

# Pot retailers eye Cannon Beach

New stores dealing with ownership, design challenges

By **BRENNA VISSER**  
The Daily Astorian

**CANNON BEACH** — As Five Zero Trees eyes a soft opening in a few weeks, two other marijuana retailers have also been working to establish a presence in the city.

Oregrown Inc. co-founder Aviv Hadar said the Bend-based retailer still has intentions to open a store at the location of Purple Moon Boutique on Hemlock Street. He and the other founders of the company have “struck a deal” with build-

ing owner Gene Cope to purchase the property.

The team had its designs approved by the Design Review Board this summer and is in the process of obtaining a license from the Oregon Liquor Control Commission. The store opening will depend on when Abbas Atwi, the owner of Purple Moon Boutique, is ready to go, Hadar said.

“We’re going to let this play its natural course,” Hadar said. “When we do something it’s very methodical. Every little tiny nook and cranny needs to be perfect and thought out. If it takes a year to get the place open, so be it.”

Atwi declined to comment.

Daryl Bell’s plans to open a marijuana store at 3115 S. Hemlock St. in Tolovana, however, are stalled. The Design Review

Board rejected his application Thursday because it lacked detail and failed to address parking issues board members cited two months ago at his last hearing.

The parking spaces are drawn onto the city’s right of way, City Planner Mark Barnes said, and would need to be redesigned in order to be in compliance.

“The parking situation at this location is something that would need to be addressed for anyone with commercial use,” Barnes said.

Nancy Benson, operations manager of PPC Holdings, represents Bell and said that redesigning the parking layout was too costly to do in the time allotted. But they intend to reapply to the Design Review Board in the future.

“We’re still hoping to open at that location,” Benson said.



Joshua Bessex/The Daily Astorian

**A Portland hotelier plans to take over the Astoria Riverwalk Inn after prevailing in a lawsuit against the Port of Astoria, which owns the hotel.**

# Marijuana: ‘We’re people who care’

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the community’s desire to keep marijuana out of residential areas. The building meets the city code for a marijuana store because the residents have since moved out and the building is no longer mixed-use.

Despite this, the Ecola Square Homeowners Association, spearheaded by David Frei, is still urging the city to deny a business license to Five Zero Trees, citing concerns about the application process and inconsistencies with the comprehensive plan.

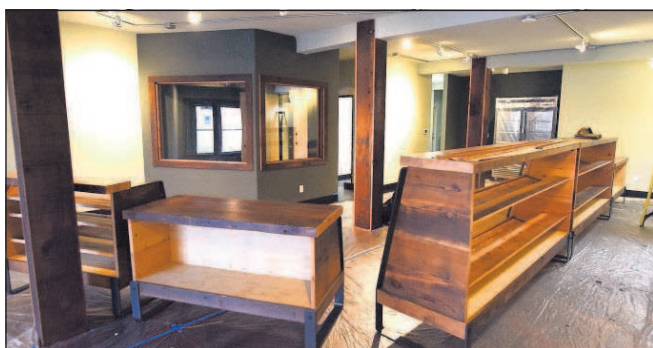
“By not informing the planning director of the apartments in the building, they led the planning director into saying that the property in question was in fact compatible with the city code and zoning when in reality it was not,” Frei said in an email.

After hearing Frei’s concerns, city councilors decided at an October work session they wanted to take another look at the comprehensive plan and put the marijuana ordinance back on the agenda. Interim City Manager Jason Schermerhorn said if any changes are made out of these discussions about the ordinance it would not affect Five Zero Trees.

“I’d like to hear some kind of response to the claims that this is a violation of the comprehensive plan,” City Councilor Mike Benefield said. “I’d like to have a discussion to know what our options are.”

## Procedure

City Planner Mark Barnes said he was not aware the property at 140 S. Hemlock St. was mixed-use when property owners Bruce and Max Ritchie



Colin Murphey/The Daily Astorian

**Work continues at the Five Zero Trees marijuana store in Cannon Beach.**

**‘We want to work with the community and prove we won’t be a negative influence on Cannon Beach.’**

## Case Van Dorne

co-owner of Five Zero Trees, who hopes to alleviate the concerns residents have about his business

applied for a land use compatibility statement last year.

The city does not have a registry of mixed-use buildings or any formal way of keeping track of them, Barnes said. The property is listed under commercial zoning, where retail is allowed.

In Cannon Beach, there is no code provision that addresses how land use compatibility statements are evaluated, so it is not an inherent code violation if there is false information on the form. Because these forms are submitted so early on the process, the information serves as a general road map subject to changes, Barnes said.

The accountability comes when retailers apply for a business license. At that point, the city will inspect the business to make sure it is in accordance

with the city’s design standards, zoning, building and other regulations.

“We still have an opportunity to enforce all provisions of the code when they come for a business license,” Barnes said.

## Comprehensive plan

Frei argues approving Five Zero Trees at the Hemlock location is a violation of aspects of the comprehensive plan, the city’s constitution for development.

The comprehensive plan promotes “small-scale, family-owned” businesses, and Frei said the fact Five Zero Trees operates stores across Oregon means it doesn’t meet the definition. Introducing a marijuana store so close to a residential area would also be out of step with the plan’s goal to promote

a “unique character of downtown,” he said.

The last major inconsistency is the plan’s goal to “encourage the provision of permanent housing in downtown by providing zoning incentives for mixed-use structures which incorporate housing,” he said.

“Because of code requirements regarding mixed use, this business is taking away a mixed-use building (with three apartments) to make it into a commercial building, eliminating the apartments in affordable-housing-challenged Cannon Beach,” Frei said.

City councilors tentatively are scheduled to review the comprehensive plan and ordinance in early December to take a deeper look at Frei’s arguments.

“I question whether this violates the comprehensive plan or not,” City Councilor Nancy McCarthy said. “I feel like we’ve been shutting (the Ecola Square Homeowners Association) down.”

Case Van Dorne, the co-owner of Five Zero Trees, hopes to alleviate the concerns residents have about his business by the way he operates, he said.

“We have families of our own. I’ve been visiting Cannon Beach for 42 years. We want to work with the community and prove we won’t be a negative influence on Cannon Beach,” he said.

Van Dorne has another Five Zero Trees in Astoria, where he said they are active in beach cleanups, food drives and other community service. He hopes to do the same in Cannon Beach.

“We’re not a faceless business. We’re people who care,” he said.

# Hotelier: Sonpatki offered a cashier’s check to satisfy Smithart’s debts

Continued from Page 1A

recently closed his other business, the Arc Arcade, and moved to New York.

In the hearing Friday, McIntosh concurred with the jury that there was clear and convincing evidence of a contract breach.

Knight had argued that terminating Smithart’s lease before the deal with Sonpatki had closed was necessary because of the run-down state of the hotel, bad operations, Smithart’s growing debts and his pursuit of other suitors behind Sonpatki’s back. Sonpatki testified about his efforts to close the deal, including his offering of a cashier’s check to satisfy Smithart’s debts.

“I did not find the testimony of Mr. Knight to be particularly credible,” McIntosh said Friday. “I did find the testimony of the plaintiff to be credible.”

One of the most telling points, she said, was how Knight had led Sonpatki to believe the Port would fix some incorrect documents related to the contract, while also communicating with Chester Trabucco, a local developer competing for the hotel’s lease, and directing the Port’s attorneys to stop working on the documents. Trabucco even-

tually partnered with Astoria native William Orr, a brother-in-law of then-Port Commissioner Stephen Fulton, to form Hospitality Ventures.

After terminating Smithart’s lease, the Port kept him in place as a short-term operator and opened the hotel to other suitors. The Port Commission eventually awarded Hospitality Ventures a short-term lease in September 2015 over several competitors, including Param.

Orr, Trabucco and Hospitality Ventures had originally been included as co-defendants by Param for intentionally interfering with Sonpatki’s deal. They were later removed from the case after their lobbying of the Port Commission was found by Judge Philip Nelson to be protected activity.

In its opposition to the specific performance claim, the Port had argued that Hospitality Ventures was an innocent bystander that would be harmed by giving Param the lease. McIntosh disagreed, saying Hospitality Ventures knew the risk. Param would also be taking a risk by assuming its seven-year lease of the Riverwalk Inn and then having to negotiate with the Port for a longer extension, she said.

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## Kids Halloween Drawing Contest

Show us spooky! Show us silly!  
Show us your drawing of Halloween!

Age groups: 3-4    5-6    7-8    9-10

Please include Name, age and phone number.

Bring your art into The Daily Astorian office  
Submission deadline is October 27th at 5pm

We will announce the 1st and 2nd  
place winners October 31st and  
debut your piece of art for all to see!

## SUDOKU

Fill in the blank cells using numbers 1 to 9. Each number can appear only once in each row, column and 3x3 block. Use logic and process elimination to solve the puzzle. The difficulty level ranges from Bronze (easiest) to Silver to Gold (hardest).

	2			4				9
1	5		3					7
4				6	8	2		
5			9					8
		4		2		3		
9					3			4
		1	4	7				2
	3				9	4		1
8				3			6	

Rating: **SILVER**

Solution

3	2	6	5	4	7	1	8	9
1	5	8	3	9	2	4	7	6
4	7	9	1	6	8	2	5	3
5	6	3	9	1	4	7	2	8
7	1	4	8	2	6	3	9	5
9	8	2	7	5	3	6	1	4
6	9	1	4	7	5	8	3	2
2	3	7	6	8	9	5	4	1
8	4	5	2	3	1	9	6	7