

LUBA sends barn appeal back to Gearhart

By KATHERINE LACAZE
EO Media Group

GEARHART — The Land Use Board of Appeals has ordered the city of Gearhart to reconsider Shannon Smith's conditional use permit for her historic livery and determine if she's completed substantial construction and, if not, whether she's entitled to another six-month extension.

Smith announced in the public comment section of Gearhart City Council's meeting Wednesday that she had received the Land Use Board of Appeals' decision, but it was not further discussed at the meeting.

The three-member board heard oral arguments for the appeal in Portland Feb. 26. Shelby Rihala, an associate with Jordan Ramis PC, represented the city; Smith was represented by her attorney Dan Kearns, of Portland.

The written opinion provided by the board summarizes that Smith was appealing the city's decision that her conditional use permit was void and, subsequently, denying her request for a second extension of the permit.

For several years, Smith has planned to use her Neacoxie Creek Barn as an events center. She was issued a conditional use permit to do so in 2012, and it was subject to 13 conditions for approval. She was granted a six-month extension in October 2013.

Gearhart's Zoning Ordinance says authorization of a conditional use is

void after one year "unless substantial construction pursuant thereto has taken place" and the city may extend authorization for an additional six months upon request.

The city believed the permit expired April 26 last year, but the board rejected that contention.

On April 15, Smith submitted a letter to the city in which she claimed substantial construction on the barn would be done by April 26, but she also was submitting a request for an extension "in the event additional time was needed to complete the construction," the board's written opinion states.

If a permit application is incomplete, Oregon law requires a city to notify the applicant what information is missing within 30 days of receiving the application. The applicant must then submit the missing information or notify the city no more information will be submitted.

Less than two weeks after she submitted her letter, Gearhart City Administrator Chad Sweet determined she had not completed substantial construction and denied her application, saying the city only could grant one six-month extension.

Smith appealed Sweet's decision on April 25, and he responded April 30, restating that the city did not agree she had substantially completed her project and denied her appeal.

"If the city was waiting for 'missing information' to be supplied it would not, and could not, have made those deci-

sions because it did not have a complete application," the board opinion states, adding the city also did not give Smith "a clear signal that her application for an extension" was incomplete.

Most importantly, the board opinion states, in Smith's appeal statement from April 25, she said she did not plan to submit additional documentation except for a bid estimate and "any denial is required to be provided to me in writing citing specific criteria and citing specifically how the documentation submitted fails to meet the criterion cited."

That statement shows Smith believed her application complete, and it was the city's responsibility to tell her what information was missing, the board decided.

Ultimately, the Land Use Board of Appeals sided with Smith that a remand is necessary in order for the city to issue a decision on her local appeal. If substantial construction pursuant to her 2012 conditional use permit has taken place, then no extension of the permit is required, the board decided.

If the city determines, however, that substantial construction has not taken place, "the city will need to determine whether to grant (Smith's) request for an extension" according to the Zoning Ordinance, the board's opinion states.

The city is entitled to a judicial review of the order, but Sweet does not think it will be necessary. He plans to speak with the city's attorney to lay out the next steps for Smith and the city.

In other news the City Council:

- Approved in a 4-1 vote to increase Sweet's salary by 5 percent for fiscal year 2015-16; the increase will kick in July 1. Sweet's current salary is \$77,168 and will be \$81,026 for the next fiscal year. Councilor Dan Jesse cast the dissenting vote. While Sweet's review — which was conducted in executive session March 25 — went well, Jesse said, he believes the city needs to be fiscally responsible with taxpayer money, and a 5 percent increase is hard to justify to the community when employees in many other sectors aren't experiencing similar pay increases.

- Voted unanimously to hold the Gearhart Earth Day Free Community Cleanup event April 25. Recology will deliver four 20-yard drop boxes for trash and one 3-yard drop box for electronics to City Hall. The boxes will be available in front of City Hall for residents to dump trash from 8 to 11 a.m. at no cost. The estimated cost to the city for the dump day is \$820 after Recology's donated discount of about 50 percent.

- On the suggestion of Councilor Kerry Smith, the council agreed to send a letter, as a body, to the Oregon Department of Transportation advocating to dissolve the four-lane portion of U.S. Highway 101 in the Gearhart and instead add a left-turn lane to get to the east side of the city. The four-lane system has presented a safety issue, Smith said.

Easter Egg Hunt Roundup

ASTORIA

Annual Easter Egg Hunt
Noon Saturday, Tapiola Park, 900 W. Marine Drive, 503-325-7027, www.astoriaparks.com. Astoria Parks and Recreation hosts the annual Easter Egg Hunt, with face painting, games and more. Hunters will be split into divisions based on age groups. Free.

Saturday, April 4, Noon, Tapiola Park, Free

Nighttime Easter Egg Hunt
8:30 p.m. Saturday, Astoria Recreation Center, 1555 W. Marine Drive, 503-325-7027, www.astoriaparks.com. Come and hunt eggs after dark at the Astoria Recreation Center. The indoor egg hunt features glow-in-the-dark eggs. Bring your own flashlight or buy a glow stick at the center. \$4 for a glow stick or free if you bring your own flashlight.

SEASIDE

Egg Hunt & Treasure Dive
10:30 a.m. Saturday, Broadway Field and Broadway Park, next to Sunset Pool, 1140 Broadway, Seaside, 503-738-3311, www.sunsetempire.com. Sunset Park & Recreation District will host its annual egg hunt in five age divisions. There will be a special basket for each age group and a hidden golden ticket in the hunt area. There will be an Aquatic Treasure Dive at Sunset Pool at 1 p.m. for kids 7 to 17. The cost is \$2.

CANNON BEACH

Sea Ranch Egg Hunt
11 a.m. Saturday, Sea Ranch Resort, 415 Fir St., Cannon Beach, 503-436-2815, www.searanchrv.com. Sea Ranch Resort will host its annual Easter Bunny Egg Hunt for ages 1 to 4, 5 to 7 and 8 to 10. An adult must accompany all children. Bring Easter baskets for a fun-filled event.

MANZANITA

Egg Hunt & Bonnet Contest
10:30 a.m. Saturday, Underhill Plaza, corner of Division and Manzanita streets, Manzanita. Rain or shine, kids up to 12 years old are invited to the annual Easter Egg Hunt and Easter Bonnet/Hat Contest following at 11 a.m. Don't be late!

Help young children get ready for school

Many Clatsop County events are planned this month that are aimed at helping families prepare children for kindergarten and beyond. Many are being organized by Clatsop Kinder Ready.

Events this month include:

- By Tuesday, parents can make appointments for the first of two Early Childhood Health and Education Clinics, April 14 at the Astoria Armory. The clinic will help parents and caregivers be aware of how their child is developing compared to current health and education standards and connect them with available resources that can help them enjoy their child's growth in preparation for kindergarten. It is for all 3-, 4- and 5-year-old children of Clatsop County. Appointments can be made by calling any local elementary school, Head Start center, NWRESO or NW Parenting.
- From 10 a.m. to 1 p.m. April 11, there will be a Preschool and

Early Childhood Resource Fair at Warrenton Grade School. More than 20 groups will be represented as parents of young children look into how to help their children develop and learn in fun, age-appropriate ways.

- April 12 to 18 is the national Week of the Young Child April 12 to 18. It will be celebrated with art shows in Astoria and Seaside. Student art work from local Head Start centers and other early childhood educators from the Northwest Regional Education Service District (NWRESO).

- By April 15, parents can make appointments for the second of two Early Childhood Health and Education Clinics, April 22 at the Seaside Civic and Convention Center.

- April 21 and 23, kindergarten roundups (Registration for the 2015-16 school year) are being held in all public elementary school across Clatsop County. These events connect children

and families with the elementary schools that will all provide free full-day kindergarten next fall. Roundups on April 21 start at 3 p.m. at Seaside Heights Elementary School. On April 23, they run during normal school hours at Hilda Lahti Elementary School and Jewell School. Gearhart Elementary School holds its at 3pm April 23, and Astor Elementary will hold sessions at 4 and 6 p.m. April 23. Warrenton Grade School holds its at 5:30 p.m. April 23.

These events are sponsored and supported by a number of groups that see the value in helping children and their families learn to play and play to learn. Some of groups involved are Clatsop Kinder Ready; NW

Parenting; NWRESO and its Early Learning Council; Astoria Mom's Club; Northwest Oregon Head Start; Childcare Resource and Referral; Astoria, Jewell, Knappa, Seaside and Warrenton-Hammond school districts; Columbia Memorial and Providence Seaside hospitals; Clatsop Community College; Clatsop County Health Department; Casey Eye Institute; and the Oregon Lions Club.

About Kinder Ready

Clatsop Kinder Ready focuses on forming community partnerships and helping all children, from birth to age 8, have a strong start in life and be fluent readers by the end of third grade.

Kinder Ready has produced

flyers explaining what parents, schools, children and the community can do to prepare for kindergarten. It offers "Kinder Ready" workshops for parents and prekindergartners, a prekindergarten through third-grade lending library and other resources for parents, families and professionals.

For information on future events and resources, or to get involved, visit Kinder Ready's new website at www.Clatsopkr.com, or call 503-338-3363.

A Life Remembered

Heaven's Honor Roll March of 2015

2	Ronald Lynn Sturgell.....	55
5	Ruth Phyllis Ingram.....	85
6	Marilyn Louise Schlosser.....	76
14	Norman Joseph White.....	76
16	Phyllis Evonne Williams.....	74
17	Jacqueline Marie Ford.....	96
22	David Brian Hellberg.....	73
25	Marguerite Elsie Zorich.....	94
27	Laurette Adele ESilva.....	80
28	Nancy Arlene Aiken.....	80
28	Donald Doyle Schlock.....	44

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CITY OF ASTORIA NOTICE OF REVIEW

Notice is hereby given that the Astoria Community Development Department has received the following request(s):

1. Wireless Communication Facility WCF15-04 by New Cingular Wireless (AT&T Mobility), c/o Velocitel, Inc. Oregon Landmark - One Limited Partnership to upgrade an existing wireless communication facility with three (3) new antennas and equipment at 342 - 14th Street (Map T8N-R9W Section 8CA, Tax Lot(s) 6600; Lot(s) 4, 5, 6, Block 135, Shively) in the C-4, Central Commercial, Zone. Development Code Standards 2.425-2.445, Articles 6, 9, and 15 and Comprehensive Plan Sections CP.005-CP.025, CP.050-CP.055, and CP.190-CP.210 are applicable to the request.

In accordance with Astoria Development Code Sections 3.095, 13.310, and/or Articles 6, 9 & 12, a decision on the request(s) will be processed administratively by the Community Development Department.

A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the office of the Community Development Director at 1095 Duane Street, Astoria. Contact the Planner at 503-338-5183 for additional information.

All interested persons are invited to express their opinion for or against the request(s) by letter addressed to the Community Development Department, 1095 Duane St., Astoria OR 97103. Comments from interested parties must be received by 5:00 pm on April 15, 2015.

The Community Development Department reserves the right to modify the proposal. No further public notice will be provided.

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