

Homeowner association opposes location of marijuana dispensary

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Ennis and the other two tenants weren't able to be reached for comment.

"This was a case of unintended consequences," councilor Mike Benefield, who voted in favor of keeping the ordinance, said after the meeting.

'Unintended consequences'

If the OLCC and business licenses are approved, Five Zero Trees would be one of three marijuana dispensaries which have applied to operate in Cannon Beach since the community narrowly defeated a retail cannabis prohibition at the polls in November.

City Planner Mark Barnes said the ordinance was based on one crafted by the Oregon League of Cities last year. Barnes said when he approved the land use compatibility statement in November he wasn't aware the owner of the property, Max Ritchie, also had tenants.

"When I found out a resident was living there, I notified the owner and said I couldn't approve the marijuana shop business license with residents," Barnes said. After this, Ritchie asked if evicting his tenants would make his property compliant, to which Barnes said it would.

Ritchie declined to comment on anything related to this ordinance or the eviction of his tenants.

Jason Cain, co-partner of Five Zero Trees, said their company also had no comment because they have not been involved in communication between Ritchie and the city.

The idea to change the ordinance came from the fear that landlords with mixed use facilities would continue to evict tenants to allow



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In a 3-2 vote, the Cannon Beach City Council decided retailers that sell marijuana cannot occupy buildings that house both businesses and residences.

marijuana retailers to rent their commercial spaces for a higher price than tenants can pay.

Losing rentable apartment space would contribute to an only growing affordable housing crisis, councilor George Vetter said.

"If we had considered this when we were passing the ordinance, we wouldn't have put this rule in there because it would exclude so many housing options," Vetter said, who voted for changing the ordinance.

But Benefield and councilor Nancy McCarthy, who voted to keep it, disagreed with this logic.

"If you deny applications from dispensaries in the first place for mixed use facilities, then you can't have a dispensary," McCarthy said. "If we changed the ordinance, it would open up a huge can of worms for marijuana stores to open everywhere."

Benefield said changing the ordinance would be contradictory to keeping residential areas marijuana-free, which was a priority to voters when councilors passed the ordinance originally.

"It's always a fight between free enterprise and regulation," Benefield said. "But I'm not sure how amending

this ordinance would keep with the character of Cannon Beach."

What "the character of Cannon Beach" looks like, however is subjective.

"I've talked to business owners from other communities, and I still haven't spoken with anyone who said these stores bring a negative impact," Vetter said. "This is fear of the unknown as much as anything."

Community backlash

For Cannon Beach resident David Frei, it is not about challenging the introduction of marijuana into town.

"That's already been voted in. The only thing we can challenge now is where it is located," Frei said.

Frei is spearheading an effort on behalf of 12 condo owners and four businesses apart of the Ecola Square Homeowners Association to challenge the location of Five Zero Trees.

Ecola Square is directly across the street from where Five Zero Trees plans to occupy. Frei and other residents came out against the ordinance change Tuesday, arguing the best way to keep tenants in their apartments is by denying cannabis applications in the first place.

While the vote ended in the homeowner association's favor, Frei said they will fight having Five Zero Trees there at all — mixed use or not. He argues that even though this building is zoned for commercial, the area around it is residential, containing 37 homes in comparison to the eight businesses.

Having a business permitted to stay open until 10 p.m. when most close around 5 p.m., the effect on property values and the increase in parking issues this store would bring are other factors Frei argues would disrupt an otherwise quiet neighborhood.

But the main point of contention, Frei said, is the feeling that homeowners in the area never got a chance for public comment to communicate these issues in the first place.

"Overall, locations for these businesses need to be sensitive to the area around them, and this block really is a residential area," Frei said.

Because issuing land use compatibility statements and building permits are administrative decisions, legally there is nothing requiring the city to seek public comment.

But Frei argues you even if it isn't required, it is in the city's comprehensive plan to include citizens on decisions like these.

"Hopefully from us challenging this we can help develop reasonable limits and have our voices heard earlier in the process," Frei said.

If Five Zero Trees passes city building inspections, obtains a license from OLCC and a business license from the city, the dispensary still plans on opening this year.

"We are very excited to come into the community. We are really looking forward to getting involved and bringing jobs to the area," Cain said.

Puffin numbers at Haystack Rock on decline

Puffins from Page 1A

Identifying the problem

There are about 2.4 million puffins who breed in North America. While the Haystack Rock colony has stabilized the past few years in the low 100s, the population has been steadily declining for the past 20 years, said Shawn Stephensen, a wildlife biologist with the Oregon Coast National Wildlife Refuge Complex.

Twenty years ago, 5,000 of the birds were nesting on the Oregon Coast. Now it is just a few hundred, he said.

Stephensen has been monitoring puffins at Haystack Rock for the past six years. The way he does this is by observing the number of burrows puffins use to nest in, which between 2010 to 2016 dropped from 368 to 99, according to his study — a significant drop from the 612 counted in 1988.

It's still too early to estimate this year's population, Stephensen said, but the initial counts have not been high.

While he said formal research has yet to be conducted as to why the population is declining, he and other researchers believe it is due to a food shortage.

Because of various factors such as rising ocean temperature and acidification, smaller fish like herring are either becoming less plentiful or



SUBMITTED PHOTO

John Underwood, the retired CEO of Darigold, is selling sweatshirts to help raise money for research to protect puffins.

swimming deeper in the water to where puffins can no longer dive to retrieve them, he said. Even if there are other fish available, puffins could still be malnourished from eating less nutritious fish.

"They are a great indicator species of climate change. If they can't find food, what else is changing?" Stephensen said.

'A warning'

Roy Lowe is a retired project leader for the Oregon Coast National Wildlife Refuge Complex, which is part of the U.S. Fish and Wildlife Service, and spent much of his career conducting coastal surveys of seabirds like puffins.

He said while the decline is most notable in easily accessible places like Haystack Rock, there are nesting sites

that have been hit even harder. Finley Rock by Oceanside in 1979 recorded almost 4,000 puffins. Today, he said, there are fewer nested there than at Haystack Rock.

"If puffins aren't able to live in natural environment, it should be a warning," Lowe said. "Birds evolve over millions of years, and if they can't make a go of it in their environment something is seriously wrong."

For years, seabird biologists have had the goal to add the tufted puffin to the federal endangered species list. Two years ago, the Washington Department of Fish and Wildlife voted to put the puffin on the endangered species list, and Oregon has it listed as a sensitive species.

This led Stephensen and other scientists from across the region to form the Pacific Seabird Group, which is dedicated to devoting time and dollars to researching why these birds are disappearing.

The team hopes to research population trends, genetic studies, wintering patterns and detailed food analysis — all types of data not being collected about puffins in the

region.

There is a list of criteria a species must meet before being considered endangered. He said doing more expansive research will hopefully help qualify the puffin as a candidate.

They will seek funding through the U.S. Fish and Wildlife Service, but might have to look at grants to continue the expanded projects, he said.

"We'll probably find it's not just one issue," Stephensen said. "It will be many issues, whether it be ocean acidity, human disturbance, lack of fish, what have you."

But a place to start is by funding volunteer groups like the Haystack Rock Awareness Project, Stephensen said, which state and national entities rely on heavily to help preserve and record local seabird populations.

For Underwood, he hopes to work with Keyser to fund research projects like the ones proposed in the Pacific Seabird Group through the sale of his sweatshirts.

"Hopefully we'll have to order some more sweatshirts," Underwood said.

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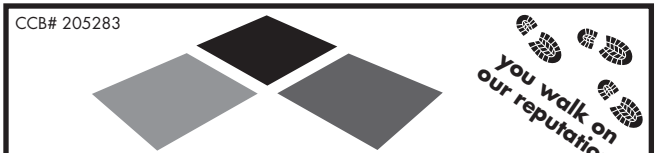
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