

## Council considers impact of pot outlets on schools

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“They could be approved administratively, unless someone goes into an existing building and makes exterior changes,” Barnes added. “The changes would go to the design review board, and there would be a public hearing to determine whether the changes meet regulations. We have a pretty tightly written sign code.”

House Bill 3400, the Oregon legislation that makes it legal to possess, grow and sell marijuana, prohibits medical marijuana dispensaries and recreational marijuana retailers and wholesalers within 1,000 feet of a school. This would include private and public schools where attendance is mandatory.

The required buffer wouldn't apply to either the Cannon Beach Preschool and Day Care Center or the preschool at the Cannon Beach Conference Center because attendance at those facilities is optional, Barnes said.

Because Cannon Beach doesn't have a school, the buffer wouldn't apply. However, once the proposed Cannon Beach Academy charter school opens, the buffer would go into effect and engulf all of midtown. The RV Park gas station and store, and a parcel owned by Coaster Properties on the east side of the highway, as well as downtown and Tolovana wouldn't be impacted by the buffer.

The academy's charter recently was approved by the Seaside School Board. If the school can meet conditions the board attached to the charter's approval, the academy's board plans to open it in the fall. However, the proposed location needs to be remodeled and hasn't yet received an occupancy permit from the city, Barnes said.

HB3400 allows cities to impose other buffers. If 1,000-foot buffers are placed at the beach and around all of the parks would eliminate all possible locations for marijuana outlets west of the highway.

City Councilor George Vetter asked Barnes if the

city could select certain parks to buffer.

“We would have to make some logical explanation about why we treated one differently than another — a playground vs. the beach, for instance,” Barnes said.

During the discussion, Vetter suggested that the council should “not take further steps to stop this.”

Because local voters overwhelmingly voted to legalize marijuana use, the Oregon Liquor Control Commission will regulate the sales and Cannon Beach is so small, “I'm not convinced we need to do anything,” Vetter said.

“I'm not sure this town can support a year-round business, and I don't see that we should spend too much time on this,” he added.

But Mayor Sam Steidel said a buffer should be put in place to “protect us” if the council allows marijuana sales in town.

City Councilor Mike Benefield expressed concern that marijuana outlets would impact the “character of the town.”

“I'm not sure that people who voted to decriminalize marijuana envisioned stores on the street,” Benefield said.

Councilor Melissa Cadwallader suggested that the

**‘I’m not convinced we need to do anything. I’m not sure this town can support a year-round business, and I don’t see that we should spend too much time on this.’**

City Councilor  
George Vetter

council decide which locations the outlets should be limited to and then let them be subject to state regulations.

Steidel noted that the city's business license regulations prohibit sales of items banned by federal law, including marijuana.

City Manager Brant Kucera asked the council

if it wanted to change the business license. Leaving it alone, at least until the courts rule on the question, would provide “perfectly good protection right there,” Kucera said.

“It's all or nothing,” Kucera told the council. Not changing the business license “would ensure that nothing (marijuana stores) gets put in.”

However, he added, if even only one retail outlet is allowed, the language regarding the federal law would have to be changed.

## Budtender claims he's owed back wages

### Manzanita dispensary owner refutes claim, say partnership didn't pan out

By Katherine Lacaze  
EO Media Group

A former employee of Oregon Coast Cannabis has filed a claim with the state Bureau of Labor and Industries alleging unpaid wages, statutory overtime wages and benefit pay, but owner Andrew Buck said the company doesn't owe the employee anything. The work the employee performed, Buck said, was part of an investment into the company.

Daegon McDonald, the former employee who filed the claim, alleges Buck owes him about \$370 for expenses — such as gas used to run errands in Portland and Warrenton and money spent purchasing materials — and about \$12,300 in unpaid wages and statutory overtime wages at a rate of \$15 per hour from Aug. 12 to Nov. 9. The labor bureau is investigating the case.

“It's a business relationship that did not happen as we would like,” Buck said. “But we are certainly wishing the best to them and we do not wish to go into the matter until the investigation has actually been settled.”

Co-owner Hannah Hayes said it is “somewhat of a sensitive matter.”

“We really don't have much to say at this time since it is still a pending investigation,” she said.

### Dispensary opened in September

The bureau sent a notice of the wage claim in December to Buck, who opened the Manzanita marijuana dispensary with Hayes in September. According to the wage claim, McDonald



R.J. MARX/THE DAILY ASTORIAN

Oregon Coast Cannabis in Manzanita.

was never paid for any of the work he had done at Oregon Coast Cannabis, “even though the business remains open and continues to profit.”

During his time with the company, McDonald said, he helped remodel the interior of the business, served as a budtender, helped run the company's social media pages, created schedules for employees, helped create an employee handbook and worked as a direct assistant to Buck.

“My employer has ignored my questions regarding when or if I will be paid and even gave me a 72-hour eviction notice for not paying rent,” McDonald stated.

Buck also was McDonald's landlord for a few months. Buck filed the residential eviction complaint, naming McDonald as the defendant, in Tillamook County Circuit Court in mid-December. Because of alleged nonpayment of rent from Sept. 1 to Nov. 1, Buck claimed McDonald had to move out of the apartment, which has the same address as Oregon Coast Cannabis. The delinquent rent totaled \$1,800. However, in his re-

sponse to the bureau, Buck alleged McDonald owes \$3,200 in back rent for residing in the rental property for five months.

Circuit Court Judge Jonathan Hill gave a default ruling in December in favor of Buck, because McDonald did not show up. McDonald was given until Jan. 3 to move out.

### Claims he was never fired

To support his wage claim, McDonald included evidence, such as shift schedules, time records, statements from witnesses and other documents to substantiate his employment. McDonald stated he never was formally fired, but when he showed up for work one day, the locks were changed and the “employer refuses to talk about it.”

Buck did not disagree McDonald worked at Oregon Coast Cannabis between August and November, but he stated McDonald was not hired.

Rather, in an oral agreement, McDonald “was supposed to provide one year sweat equity as part of his parents' investment,” which

included \$24,000, Buck told the labor bureau.

McDonald did not bring \$24,000 to the table and he “stopped coming to work,” Buck stated.

He said business partnerships do not pan out “fairly regularly” in all industries.

“It just happens that we're in a contentious industry at this time,” he said. “It's an ongoing case that we are in the process of settling. At this time, there is no violation on record, and we wish the best to any involved parties.”

### Wage investigation

The Bureau of Labor and Industries is conducting a wage investigation to assess what — if any — amount of wages are actually owed, according to communications director Charlie Burr.

“We make a determination to find if wages were actually owed,” he said.

If one of the parties does not agree with the result of the investigation and the bureau's determination, they can ask for a contested case hearing in front of an administrative law judge, where both parties get to argue their position.

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