

Gearhart: A continuation of the hearing will be on May 12

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commission to compromise. “We don’t want to become the U.S. Congress,” Nichols said. Penny Sabol said the Gearhart comprehensive plan is a legally enforceable document. The document, dating to 1994, includes language stating “the city of Gearhart will preserve and maintain its predominantly residential character through appropriate zoning and land use regulations.”

Rick Sabol asked the commission to “do your jobs and interpret the plan correctly.”

Gearhart Golf Course Manager Matt Brown said short-term rentals depleted the availability of long-term rental homes, making it difficult for businesses to find employees.

Many employees must drive 45 miles away, he said, because of the lack of long-term rentals.

Others spoke of the noise and nuisance posed by short-term rentals and guests, and the risks to Gearhart’s residential character.

Jeanne Mark warned of the city “morphing into an all-out tourist destination.”

Wilson Mark added that the actions of 87 short-term rental owners — the number counted by the city in their inventory — “will likely kill the vibe and feeling Gearhart has. It will make Gearhart



Photos by Jeff Ter Har/For The Daily Astorian
Planning commissioners and members of the audience.



Members of the Gearhart Planning Commission listen to speakers at the public hearing on short-term rentals.

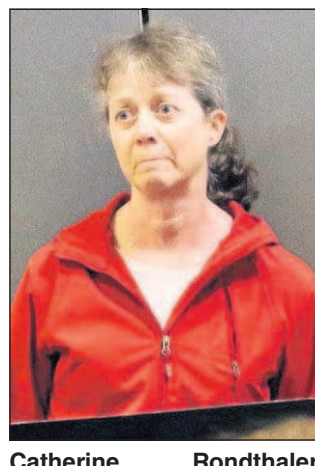
not a gem that it is, but something more generic.”

Bill Berg, author of the book “Gearhart Remembered: An Informal History,” and former mayor Kent Smith both spoke in favor of

adopting short-term rental regulations.

“I implore the Planning Commission to chomp down on regulations on this,” Smith said. “I want to make sure we enforce our zoning code.”

Carol Lucas, who lives along the heavily traveled Ridge Path, said short-term renters often woke her up or looked into her windows. “We need to have residential zones be residential



Catherine Rondthaler fights back tears as she tells commissioners she fears the loss of her Gearhart home if short-term rental regulations are put in place.

only,” she said, in advocating regulation.

License limit

Steve Weed, however, objected to the 35-license limit. “Thirty-five people will get golden tickets,” he said. “I can’t think of anything more ruinous to Gearhart than to do that.”

Property owners Bob and Clare Carson also balked at license limits, calling the number “arbitrary and capricious.”

“If you’re going to have regulations, they need to be equally applied,” Bob Carson said.

Those who are renting their homes are losing a right without receiving fair compensation, Carson added.

Attorney Dean Alterman of Portland, representing five

homeowners, warned of legal action and asked the city to “employ and enforce” existing codes rather than enact new ones. Others called it a “taking” — a government seizure of their property. “I will prosecute and defend my property rights,” David Remer said to applause.

Short-term rental property owner Marcia McLeary said she had “never had any problems” and always notified neighbors when hosting guests. “I urge you not to make it tough on us who make an effort and do everything by the book,” McLeary said.

Others urged the commission to consider evidence from both sides.

Marshall Leathers and others said the only way they could stay in Gearhart is to rent their homes.

Rule changes go “far beyond” common sense measures, he said.

Catherine Rondthaler fought back tears as she told the commissioners without the option of a short-term rental, “We would have to sell the house. To walk away from a beach house that’s been in my family for 50 years would break my heart.”

No action was taken at the meeting.

Planning commissioners agreed to keep the record open and welcomed submissions prior to a continuation of the hearing, scheduled for May 12 at the firehouse.

Smith: Her mental fitness to proceed is ultimately up to Judge Matyas

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Judge Matyas previously said in court that she has not observed any unusual behavior from Smith, but still appointed psychologist Brooke Howard to do an independent evaluation after considering a defense expert’s claims that Smith has severe mood changes, abstract thinking and reasoning and untreated mental health issues.

Howard determined Smith suffers from post-traumatic stress disorder, but could not conclude whether she is unable or unwilling to aid and assist in her defense.

In her report, Howard recommended Smith be sent to the state hospital for observation.

Both the prosecution and defense have also requested Smith be transferred to the state hospital, but under dif-

ferent terms. Clatsop County District Attorney Josh Marquis requested Howard re-evaluate Smith at the state hospital. Defense Lawyers David Falls and Lynne Morgan asked the court to send Smith for treatment, which would take much longer than an evaluation.

Marquis warned in court that if Smith is sent for an indefinite stay for treatment, the clock starts tick-

ing, and after three years the defense can move to dismiss the case.

Smith’s mental fitness to proceed is ultimately up to Judge Matyas.

The judge will use the report from a certified evaluator at the state hospital to help determine Smith’s mental state.

The report is expected to uncover whether Smith suffers from a mental disease

or defect, and if she is able to understand the nature of the court proceedings. If she is found to lack the fitness to proceed, the report will offer a recommendation for treatment and services to restore her capacity.

If the state hospital examination cannot be conducted due to Smith’s unwillingness, Matyas ordered, the report should offer an opinion as to whether the unwill-

ingness was a result of a mental disease.

Matyas further ordered that the report should not make findings or conclusions regarding Smith’s mental state during the alleged crimes.

Smith, 42, of Vancouver, Washington, is accused of murdering her toddler and attempting to kill her teenager at a Cannon Beach resort in 2014.

The trial is scheduled for June 2017.

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