

Property owner prevails in recent LUBA decision

By R.J. MARX
The Daily Astorian

CANNON BEACH — An attempt to block the city's approval of a north-end development project got shut down last week with a decision by the state's Land Use Board of Appeals.

The city of Cannon Beach and Portland resident Jeff Nicholson won an OK to build and eventually sell three new homes on his 0.57-acre North Laurel St. property purchased in 2014 for \$900,000. A fourth home on the property will be rebuilt with a condition that the home's wood, beams and windows be salvaged.

"It was the decision we were hoping for," Will Rasmussen, an attorney who represented the property owner, said Monday. "The decision was, frankly, a win for Cannon Beach. LUBA decided that Cannon Beach followed all the rules they needed to follow in approving this."

After the city's Planning Commission denied Nicholson's application in December 2014, the Cannon Beach City Council reviewed the application. In February, the council voted to tentatively approve the application. In early March, councilors voted to adopt the findings by a 4-1 vote.

A group of local citizens — Jeff Harrison, Cleve Rooper, Dale Hintz, Linda Hintz, Elizabeth Lorish, Jane Emrick, Diane Amos, Rex Amos, Mindy Hardwick and Robin Risley — challenged the decision in a brief before the Land Use Board of Appeals. Many in the group were neighbors to the property at 532 N. Laurel St. where the



Erick Bengel/The Daily Astorian

A home currently located on the .57-acre property owned by Jeff Nicholson. A Land Use Board of Appeals ruling gives an OK to his four-home subdivision plan.

development would take place.

They said the city failed to comply with timing requirements for notices, made mistaken references to the Design Review Board and improperly closed council hearings to new evidence.

In their decision, the three-member appeals board acknowledged the Feb. 10 City Council hearing "contained some errors," but wrote that the mistakes did not rise to the level of a procedural error that would have caused the petitioners to "fail to prepare for and submit their case to the City Council."

The appeals board concluded Nicholson's plans for his 24,800-square-foot property met the allowable density for the city's residential zone. The R-2 zone's minimum density for the

subject property is one dwelling per 5,000 square feet.

"The petition raised largely a number of procedural concerns, and a number of procedural concerns that were not raised by the petitioners in the local decision," Rasmussen said. "LUBA found that the process used by the city followed all the state laws and local laws, and approved the decision."

Nicholson does not have immediate building plans, but the decision opens the way for four houses on the property, Rasmussen said.

Plans must conform to those submitted, "so the neighbors can be assured we won't be building up to their property line," Rasmussen said.

Other conditions include repair of any potential damage

to Laurel Street during the construction process and a shared access driveway between the four homes.

A certified arborist will examine spruce trees, and within a year of the preliminary approval, the final plan will be submitted to show utilities to the houses. Only one driveway will access Laurel Street.

An attorney for the neighbors did not return a call requesting comment and city officials also declined to comment.

With the appeals board decision, plans for the subdivision are ready to move forward, Rasmussen said.

"We need to have a conversation with the city," he said. "The applicant would like to move forward as soon as we can with the next step."

Warrenton police officers to graduate from state training class

The Daily Astorian

Warrenton Police officers Tyler Johnston and Justin Silence are among 37 officers statewide to graduate from the Oregon Department of Public Safety Standards and Train-

ing's 351st Basic Police Class.

The 16-week class included training in survival skills, firearms, emergency vehicle operations, ethics, cultural diversity, problem solving, community policing, elder abuse, drug recognition and

dozens of other subjects.

Silence and Johnston, who is the son of Astoria Police Chief Brad Johnston, trained with officers from all across the state including Portland, Salem and Newport.

The graduation ceremony

will be held at the Oregon Public Safety Academy in Salem at 11 a.m. Friday. There will be a reception immediately following the graduation.

Tigard Police Chief Alan Orr will be the graduation speaker.

Limping elk may be sign of hoof disease

The Daily Astorian

Northwest Oregon residents, including those on the North Coast, are being asked to look out for limping elk that may have hoof disease.

Elk hoof disease is a bacterial infection that causes severe lameness in elk, according to state wildlife officials. Elk with the disease have deformed and overgrown or broken sloughed hooves and other hoof abnormalities related to the infection.

Samples from 11 Oregon elk have been collected since last year.

Five had hoof deformities and tested positive for the Treponema bacteria associated with the hoof disease described in neighboring Washington state elk herds.

Most observations have been in north-west Oregon. However, the Oregon Depart-

ment of Fish and Wildlife is surveying the entire state.

Michelle Dennehy, a department spokeswoman, said more cases are seen outside the North Coast, but biologists and veterinarians are still monitoring the coastal area.

"They are expecting it a little bit further east," Dennehy said.

Elk hoof disease first appeared in southwest Washington elk herds between 2002 and 2005.

The disease has become increasingly more widespread over the past decade, with some southwest Washington elk herds having 20 percent to 90 percent showing lameness.

The disease does not appear to be as widespread in Oregon to date, according to wildlife officials.

Hoof disease does not affect the meat of elk harvested by hunters and poses no

risk to human health. Lame elk, however, may be in poorer body condition and appear thin.

"We appreciate hunters and those who spend time in the outdoors keeping a lookout for signs of this disease," said Julia Burco, a state wildlife veterinarian. "This information will help us determine the effect on Oregon's elk and do what we can to limit its spread."

Residents can report any sightings to the Oregon Department of Fish and Wildlife's reporting page at <http://bit.ly/1GwijzL> or contact ODFW's Wildlife Health Lab at 1-866-968-2600 or Wildlife.Health@state.or.us.

ODFW's veterinary staff asks hunters to save damaged hooves and contact the ODFW Wildlife Health Laboratory at 1-866-968-2600 or Wildlife.Health@state.or.us to arrange collection of the hooves.

Consult a PROFESSIONAL



LEO FINZI

Microsoft
REGISTERED
Refurbisher

Our business and residential service calls typically save you 25% to 75%

Astoria's Best
NETWORK AND
COMPUTER SALES,
SERVICES & REPAIRS

M-F 10-6 Sat 12-5
1020 Commercial #2
503-325-2300

Q: My computer is running slowly. What do you recommend?

A: Visit our website-astoriasbest.com and check out the Recommended Free Software tab. Use CCleaner and Glary Utilities for tune ups; MalwareBytes and Avast Anti-Virus for Malware removal; and Revo Uninstaller to delete unwanted programs. All available at no charge. We offer professional assistance as well, a 50+ point tune up, virus removal and cleaning service for only \$69.99 (Compare to \$159.99 @ Staples)



JEFFREY M. LEINASSAR
DMD, FAGD



503/325-0310
1414 MARINE DRIVE,
ASTORIA
www.smileastoria.com

Q: It has been a long time since I last visited the dentist. What should I do?

A: First, acknowledge yourself for considering your dental health. Most importantly, understand that you will be welcomed and given respect, understanding, and accurate information to help you determine your course of action. Dentistry has lots to offer to all who are ready.



Furniture & Appliance
Astoria • (503)325-1535
1555 Commercial Street

Store Hours
Mon. - Fri. 9:30 to 5:30
Saturday 10:00 to 5:00

More Locations:
Tillamook • (503) 842-7111
1126 Main Ave
Lincoln City • (541) 996-2177
6255 SW Hwy. 101
Newport • (541) 265-9520
5111 N. Coast Hwy.
Florence • (541)997-8214
18th & Hwy. 101

Q: Will I have to assemble my furniture when it is delivered?

A: Most wood furniture products require assembly prior to delivery. Our delivery service at Roby's includes assembly of your furniture prior to delivery. Our delivery service also includes complimentary removal of your old furniture if necessary.



Charlie Beers

Join us for the final day
Sunday, October 11th!

Astoria
SUNDAY MARKET
astoriasundaymarket.com

Now through Oct. 11
12th Street • 10am to 3pm

Q: Is Astoria Sunday Market Open October 11?

A: YES! This is our final day! We are open from 10 to 3. Ray Prestegard is performing in the Food Court and we'll have about between 70 and 90 vendors available for our final day. Some do last-day sales so this is a great time to visit! THANK you to all our shoppers for making this a great season.



Jeremy Ryan Mills
Agent
503-738-6100

State Farm
Family. Friends.
Community.
We're all in this together.

815 S Holladay Drive
Seaside, OR 97138
www.jmillsinsurance.com

Q: How often should I meet with my insurance agent to update information?

A: As an insurance agent, I would like review policies with our clients at least every two years. As we move along in life, our circumstances change continuously, and my job is to protect what you have worked so hard to create and to help you recover from the unexpected. For me to truly be effective an up to date understanding of your needs really is important.



For more information about the Columbia Forum contact:

HOLLY LARKINS at
503-325-3211x227
or by email:
forum@dailyastorian.com

949 EXCHANGE ST.
P.O. BOX 21
ASTORIA, OR 97103

Q: How do I join the Forum?

A: Contact Holly Larkins at The Daily Astorian 503-325-3211x227 or by email at: forum@dailyastorian.com

WANTED
Alder and Maple Saw Logs & Standing Timber
Northwest Hardwoods • Longview, WA
Contact: Steve Axtell • 360-430-0885 or John Anderson • 360-269-2500

Now thru October 31st

Schedule a
Manicure & Pedicure
Get **\$20 OFF!**
\$85 value priced at \$65

Schedule a **Pedicure**
Get **\$10 OFF!**
\$50 value priced at \$40

PSH
SALON & SPA

1370 Commercial Street, Astoria
Call Jeanne at 503-791-8373 or 503-325-7671

ACCEPTING NEW PATIENTS

Astoria Chiropractic

BARRY SEARS, D.C.

AUTO ACCIDENTS
WORK-RELATED INJURIES

Don't delay! Call today!
We bill most insurance companies including Medicare

503-325-3311 2935 MARINE DR • ASTORIA

Oktoberfest

OCTOBER 10, 2015
DOORS OPEN AT 4 P.M.
DINNER AT 6:30 P.M.
Cost \$10 per person

Bring the family and bring your friends for great food, great music and a great time!

Music by the North Coast Country Band

Astoria Elks Lodge #180