

## Friday

**Canoe Adventures**, 9 a.m., Sunset Pool, 1140 Broadway, Seaside, \$20 to \$30.  
**Plein Air & More Art Festival**, 10 a.m., multiple venues and on the beach, Cannon Beach.  
**Katherine Taylor Artist Reception**, noon, Fairweather House & Gallery, 612 Broadway, Seaside.  
**Beth Willis**, Americana, 7 p.m., Lumberyard Rotisserie & Grill, 264 E. 3rd St., Cannon Beach, no cover.  
**Bruce Smith & the Boda Boyz**, rock, 7 p.m., The Birk, 11139 Hwy. 202, Birkenfeld, no cover.  
**Astoria Music Festival "The Magic Flute"**, 7:30 p.m., CCC Performing Arts Center, 588 16th St., Astoria, \$15, all ages.  
**Manzanita Film Series "A River Between Us"**, 7:30 p.m., Hoffman Center, 594 Laneda Ave., Manzanita, \$5.  
**"Little Shop of Horrors"**, musical, 7:30 p.m., Coaster Theatre, 108 N. Hemlock St., Cannon Beach, \$18 to \$23, rated PG-13.  
**\* Miss Oregon Teen**, 7:30 p.m., Seaside Civic & Convention Center, 415 First Ave., Seaside.  
**Nick Jaina & Israel Nebeker**, music and readings, 8 p.m., Sou'Wester Lodge, 3728 J Place, Seaside, Wash.  
**Bradford Loomis**, Americana, 9 p.m., The Adrift Hotel, 409 Sid Snyder Drive, Long Beach, Wash., no cover.

## Saturday

**Angora Hiking Club Saddle Mountain Trail Head Hike**, 9 a.m., meet at Basin Street Parking Lot, 334 W. Marine Drive at 6th St., Astoria.  
**\* Guided Canoe Tours**, 9 a.m., Lewis & Clark National Historical Park, 92343 Fort Clatsop Road, Astoria, all ages.  
**\* Lower Columbia HorseFest**, 9 a.m., Clatsop County Fairgrounds, 92937 Walluski Loop, Astoria, free, all ages.  
**ABATE Saddle Mountain Run**, 9 a.m., Astoria Moose Lodge, 420 17th St., Astoria, \$20.  
**Plein Air & More Art Festival**, 10 a.m., multiple venues and on the beach, Cannon Beach.

# WEEKEND Best Bets

**\* Astoria Music Festival Classics 4 Kids**, 11 a.m., CCC Performing Arts Center, 588 16th St., Astoria, free, all ages.  
**Fort to Sea Hike**, Noon, Sunset Pool, 1140 Broadway, Seaside, \$20 to \$25.  
**\* Miss Oregon Parade**, 2 p.m., along Holladay and Broadway in downtown Seaside, all ages.  
**Astoria Music Festival Matinee Organ Recital**, 4 p.m., Liberty Theater, 1203 Commercial St., Astoria, \$15, all ages.  
**The Half Hearted**, indie, 7 p.m., Peninsula Arts Center, 504 Pacific Ave., Long Beach, Wash., \$12.  
**Woodland**, Americana, 7 p.m., Confluence Project Amphitheater, Cape Disappointment, Ilwaco, Wash., free.  
**Astoria Music Festival Chamber Music**, 7:30 p.m., Liberty Theater, 1203 Commercial St., Astoria, \$17 to \$45, all ages.  
**Chris Taylor**, jazz, 7:30 p.m., Hoffman Center, 594 Laneda Ave.,

## Sunday

**\* Let's Go Birding Bird Survey**, 8 a.m., Sunset Beach State Recreation Site, Warrenton, all ages.  
**\* Guided Canoe Tours**, 9:30 a.m., Lewis & Clark National Historical Park, 92343 Fort Clatsop Road, Astoria, all ages.  
**Plein Air & More Art Festival**, 11 a.m., multiple venues and on the beach, Cannon Beach.  
**Bruce Smith & the Boda Boyz**, rock, 2 p.m., The Birk, 11139 Hwy. 202, Birkenfeld, no cover.  
**Astoria Music Festival "Maria Stuarda" Finale**, 5 p.m., Liberty Theater, 1203 Commercial St., Astoria, \$25.50 to \$85, all ages.  
**Henry Curl**, neo-folk, 8 p.m., The Adrift Hotel, 409 Sid Snyder Drive, Long Beach, Wash., no cover.  
**Luke Sweeney**, rock, 8 p.m., Fort George Brewery, 1483 Duane St., Astoria, no cover.

**\* Recommended for kids.**

## Long-running dispute with oysterman is in judge's hands

### Argument over zoning enforcement returns to court

By NATALIE ST. JOHN  
EO Media Group

LONG BEACH, Wash. — After months of delays, the second half of oysterman Dan Driscoll's hearing over a contested June 2014 citation from the Pacific County Department of Community Development finally took place June 16.

However, it's still not clear which side will prevail in the ongoing debate about what activities are allowed in Driscoll's retail seafood market. After a full day in South District Court, Judge Doug Goelz said that while he thought the county had been unfair to Driscoll, they didn't necessarily violate their own policies or state law when they cited him for engaging in business activities that they had previously approved.

Goelz put the court in recess without indicating how he would rule. A South District Court employee said it could be anywhere from a few days to a few months before Goelz reaches a decision.

#### Family business

Driscoll's family has legally operated some type of retail seafood business at the site of their historic Oysterville cannery since the early 1970s. In 1975, the county created a Shoreline Master Plan. With this plan came county ordinances that prohibited new businesses along the bayshore. But the county "grand-

fathered" at least some aspects of Driscoll's Oysterville Sea Farms, because his family's activities there predated the new rules.

County officials say Driscoll repeatedly tried to expand his business into something more ambitious than a seafood market, especially after about 2007, when he gradually began adding to his inventory, serving hot foods and alcohol, and offering seating. They also say his business is in either an "aquaculture" or "conservation" zone (they're not sure which), where commercial activity isn't allowed.

Driscoll and his attorney, Ben Cushman, say the county's enforcement effort is fundamentally flawed, because Driscoll's business is actually in a residential zone (there are still restrictions in residential zones, but they are somewhat different). According to Cushman, the county has overstepped its authority by trying to control what Driscoll sells, rather than how he uses his property, making it nearly impossible for him to stay in business.

Due to the complexity of the legal issues and several cancellations and delays, the court proceedings have dragged on for nearly a year.

Driscoll won a small victory in February when Goelz issued a partial decision, based on the first day of the hearing, that said Driscoll could legally sell oysters-on-the-half-shell and an expanded line of retail goods in his shop. But Goelz wanted to hear more testimony before deciding whether Driscoll has the right to serve ready-to-eat foods or beer and wine.

In late March, Cushman participated in settlement talks with the county, but the two sides



NATALIE ST. JOHN — EO Media Group

**Dan Driscoll finally had his day in court over a long regulatory dispute with Pacific County. The decision may take a few days or months.**

were not able to reach an agreement, so the second half of the hearing finally took place.

#### A base of support

About 30 people filled the benches in Goelz's courtroom on June 16. These included Driscoll's witnesses and friends and family members, as well as citizens who wanted to support him. County Administrator Kathy Spoor and senior prosecutor Eric Weston sat in, along with Faith Taylor-Eldred, Tim Crose and Megan McNelly, all from Community Development. Driscoll's uncle, Dick Sheldon, whom the county had called as a potential witness, waited in the lobby for much of the day. But like the other people on the county's witness list, he was never asked to testify.

Speaking on behalf of the county, deputy prosecutor Don Richter said Driscoll had defied orders from the county to curtail his activities. Richter acknowledged that the DCD staff had been inconsistent with Driscoll and had made mistakes, espe-

cially in their early interactions, possibly because they'd never dealt with a comparable zoning issue before.

"It was a unique situation the county found itself in and [the DCD staff] was probably not very practiced in how they handled the situation," Richter said.

But, he continued, under Washington law, a government agency still has the right to enforce lawful policies, even if they've made mistakes in the past. And, Richter added, citizens still expect the DCD to uphold the county's health, safety and environmental policies.

Cushman argued the DCD didn't just enforce their policies inconsistently at Oysterville Sea Farms, they applied a completely different, more burdensome standard to that business than they did to other seafood markets. Cushman alleged that the county first approved Driscoll's plans then asked him to make costly and time-consuming upgrades to his facilities, and then, after he had complied, changed their policies and ordered him to stop.

#### Grandfathered in?

Richter, who is typically soft-spoken with impeccable manners, showed a rare degree of intensity as he argued the Driscolls had only run a very basic retail operation in the '70s and '80s, and the grandfathering agreement was never intended to allow anything other than that. Since the '90s, Richter said, Driscoll's business has become "a different type of operation altogether."

Driscoll and his family say they've run a retail market since the '70s, but in court, a claim only counts if you can prove it, and documentation from that era is scarce. Driscoll came up with a 1976 newspaper photograph that shows him selling oysters outside the cannery, but little else.

"All we have at this point is [a] picture of Mr. Driscoll sitting on the steps with a bag of oysters next to him, playing a guitar," Richter said. "There's been no testimony that he was selling alcohol ... there's been no testimony that he was selling hot foods."

In an effort to prove the county had applied a unique standard to Driscoll's business, Cushman called several witnesses, including Susan Hagerup, a former co-owner of Ole Bob's seafood market in Ilwaco, and David Bross, who owned the Crab Pot when it was just a seafood market.

Both testified they too had sold a variety of retail items, sold beer and wine for takeaway, served ready-to-eat seafood products, and offered casual seating where customers could enjoy their purchases. However, unlike Driscoll, Hagerup and Bross said they'd rarely, if ever, met with any resistance from Community

Development.

Pacing back and forth, and gesticulating broadly, Cushman delivered an impassioned critique of the county's management practices.

"Selling wine? All the other fish markets do it! Selling grain and bread? All the other fish markets do it! Selling all the other things that we sell? All the other fish markets do it, and the county doesn't have a problem with anybody doing it but us," Cushman said.

Richter objected to this reasoning, saying the county must have some authority to regulate activities at "grandfathered" businesses in order to protect the environment and prevent health and safety hazards.

"You don't get grandfathered to make people sick," Richter said.

#### Not easy to decide

In his concluding remarks, Goelz explained that, in all of Washington history, there were probably only a handful of cases where a court had limited a government's enforcement authority based on errors it made in the past.

"Generally speaking, government isn't bound by past conduct" for a variety of reasons, Goelz said.

"On the other hand," he continued, "this is a pretty egregious case where a person spends money to jump through hoops he's required to jump through, and suddenly we're saying, 'You can't do that.'"

Goelz said he planned to review previous testimony and case law before coming to a conclusion.

"It's not an easy case to decide," Goelz said.

## ENCORE board elected for 2016

On May 29, at the annual general membership meeting of Exploring New Concepts of Retirement Education (ENCORE) held in Astoria, the following officers were elected for the next fiscal year of 2016: Frank Spence, president; Gerri Penny, vice president; Anne Gant, secretary; and Ellen Stoner, treasurer.

ENCORE, a member-run organization sponsored by Clatsop Community College, is for retirement-aged people who want to continue learning. For information and a membership form, contact Mary Kemhus, community education coordinator at CCC at 503-338-2408.

## GRADUATES

**Timothy Elliott Putman** has received a Ph.D. in molecular and cellular biology from Oregon State University in Corvallis. His thesis was on "A Culture-Independent Approach to Chlamydial Genomics." He has accepted a post-doctoral position at the Scripps Research Institute in La Jolla, Calif.

Putman is a 1999 graduate of Seaside High School, and a 2009 graduate of the University of Oregon. He is the son of Steve and Marcia Putman of Gearhart.

The following student has graduated from college:

**Williams College  
Williamstown, Mass.**

**Astoria:** Jasmine M. Thomasian, bachelor's degree, religion.

The following student has graduated from an alternative high school:

**Oregon National Guard Youth Challenge Program  
Bend**

**Seaside:** Brandon Velazquez.

## RELIGION BRIEFS

### Astoria First United Methodist

The Astoria First United Methodist Church, 1076 Franklin Ave., is holding a Triple Delight: Music, Meal and Auction Fundraiser Saturday to support its mission, including being the new home of the Astoria Warming Center, starting this winter.

The concert, by violinist Kim Angelis and guitarist Josef Gault, is from 6 to 7 p.m., during the spaghetti dinner, and is followed by a live and silent auction at 7 p.m. The doors open at 5:30 p.m., and the cost is \$10 for adults and \$5 for children younger than 12.

Auction items donated by local businesses and friends and members of the church include a one night stay at the Benjamin Young Inn (includes full breakfast), a manicure and pedicure at Shear Expressions, cookies every month for a whole year, an original painting by Sue Bish, three hours of yard work and much more.

The Rev. Carol Pritchard said the church will add a shower, washer and dryer to help serve the area's homeless, adding that the center will open around November, whenever inclement weather is forecast-

ed. "It's really a community issue," she said.

The purpose of the Saturday fundraiser is also to help continue the church's support to local missions, including providing free meeting space for Alcoholics Anonymous, Al-anon, Girl Scouts, free exercise classes and other events.

### Grace Episcopal

Sunday is Hunger Awareness Sunday at Grace Episcopal Church, 1545 Franklin Ave., with an ingathering for the Hunger Ministries at the church at both the 8 and 10 a.m. services. Both monetary and nonperishable food items are

requested. Canned meals such as chili and stew are especially needed.

The monthly Community Dinner is being served at 4 p.m. Sunday in the Parish Hall. Those willing to help should come at 3 p.m. to set up and at 5 p.m. to clean up.

For information, call the church at 503-325-4691 or go to [www.graceastoria.org](http://www.graceastoria.org)

### Great Vow Zen Monastery

CLATSKANIE — The Great Vow Zen Monastery, located at 79640 Quincy-Mayger Road in Clatskanie, is holding a Beginners' Mind Weekend Re-

treat, led by Adam Jogen Salzberg and Patrick Bansho Green, from 5 p.m. July 10 to 1 p.m. July 12.

During this weekend a monastic schedule is followed. All elements of a meditation retreat will be covered, including basic meditation techniques, posture, breathing, formal meals, and dealing with obstructions.

The cost is \$150 (\$120 for Zen Community of Oregon; a \$75 reduced rate available to those in need) plus donation.

For details, call 503-728-0654 or email [registrar@greatvow.org](mailto:registrar@greatvow.org). Register online at <http://bit.ly/1GxFS9h>

### St. Mary, Star of the Sea

St. Mary, Star of the Sea Catholic Church parish priest, Rev. John Hung Tran, left recently for a four week mission trip to his native Vietnam and other countries in Southeast Asia, as well as the Philippines. During his absence, Rev. Andrew Garcia of the Jesuit Community of the University of San Francisco is handling the services.

Garcia celebrated his first Sunday Masses at St. Mary's this past week, and remains for three more weeks. When he leaves, he will go to Portland, where he will be doing formation work over the next year.

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