



Colin Murphey/The Daily Astorian

Jars of medicinal and recreational marijuana.

Gearhart to send pot tax measure to voters

City's tax higher than others

By R.J. MARX
The Daily Astorian

GEARHART — One more measure will find its way to local voters this November.

Gearhart will decide whether to adopt a 3 percent local sales tax on marijuana. The city's first dispensary, Sweet Relief, opened in July on U.S. Highway 101.

Gearhart was among a few cities to vote in a tax prior to the legalization of recreational cannabis. In 2014, shortly before the state's voters approved Measure 91, the city passed an ordinance requiring a 10 percent tax on the sale of recreational marijuana and a 5 percent tax for a medical marijuana registry cardholder.

After legalization, the state established a 17 percent tax on marijuana and limited local taxes to 3 percent. Cities may not tax medical marijuana sales.

With a 10 percent tax already in place, Gearhart city councilors had the option of defending the tax in court or asking voters to approve a 3 percent tax.

Sweet Relief co-owner Oscar Nelson asked the City Council to put the local tax in line with most other cities, including Astoria, Seaside and Cannon Beach.

"The Legislature said we can't have more than 3 percent," City Attorney Peter Watts said. "We have 10 percent. If we impose our 10 percent tax and it was challenged, would we win? I can't tell you."

Watts said a legal challenge would likely be decided by the Oregon Court of Appeals or Oregon Supreme Court.

At a special meeting on Tuesday, City Councilors Dan Jesse, Reita Fackerell and Kerry Smith opted to refer the 3 percent tax to voters. Mayor Matt Brown was absent.

If the November ballot measure fails, the city would need to decide whether to collect the 10 percent tax.

Army Corps permit delays impact new Seaside campus project

Schools wanted permits by July

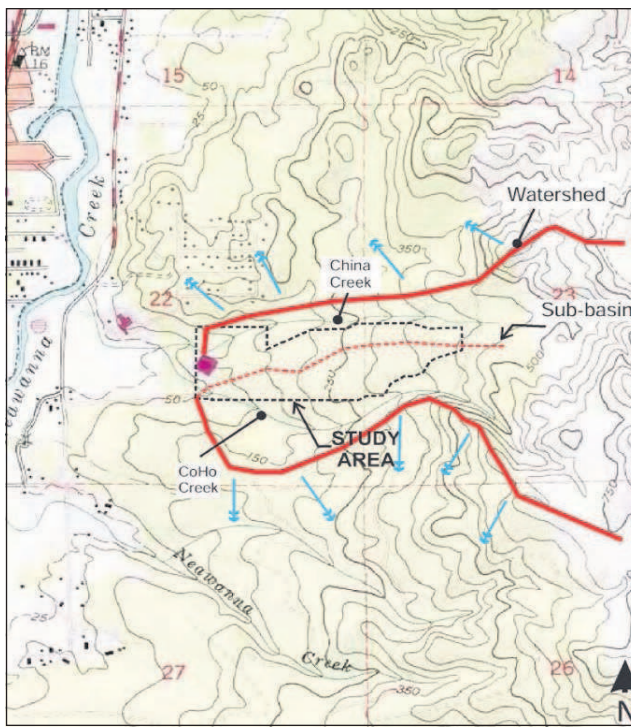
By R.J. MARX and
BRENN A VISSER
The Daily Astorian

SEASIDE — The U.S. Army Corps of Engineers has found that the \$99.7 million project to relocate Seaside schools out of the tsunami inundation zone fails to offset impacts to neighboring streams with essential fish habitat.

School district officials hope the Army Corps accepts a plan to provide an environmental easement on property behind the district bus barn on U.S. Highway 101 instead of mitigation at the new campus off Spruce Drive.

"We don't have enough room on our project site to do stream mitigation, so we had offered more wetlands to compensate for that," Jim Henry, the project manager, said. "So we have had to look off-site for a solution."

According to the school district's joint application to the Army Corps and the Department of State Lands, the project will result in the permanent placement of almost 4,800 cubic yards of soil, concrete and stone within 0.16 acre of



Seaside School District

A topographical map illustrating waterways potentially impacted by development of the new campus.

wetland and more than 2,000 linear feet of stream considered essential fish habitat.

The school district had proposed a combination of stream enhancement, wetland and swale creation to meet regulatory concerns.

A project timeline presented to the school board in June anticipated permit approvals

from the Army Corps and the state by July 18.

The Department of State Lands signed off on the permit application July 26.

The Army Corps' preliminary review, delivered in April, indicated the project would adversely affect essential fish habitat.

Jeffrey Henon, a spokesman for the Army Corps, said the agency is actively reviewing the permit application to determine the type and amount of "compensatory mitigation necessary" to offset environmental losses.

Henry said the permit delay has the school district's construction team "scrambling on a lot of fronts."

The delay has stalled construction of an access road from Heights Elementary School to the new campus site, Henry said. "Ideally, we'd be working from the bottom up," he said. "We have to go through the back door another month than we wanted."

Henry said crews will continue to access the site via Beerman Creek Road and Mainline logging road until the Army Corps signs off on the permit application.

"Once we have convinced the Corps of Engineers we have appropriate mitigation, the next day we'll be impacting the areas we plan to impact on the mitigation plan," Henry said. "There have been optimistic trends the past week, but we haven't received final approval. We're at the point where we think we're really close."

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