vow renewals, corporate picnics, anniversaries, class reunions and family reunions," Orr said. "Not exactly in my mind as having a temperament of a residential quality. I'm also persuaded this is an ongoing commercial rather than residential quality because in the contract there was an evidence of discussion and negotiation between Marcia Harper and the defendant."

He said the landscaping trade with Osterlund "sounded like barter."

"He had to pay his employees. I assume they didn't do it for free," Orr said. "Just because money doesn't change hands, there's a trade. It does seem the defendant was running a business for profit."

Orr held the court record open for two weeks so legal arguments can be made regarding how the land use opinion "has significance or lacks significance in the court's accurate ruling."

"If the city didn't rule because it was waiting for the LUBA opinion to come back, and that acted to slow down Ms. Smith's permit or occupancy permit or request for a conditional use permit, I would need to know that," Orr said. "I want to make the right decision legally, as well as factually."

ACCUWEATHER® FORECAST FOR ASTORIA

Astoria 5-Day Forecast

Tonight
Cloudy with showers
54°

Thursday
Mostly cloudy with a passing shower
66° 52°

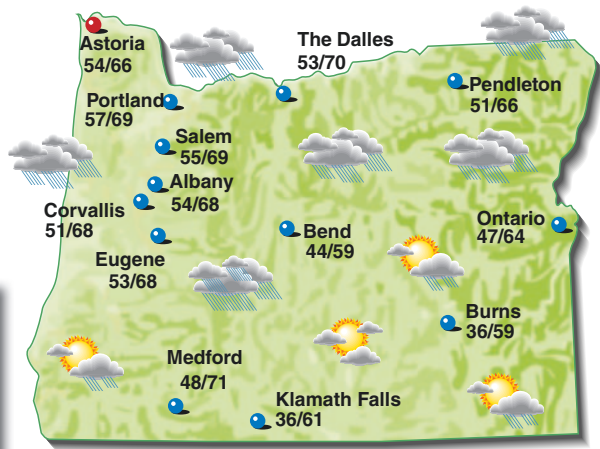
Saturday
Intervals of clouds and sunshine
70° 55°

Shown is tomorrow's weather. Temperatures are tonight's lows and tomorrow's highs

Friday
Mostly cloudy with a couple of showers
69° 52°

Sunday
Cloudy with a little rain in the afternoon
69° 54°

Oregon Weather



Forecasts and graphics provided by AccuWeather, Inc. ©2015

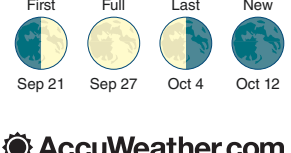
Almanac

Astoria through Tuesday.

Temperatures	
High	61°
Low	48°
Normal high	68°
Normal low	50°
Precipitation	
Yesterday	0.05"
Month to date	1.60"
Normal month to date	0.91"
Year to date	30.71"
Normal year to date	39.01"

Sun and Moon

Sunset tonight	7:26 p.m.
Sunrise Thursday	6:55 a.m.
Moonrise today	10:11 a.m.
Moonset today	9:05 p.m.



Regional Cities

City	Today			Thu.		
	Hi	Lo	W	Hi	Lo	W
Baker City	62	39	c	57	33	c
Bend	59	44	c	59	37	pc
Brookings	61	53	r	64	51	sh
Eugene	65	53	sh	68	48	sh
Ilwaco	63	56	sh	63	55	c
Klamath Falls	52	36	r	61	31	pc
Medford	63	48	r	71	46	pc
Newport	61	54	r	63	51	sh
North Bend	64	54	r	67	51	sh

Under the Sky

Tonight's Sky: Low in the west, the waxing crescent moon is above Spica.

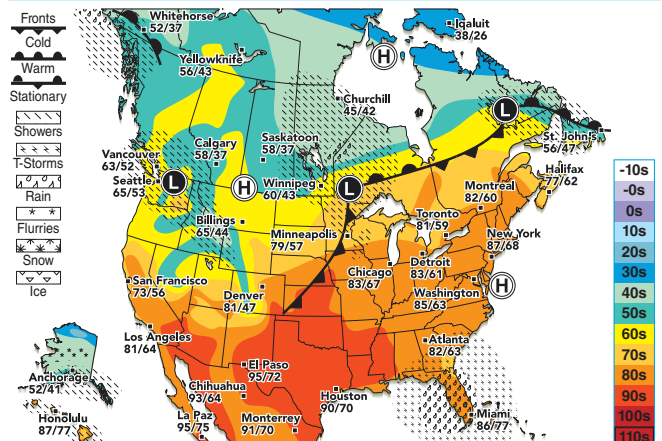
Tomorrow's Tides

Astoria / Port Docks			
Time	High	Time	Low
4:26 a.m.	7.0 ft.	10:14 a.m.	1.3 ft.
4:11 p.m.	8.0 ft.	10:50 p.m.	0.3 ft.

National Cities

City	Today			Thu.		
	Hi	Lo	W	Hi	Lo	W
Atlanta	79	62	pc	82	63	pc
Boston	81	64	s	83	64	s
Chicago	82	63	s	83	67	s
Denver	88	52	pc	81	47	pc
Des Moines	87	72	pc	89	64	t
Detroit	83	57	s	83	61	s
El Paso	95	72	s	95	72	pc
Fairbanks	49	39	sh	49	37	sh
Honolulu	88	76	s	87	77	c
Indianapolis	83	57	s	84	62	s
Kansas City	88	73	pc	89	70	pc
Las Vegas	88	65	pc	89	68	s
Los Angeles	77	64	pc	81	64	s
Memphis	89	68	pc	90	69	pc
Miami	87	77	t	86	77	t
Nashville	84	59	s	87	61	s
New Orleans	86	74	t	87	73	pc
New York	87	69	s	87	68	s
Oklahoma City	92	72	s	94	72	pc
Philadelphia	87	63	s	87	64	s
St. Louis	86	70	s	89	74	s
Salt Lake City	62	52	t	66	46	t
San Francisco	69	58	c	73	56	s
Seattle	67	55	c	65	53	sh
Washington, DC	85	63	s	85	63	s

Tomorrow's National Weather



Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day. Forecast high/low temperatures are given for selected cities. **Weather (W):** s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice.

Olney Grange barbecue this weekend

The Daily Astorian

OLNEY — The Olney Grange is holding its 56th annual pit barbecued beef dinner fundraiser from 12:30 to 5 p.m.

The menu also includes all the trimmings: baked potato,

green beans, coleslaw, tomatoes, roll, dessert and beverage. The cost is \$12 for adults and \$7 for children younger than 11. In addition, meat is available from the pit for \$8.50 a pound.

The Grange is located at 89342 Oregon Highway 202.

Proceeds from the barbecue

fundraiser go to hall maintenance, donations to community needs, and special projects. The grange is also working towards a new kitchen on the main floor, with plans for the kitchen to be available for community members to use for canning and other food preparation needs.

Lotteries

OREGON	WASHINGTON	Tuesday's Match 4: 03-10-12-17
Tuesday's Pick 4: 1 p.m.: 5-5-8-5 4 p.m.: 4-1-5-6 7 p.m.: 3-2-7-7 10 p.m.: 3-6-5-7	Tuesday's Daily Game: 9-8-9 Tuesday's Keno: 03-08-14-24-25-26-28-33-37-38-39-40-44-50-53-56-63-75-78-80	Tuesday's Mega Millions: 07-20-35-49-56, Mega Ball: 9 Estimated jackpot: \$15 million.

Public meetings

WEDNESDAY	THURSDAY
Seaside Tourist Advisory Committee, 3 p.m., City Hall, 989 Broadway, Seaside.	Seaside City Tree Board, 4 p.m., City Hall, 989 Broadway, Seaside.
Sunset Empire Park & Recreation District Board, 5:15 p.m., Bob Chisholm Community Center, 1225 Ave. A, Seaside.	Cannon Beach Design Review Board, 6 p.m., City Hall, 163 E. Gower St., Cannon Beach.
Astoria Planning Commission, 6:30 p.m., City Hall, 1095 Duane St.	

Birth

Sept. 1, 2015
TRUCKE, Elaine and Richard, of Seaside, a boy, Franklin Wolfgang Trucke, born at Columbia Memorial Hospital in Astoria. Grandmother is Jean Jardin of San Diego.

Death

Sept. 10, 2015
VAN BEEK, Thomas Jeffrey "Tom," 58, of Seaside, died in Seaside. Hughes-Ransom Mortuary in Seaside is in charge of the arrangements.

CLARIFICATION

Zoning reference — An editorial Monday on the Astoria City Council's review of the potential rezoning of the Josie Peper Building improperly referred to a bed and breakfast. Bed and breakfasts are conditional uses in high-density residential zones, which the building is now classified. Clatsop Community College had sought to change the zoning of the building to general commercial, which would have allowed a prospective buyer to use the property as a second home and vacation rental. The City Council rejected the request.

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The Daily Astorian publishes bed obituaries. The obituary can include a small photo and, for veterans, a flag symbol at no charge. The deadline for all obituaries is 10 a.m. the business day prior.

Obituaries will be edited for spelling, proper punctuation and style. Death notices and upcoming services will be published at no charge. Notices must be submitted by 9 a.m. the day of publication.

Obituaries and notices may be submitted online at www.dailyastorian.com/obituaryform, by email at ewilson@dailyastorian.com, placed via the funeral home or in person at The Daily Astorian office, 949 Exchange St. in Astoria. For more information, call 503-325-3211, ext. 257.

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