

# THE DAILY ASTORIAN

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ONE DOLLAR

## Gearhart video poker to see replay

### Council to reconsider Gearhart Crossing plan

By R.J. MARX  
The Daily Astorian

GEARHART — The Gearhart City Council will take another look in July at their decision to deny a license for video poker at Gearhart Crossing.

“You’re looking at your code, looking at the definition for a ‘neighborhood cafe’ and interpreting your code whether it allows for a separate room for video lottery machines or not,” City Attorney Peter Watts said at a meeting Wednesday.



Terry Lowenberg

In January, Terry Lowenberg went before the Planning Commission seeking a permit to install video lottery machines in the brew pub, a move, he said, is essential for the pub’s future profitability.

Lowenberg said the machines — four to start, with a maximum of six — placed in an enclosed area next to the deli separated by an 8-foot wall, would help the brew pub survive economic hardship in winter months.

The Planning Commission denied the permit and the City Council upheld the denial, citing concerns about maintaining the neighborhood character and saying there was no proven need for the machines at the pub.

Lowenberg and his lawyers believe the city’s denial ignores state law and that Lowenberg does not need the city’s approval to install the machines.

Lowenberg appealed the council’s ruling to the state Land Use Board of Appeals.

The matter returned to the local level at a special meeting in May when the city chose to bring the application back for reconsideration.

### Testimony

The July 5 hearing will include testimony already on the record, along with additional requests for information.

Watts said he expected future discussion to center on whether state law prevented the city from prohibiting video machines.

Testimony could also turn on whether a conditional use permit for lottery machines is required by state law.

Mayor Matt Brown said he sought information as to whether state law trumps the city’s land use decision.

Councilors will also seek to determine if a conditional use permit is even necessary at Gearhart Crossing, as that use may be automatically granted in conjunction with a liquor license.

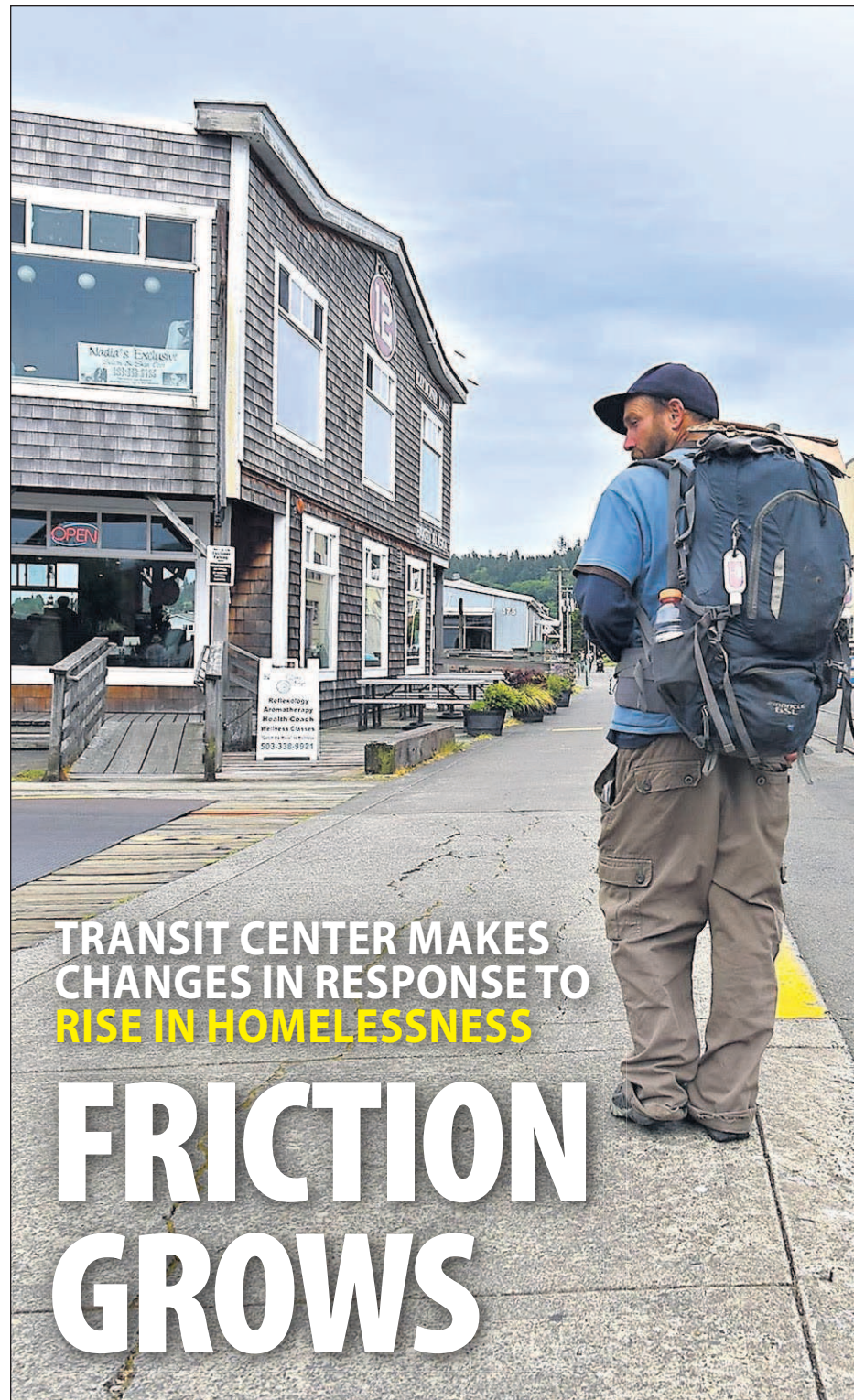
Watts said Lowenberg attorney Greg Hathaway had requested the July date for discussion, which is within the 90-day time frame required for the city’s decision.

Anyone who is party to the appeal is free to testify, Watts said.



R.J. Marx/The Daily Astorian

The new look at the Gearhart Crossing Pub & Deli.



TRANSIT CENTER MAKES CHANGES IN RESPONSE TO RISE IN HOMELESSNESS

## FRICTION GROWS

Colin Murphey/The Daily Astorian

Authorities have reported a rise in the population of people in the area temporarily without shelter or transportation. Some businesses are making changes to cope.

By JACK HEFFERNAN  
The Daily Astorian

Kent Birdeno sat in his office and stared out at one of the sidewalk garbage cans that sport drawings of fish on the side.

“Hardly a day goes by where I don’t see people go pick through it, sometimes eat out of it,” he said.

Birdeno owns Commercial Adjustment Co. on the corner of Ninth Street and Marine Drive, directly across the street from the Sunset Empire Transit Center. He said people who appear to be homeless often gather behind the building and leave their trash, forcing him to pick up cans and bottles on a weekly basis.

“They keep leaving their little nest behind,” he said.

In the near future, Birdeno hopes to install a surveillance system for some peace of mind.

Others in Astoria have also been making adjustments as encounters with the homeless increase. Clatsop Community Action, a nonprofit that helps homeless people find resources such as food and housing, saw a more than 50 percent surge from 2015 to 2016. The statistics covered people who were not living in a residence or homeless shelter, just those who were out on the street.

Much of the friction with the homeless community has stemmed from issues caused by a small but growing number of people who stay in the area on a temporary basis without shelter.

“We have seen a lot of new faces,” Astoria Police Deputy Chief Eric Halverson said. “We’ve always had a transient population, but I don’t remember the numbers being this high.”

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**‘We have seen a lot of new faces. We’ve always had a transient population, but I don’t remember the numbers being this high.’**

Eric Halverson  
Astoria Police deputy chief

## Port’s Knight points finger at Hunsinger for complaint

### Commissioner denies that he turned staffer in

By EDWARD STRATTON  
The Daily Astorian

In the latest example of the acrimony between the Port of Astoria staff and certain commissioners, Port Executive Director Jim Knight has accused Port Commissioner Bill Hunsinger of making an anonymous complaint against a Port staffer to the Oregon State Bar.

Port Property and Contracts Director Shane Jensen, who is studying to be an attorney, is being investigated by the state bar’s unlawful practice of law committee after an anonymous complaint late last year. The complaint stemmed from a November memo written by Jensen about the legality of electing alternate members to the Port’s Budget Committee.

Pressed by Port Commission President Robert Mushen in February, Hunsinger and the other commissioners denied any involvement in the complaint. But in an email to the Port Commission last month, Knight said the identity of the person behind the complaint was no longer in question.

Knight said a letter from the state bar to Jensen has “comments from Commissioner Hunsinger that accuse Shane of providing false and misleading legal advice.”

In a letter to Hunsinger, state bar investigator Morad Noury thanked Hunsinger for contacting him in February and expressing his willingness to contribute to the investigation. In a letter to Noury, Hunsinger talked about his concerns over Jensen presenting himself as a source of legal advice for the Port in several matters. Nothing in the letters, however, identifies Hunsinger as the source of the original complaint against Jensen.

In a response to Noury, Jensen said he prepared the memo under the supervision of and review by attorney Eileen Eakins, hired earlier this year as the Port’s general counsel.

“I truly believe that at all times, I conducted myself appropriately as an employee of a local government entity in the State of Oregon,” Jensen wrote Noury about the various allegations against him. “Sometimes, being an employee of a local government means using words that are also used by lawyers. There is a big difference, however, between using words sometimes used by lawyers in the context of commercial business decisions on the one hand and what can fairly or reasonably be called the unauthorized practice of law on the other.”

The investigation has since been assigned to a state bar committee member, who is expected to produce a report early next month.

### Paying for defense

Knight said Jensen is hiring an attorney in response to the investigation, and that the Port will cover his legal expenses because the complaint came from a commissioner.

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Bill Hunsinger



Jim Knight

## Tenant protections bill in peril in Oregon Senate

By PARIS ACHEN  
Capital Bureau

SALEM — A tenant protections bill that would outlaw no-cause evictions may be in peril in the Senate.

Despite several changes to address the most controversial aspects of the bill, the legislation lacks enough votes in the Senate to pass, according to several people familiar with the issue.

“We are still working on it. We are meeting with the no votes and seeing what can be changed in the bill to get it off the floor,” said state Sen. Laurie Monnes Anderson, D-Gresham, a chief sponsor of the bill.

The bill, championed by House Speaker Tina Kotek, D-Portland, passed the House of Representatives 31-27 April 4, with no votes from all Republicans and a handful of Democrats.

The Senate Committee on Human Services last month

stripped away some of the most controversial provisions of the bill — including lifting a ban on local rent control ordinances — in an attempt to garner support for the legislation.

The bill still calls for outlawing no-cause evictions and requiring landlords with more than five units to pay a month’s rent to a tenant when the tenant is forced to move out because the landlord is changing the property’s use, renovating, demolishing or moving in.

### Reasons vary

Senate Majority Leader Ginny Burdick, D-Portland, has been spearheading negotiations on the bill, which is in front of the Senate Rules Committee.

“This is an important issue in Portland. At this point, I believe there still is a pathway to get a bill to protect tenants,” Burdick said.



Ginny Burdick



Laurie Monnes Anderson



Tina Kotek

**LEGISLATIVE ACTION**

What can YOU do?

Take action to support Oregon House Bill 2004, which ends no-cause evictions in Oregon and repeals the ban on rent control. (The Portland can call, similar one established policy.)

Actions you can take RIGHT NOW:

Call Oregon Democrats who have not committed to supporting this bill and have them a voice! NOW!

Text: “I’m calling to show my support for HB2004, because no-cause evictions are harmful, discriminatory, and not having rent control isn’t working.”

Clicker links/info for the statewide campaign:

- ▶ PMO your legislators: text your zip code to 320-200-2223
- ▶ CALL them every day to tell them to support HB2004
- ▶ TEXT Rent2Right to 44499 to receive urgent action alerts
- ▶ FOLLOW Oregon Tenants United: <https://www.facebook.com/OregonTenantsUnited>
- ▶ TELL YOUR FRIENDS!

**RENTERS ARE WATCHING**

**PORTLAND TENANTS UNITED**

Capital Bureau

The Senate lacks votes to pass the tenant protection bill, but the Senate Rules Committee is working on changes to try to garner more “yes” votes.

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