

Neacoxie Barn owner, city sign temporary deal

No parties this winter at Neacoxie Barn in Gearhart

By R.J. Marx
Seaside Signal

There won't be any weddings or special events at Neacoxie Barn in Gearhart, at least until March 1.

Clatsop County Circuit Court Judge Cindee S. Matyas signed a temporary injunction Tuesday prohibiting owner Shannon Smith from the use of the structure for commercial events. The injunction provides an opportunity for a "cooling off period" after years of rancor and legal disputes.

According to the agreement, Smith is subject to a temporary injunction pledging not to use the barn for future events without the necessary permits, Gearhart City Manager Sweet said.

"We're doing our best to help it out in any way, in terms of conversations," Sweet said Tuesday. "There are still things she needs to do that we can't bend on having to do with public safety."

The barn, at 774 Pacific Way by the Neacoxie Creek, is used for weddings, family reunions and



R.J. MARX PHOTO/SEASIDE SIGNAL

Neacoxie Barn prepares for an event in 2015.

other commercial events, according to city officials. But without a conditional use permit and a building occupancy permit, the owners are putting the health and safety of guests and residents at risk.

So far, Smith has racked

up more than \$30,000 in fines and more are pending.

However, in November, Municipal Court Judge John Orr ruled Gearhart zone code did not prohibit the types of activities conducted at the barn.

Gearhart's zoning or-

dinance spells out only seven permitted uses by a property owner, but finds "no reference, permission, restriction nor regulation whatsoever for parties, wedding parties, large group gatherings, family reunions, class reunions and the like," Orr said at the November hearing.

Two \$500 zone code citations were dismissed and pending citations were withdrawn by the city.

But safety violations issued by Building Official Jim Brien under the city's municipal and state building codes of more than \$30,000 remained, delivered after six events held at Neacoxie Barn in 2015.

In December, the City Council, acting as an appeals body, upheld the penalties citing Smith's lack of a certificate of occupancy allowing her to hold events. Councilors then reduced that fine by half, to \$15,000.

An additional \$5,000 — for use of the barn in November — awaits City Council review.

Along with local zone and municipal code actions, Gearhart officials filed a motion in Clatsop County Circuit Court to close the barn from com-

mercial use until health and safety violations were addressed and a certificate of occupancy delivered.

occupancy and Smith's request to dismiss the injunction hearing was denied.

Smith and the city embarked on negotiations late last month.

In a late December letter, Smith's lawyer Dan Kearns requested a delay based on "hopefully fruitful settlement discussions."

Kearns asked the Circuit Court for a "60-day cooling off period where the parties would meet and confer and attempt to resolve this dispute."

Since that time, the city and Smith have been in discussions for an agreement to give Smith more time to present plans to bring the barn up to code.

"She's buying some time for herself and we're allowing this pause to give her that opportunity," City Manager Chad Sweet said.

Neacoxie Barn owner Shannon Smith is subject to a temporary injunction pledging not to use the barn for future events without the necessary permits.

Citing Judge Orr's Gearhart ruling, Smith asked the Circuit Court to drop Gearhart's request. That request was denied.

Despite the ruling, the barn or livery stable requires a valid certificate of

Rental regulation on the menu in Gearhart

Officials cite need for rules on short-term lodging rentals

By R.J. Marx
Seaside Signal

Gearhart city councilors teamed with planning commissioners Wednesday at a work session to consider steps to regulate short-term rental properties.

"They need regulations," Mayor Dianne Widdop said. "There are certain things that need to be adhered to."

The first steps, officials said, will be to adopt state definitions and to begin collecting lodging taxes on the books.

To do so, they must repeal a city code exemption for rental of single-family homes from the necessity of a business license.

The city may also seek to identify "low-hanging fruit" — health, safety and parking rules — and address those issues by the summer season.

"This is a menu," Chad Sweet said. "You get to choose your appetizer, your entrées and your aperitifs."

Septic problems, speculators feared

Officials unanimously supported regulation of short-term rental properties, stressing homeowner accountability and the need for a balance "between community and privacy."

City Councilor Kerry Smith referenced the city's comprehensive plan, which

makes the need for regulation "quite apparent."

"We need to set the standard, because this has been going on forever," Planning Commissioner Richard Owsley added.

Septic woes garnered much discussion in a city where most homes rely on septic systems, but some still rely on cesspools for waste processing.

"If you're going to rent here, you have to know we have septic systems here," City Councilor Paulina Cockrum said. "If you want to take three showers a day, go to the Sunset Empire Recreation pool."

"Letting 16 to 20 people stay in a home with a 1,000-gallon septic tank — it's a disaster waiting to happen," Widdop said. "It could end with us needing a sewage treatment plant. It's money out of our pocket."

In addition to potential health hazards, Widdop and others said they feared speculators who may purchase single-home properties with the intention of turning them into short-term rentals.

"I have a great problem with transient rentals, the rentals that are one or two nights," Widdop said. "There's no continuity. Those kind of rentals belong in a hotel in Seaside or somewhere else. It's not part of the Gearhart thing. People are buying homes like crazy to make vacation homes because it's a money-making thing. It's like buying a chain of motels, and I'm totally against it."

'I have a great problem with transient rentals, the rentals that are one or two nights.... Those kind of rentals belong in a hotel in Seaside or somewhere else. It's not part of the Gearhart thing.'

Mayor Dianne Widdop

Emergency contact information sought

Sweet presented options requiring a contact number for each short-term rental, a 24-hour owner representative or someone available within 30 minutes to respond within an emergency. The city could also require homeowners to notify all neighbors of their intent to rent out their property, or to post contact information on the exterior of a building.

"That would be very help-

ful for police or fire," Sweet, a Gearhart Fire Department volunteer, said. "Maybe the vacation home is not occupied. There's a big leak or fire. That could go a long way to address that."

Sweet asked officials to consider options for short-term rental regulations based on home size, number of children and parking. Fee application pricing, a limit on homes allowing short-term rentals, and permit duration could also be regulated, he said.

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