

NEWS FROM GEARHART



Jars of medicinal and recreational marijuana sit on a shelf in a display case at Sweet Relief in Astoria.

Gearhart to send pot tax to voters

City’s tax higher than others in South County

By R.J. Marx
Seaside Signal

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 Mea-

sure 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, Paulina Cockrum, 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.

Neacoxie barn owner asks city to drop \$20G in fines

Barn owner calls for ‘new era’ in Gearhart

By R.J. Marx
Seaside Signal

Shannon Smith, the owner of a Gearhart barn that racked up thousands of dollars in fines for illegal rentals, has asked the city to forgive the penalties. Calling it a “new era” as Gearhart enters its second century, Smith told the City Council on Wednesday that the potential waiver would be a change of approach from “punishment to preservation.” Smith, the co-owner with Martha Strickland of the Neacoxie Creek Barn on Pacific Way, was fined for renting out the property for weddings and other public functions without a valid certificate of occupancy. Without the certificate, the city said the former livery stable is uninhabitable and poses an immediate threat to health and safety. At one time, the fines reached in excess of \$30,000, City Administrator Chad Sweet said. Smith’s first \$5,000 fine,



The Neacoxie Barn was fined in 2015 for its use as a party venue without a certificate of occupancy.

issued in 2012, was reduced by the City Council to \$1 after Smith said she would follow city rules prohibiting commercial events. The second fine, issued in 2014, was contested after Smith and her attorney stated barn functions were all personal or family-related, which would be permitted for a private homeowner. Subsequent fines followed as Smith continued commercial use of the barn until a

Circuit Court judge issued an injunction in 2016 prohibiting commercial events, including weddings and receptions. Smith’s fines now stand at \$20,000. Smith said she would like relief to proceed with a reapplication to “adaptive reuse so this structure and site can continue to bring charm, recreation and sustaining financial benefit.” The fines pose a significant

barrier, she said at Wednesday’s meeting. Smith said the waiver would provide a “collaborative path forward” for the city’s “most iconic historic structure,” the last remaining wooden livery stable west of the Mississippi and the host site for Coast Guard patrol ponies during the blackout days of World War II. City councilors did not comment on Smith’s request.

Gearhart City Council to see contest in District 1

Zimmerman: ‘Keep Gearhart Gearhart’

By R.J. Marx
Seaside Signal

Jack Zimmerman will challenge City Council incumbent Kerry Smith for Position 1 in the November election. Smith was elected to the seat in 2014, defeating incumbent Al Carder. Zimmerman and his wife, Kathy, have been coming to Gearhart for 26 years, he said, and have lived here full time for two years. He has never run for public office before. Friends encouraged him to run. “I thought maybe there was some merit to it,” he said. He said he was motivated to run by his love for the city and a desire to “keep Gearhart Gearhart.” “The minute you get into Gearhart, you can decompress,” Zimmerman said. “I don’t want it to look like Seaside, ever. I want it to

look like it looks now and improve on that.” Zimmerman, 69, who is retired, worked in the energy industry in a series of managerial positions. He has owned and developed property in western Colorado, an experience, he said, which has given him insight into working with government agencies. Zimmerman said he believes “the taxpayer in Gearhart needs more attention,” and supports Gearhart’s vacation rental rules. “My time is a luxury for me right now, and I can’t find a better way to spend that capital than seeing how the government operates,” Zimmerman said. One other council seat will appear on the ballot. Paulina Cockrum, who was appointed by Mayor Diane Widdop to fill the unexpired term of City Councilor John Duncan after Duncan died in 2015, is so far running unopposed for Position 3.



Jack Zimmerman

Council to consider plastic bag ban

Recycling effort gains momentum

By R.J. Marx
Seaside Signal

In September 2017, Manzanita became the first city on the North Coast to enact a plastic bag ban. At the suggestion of City Councilor Paulina Cockrum, Gearhart may follow suit. “It kind of came to me with the Dollar Store going in, I wonder if they’ll have those plastic bags I’m trying not to use and see them everywhere in the wetlands,” Cockrum said. “I wonder if we should consider banning plastic bags. This is stuff that birds and wildlife and who knows what all are eating.” A plastic bag ban is one of the few things to reduce environmental impact a city can do, she said. Mayor Matt Brown and councilors Dan Jesse, Reita Fackerell and Kerry Smith

supported the concept of a ban. “I have no problem banding behind that,” Jesse said. City Administrator Chad Sweet said he will research similar ordinances throughout the state. In July, Seattle became the first city to ban plastic straws and utensils in bars and restaurants. Portland already has recycling rules for grocery bags prohibiting plastic single-use bags by retailers or food vendors at customer check-out. Other Oregon cities banning plastic bags include Ashland, Eugene, Hood River and Newport, among others.

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Elk pause in front of South County Food Bank in a 2014 photo. New rules could prohibit feeding of the elk in Gearhart.

Feed the birds, not the elk

New Gearhart ordinance aims to regulate feeding of elk

By R.J. Marx
Seaside Signal

After a Gearhart resident proposed a “don’t feed the elk” policy in July, members of the City Council took up the call at the Aug. 1 meeting. The city may use a similar ordinance in Warrenton as a model. The state’s Department of Fish and Wildlife said artificial feeding can cause elk to become habituated to humans and aggressive toward them. “The ODFW has definite-

ly recommended educating people about behavior around the elk and also recommended a feeding ordinance several times,” Mayor Matt Brown said. “They mentioned it really helps with unnecessary elk-human contact. Apparently there have been reports of people feeding the elk in Gearhart. If people get into the habit of thinking that cell phone or ball is an apple, they’re more likely to have an interaction or situation of some type.” Whether some of the species included will remain the same as the Warrenton ordinance remains a topic for discussion. In Warrenton, feeding of the elk is a civil infraction, with penalties up to \$250 per feeding incident.

Bebe Michel, who raised the topic in July, said the city needed a comprehensive approach, but could start with banning feeding of the elk. Councilor Reita Fackerell sought to expand the ordinance to feeding of bear, deer, bobcat and other animals. As specified in the Warrenton ordinance, feeding of songbirds would remain unregulated. “If we wanted to do something similar to Warrenton’s, I would be OK looking at that,” Fackerell said. A committee including Fackerell, Michel and Councilor Paulina Cockrum will meet to discuss changes. “I’ve got a consensus to get to work,” City Administrator Chad Sweet said.

Homeowner seeks city noxious weed removal

Marino serves notice on city to enforce rules

By R.J. Marx
Seaside Signal

Gearhart resident Margaret Marino served notice to the City Council Wednesday, Aug. 1. Citing the city’s ordinance which calls on the city to administer enforcement of its noxious weed ordinance. “This is my request for enforcement on city property,” Marino said during public comment. She said she was focused on city property outside of the beaches and dune zone and outside of the beaches and dunes overlay zone. “I’m asking the city to enforce the removal of noxious weeds there,” Marino said.



The invasive Scotch broom proliferates in the Gearhart foredunes.

R.J. MARX

Sweet said the city is working on mapping and prioritizing noxious weed locations. He has recently issued access permits allowing crews

to remove Scotch broom and other noxious weeds from two private properties on Ocean Avenue. The city began cutting Scotch broom on the E Street beach access on Wednesday, Sweet added. Marino said she did not take the step of issuing public notice easily. “I’m trying to flush out what is really going to happen,” she said.

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