Gearhart: Councilors split over competing state, local statutes

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Commissioners mined the request was inconsistent with the city's comprehensive plan and neighborhood commercial zoning.

"Further, there is no evidence of demand for the machines in the city's central core," commissioners wrote.

Lowenberg challenged the decision, disputing City Planner's Carole Connell's contention that lottery machines are not a use "devoted to the use of food while customers are seated at tables."

State versus local rules

Lowenberg closed the Gearhart Grocery in December and reopened doors as Gearhart Crossing in mid-March.

Lowenberg's appeal challenged the Planning Commission's denial of video lottery, contesting what he called "biased statements" and arguments against the machines by linking "gambling and drinking.'

"The denial does not appear to be based on any relevant fact, but rather on a prejudice against gaming and the people that participate in gaming," he wrote in his appeal.

In addition, Lowenberg told councilors the requirement for a conditional use made by the city "appears to be contrary to Oregon law."

After receiving a conditional use permit last year as a "neighborhood cafe," Lowenberg applied for and was granted a limited license from the Oregon Liquor Control Commission to sell beer and wine.

"The applicant's position is that video lottery machines are controlled by the state and that local regulations are preempted by state law," City Attorney Peter Watts said Wednesday.

This is where things start getting nuanced," Watts told councilors. "The OLCC says in order to get a video lottery machine, 'All we need is this permit.' You're precluded from prohibiting a use 're entitled under state law. We're at a very, very unique area of the law: the intersection of city code and city preemption."

Even if the council upheld the Planning Commission decision, "it does not mean he cannot have video lottery machines in his restaurant or neighborhood cafe," Watts said.

Armed with the limited license, the cafe could put the video lottery machines anywhere in the building, Watts said.



R.J. Marx/The Daily Astorian **Attorney Jeremy Rust and** Terry Lowenberg, owner of **Sum Properties and Gear**hart Crossing.

'Neighborhood character'

Faced with competing state and local statutes, councilors were split.

Jesse warned that if the council denied the machines, the city could find the machines placed in a more prominent location within the establishment.

"I voted for a neighborhood-friendly cafe and because our code doesn't identify a use for this, then I feel on the merits of what we have in front of us, I couldn't vote for it," Lorain said.

Brown said the downtown commercial zone was designed for nearby residents.

"If you don't even need our 'yes' or 'no' to have video poker, it doesn't matter how we vote," Brown said. "But strictly from the zoning standpoint, it's going to be hard for me to vote with the applicant based on that."

In casting his 'no' vote, Brown added: "It's hard for me to see a public need was proven."

Future enforcement?

For now, Lowenberg's decision whether to pursue video poker remains unclear, as he issued a blanket "no comment" to questions after the meeting.

'We believe that the conditional use is not required to install the lottery machines at this time," Jeremy Rust, Lowenberg's attorney, said at the meeting. "Based on our research, based on the state law, I don't think we need the city's approval to have the lot-

tery machines." If Lowenberg installs the machines, he may face city enforcement action.

"I think after this decision, I may be forced to," City Administrator Chad Sweet. "If he puts the video lottery machines in the middle of the room, he would potentially be in violation of a neighborhood cafe. If he were to put (the machines) in the back, I would cite local zone code and his conditional use permit."

Kansas City set for national WWI centennial observance

By JIM SUHR Associated Press

KANSAS CITY, Mo. — By design, World War I never strays from Matt Naylor's thoughts: His grandfather's wartime shaving kit is on display in his office where he oversees a museum in Kansas City, Missouri, dedicated to all things involving "The Great War.'

"I have a familial relationship with World War I that's very direct," said Naylor, whose father, after serving with the British during World War II, moved to Australia, where Naylor was raised and acquired his lasting accent. That lineage "is an important part of my

So it is little wonder that



Visitors look at memorial bricks after a Memorial Day observance at the National World War Museum at Liberty Memorial in Kansas City, Mo.

Naylor embraces today, when the National World War I Museum and Memorial he guides as president and CEO hosts a centennial observance of the day the U.S. begrudgingly waded into the global

conflict that President Woodrow Wilson had sought to

avoid. In the shadow of the hilltop site's 217-foot-tall WWI monument known as the Liberty Memorial Tower, foreign dignitaries were to join 3,000 onlookers who snapped up tickets for the daylong homage titled "In Sacrifice for Liberty

and Peace." The event on the grounds of the nation's official WWI monument was to feature an eclectic mix of patriotic music, some poetry, speeches and readings from the time America first

declared war on Germany. To Naylor, the event "is commemorating, not celebrating" the moment when the U.S. trudged off to war at a time tanks and air combat were new.

By the time American military muscle helped vanquish Germany and the conflict ended in 1918, more than 9 million people were lost to combat, some 116,000 of them Americans.

Schools: 'We're going to protect our kids'

Continued from Page 1A

in Knappa. The individual is a Mexican national with a conviction for cocaine possession.

President Donald Trump wants to increase deportations as part of a crackdown on illegal immigration, but some public officials have been critical of the federal government's

Washington State Supreme Court Chief Justice Mary Fairhurst in March told ICE she was troubled by enforcement actions near courthouses. U.S. Sen. Ron Wyden and U.S. Sen. Jeff Merkley, Democrats from Oregon, have co-sponsored a bill that would codify rules that require immigration agents to get approval from a supervisor before conducting operations at schools, hospitals, churches or other sensitive locations. A House version of the bill, sponsored by U.S. Rep. Suzanne Bonamici, D-Oregon, would expand the policy to courthouses.

'We're trying to get families ready," Cindy Guzman, the Ocean Beach School District's

migrant student advocate, said at the Ilwaco meeting. "I hear a lot of worries from kids that they're going to come home from school and mom and dad won't be there."

Plans and paperwork

Guzman passed out thick packets of information in English and Spanish. She advised parents to fill out forms and have them notarized to leave legal instructions for the care of their children in case their family is split up.

"Parents have been very emotional," Guzman said. "It's

hard to witness.' She urged them to make sure their children know where to find emergency contacts and important documents, such as passports, birth certificates, immunization records and Social Security cards. Guzman gave out the forms needed to get those documents and told parents they can go to the district office or a local credit union to have paperwork notarized for free.

provided other She resources, including informaand what to do during a raid or after an arrest.

tion about immigrants' rights

Afraid of authorities

People do not have to fear being reported to immigration by local law enforcement or school officials, Guzman said. She assured parents it's safe to let their children go to class and call police if they need help. Local authorities in Wash-

ington state do not ask people to show proof of immigration status, she said. Schools do not help federal agents with deportations. Ilwaco High Principal

David Tobin said he has no intention of turning students over to immigration.

"We're going to protect our kids," he said.

Here to help

Leaders with nonprofit, church and political groups at the meeting joined educators in trying to show immigrants how to get the support they need.

Ricky Holmes said he's New Life Church.

seen how the federal crackdown has hurt immigrant families through his work with the nonprofit Coastal Community Action Program.

"It's a tragedy," he said. "We want to help people." Immigrants don't have to

be afraid to ask for support from the program that works with people who have low incomes in Pacific and Grays Harbor counties, Holmes said. Identification is not required to sign up for services and case workers can use numbers instead of names to keep client records confidential.

Guzman asked people to share what they learned at the meeting with others and encouraged them to take emergency forms for families who might need them.

"With this president, we don't know what's going to happen," she said.

ICE and U.S. Citizenship and Immigration Services officials are expected to provide more information during a meeting scheduled from 4 to 6 p.m. on May 4 at Ilwaco's

Lawmakers back accountability measures for ODOT

By PARIS ACHEN

Capital Bureau

SALEM — A group of lawmakers has recommended restoring authority over the state transportation director to the Oregon Transportation Commission.

The authority now rests

with the governor. The recommendation was one of several intended to boost accountability for the use of taxpayer dollars in the event that lawmakers pass a transportation package this session.

The transportation package would infuse hundreds of millions of dollars for projects into the Department of Transportation's budget.

"In this era where we are right now where trust in government is low, accountability is a really important issue, and it's a worthwhile challenge," said Susan Morgan, a lobbyist with the Association of Oregon Counties and a former OTC commissioner. "Our citizens want to know what their transportation dollars are spent on and how that spending is impacting the condition of the infrastructure."

The five lawmakers who made the recommendations belong to an accountability subgroup of the Legislature's Joint Committee on Transportation Preservation and Modernization.

The larger 14-member committee is charged with crafting the transportation package. Legislative leaders hope to pass the package during the 160-day session, which began Feb. 1 in Salem.

"I am of the opinion that from this point forward, we go down a list and start crafting a draft bill, ... then then we amend it, ... do whatever it takes," said Rep. Andy Olson, who led the accountability subgroup.

Another key recommendation would create a website dashboard, featuring a road map, where the public could follow the cost and progress of projects.

THE DAILY **ASTORIAN**



Evening listings **THURSDAY**

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