

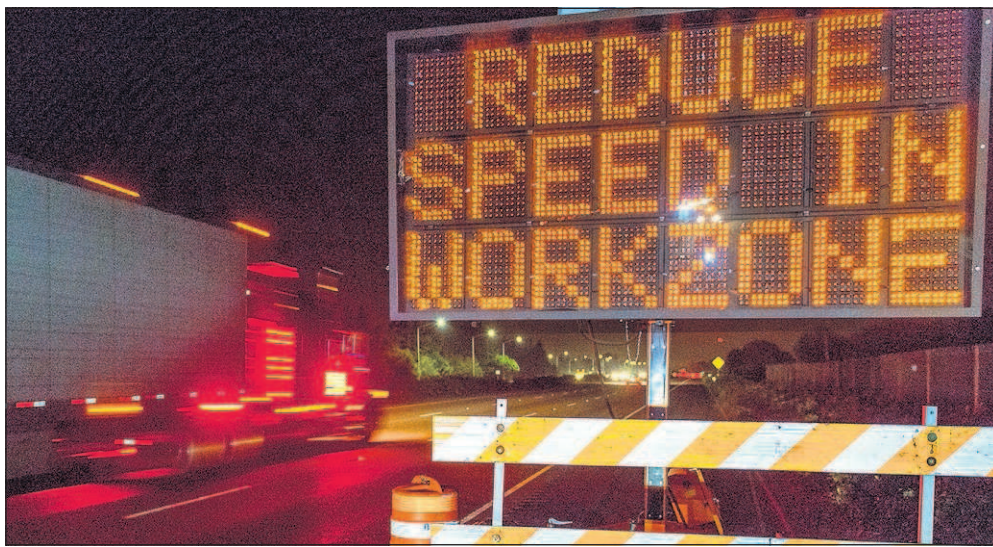
Transportation: The legislative session ends on Monday

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State Rep. Caddy McK-
eown, D-Coos Bay, a chief
architect of the plan, said
the package is based on
overwhelming feedback from
Oregonians that they need
congestion relief on Port-
land thoroughfares and more
public transportation options.

"When cars and trucks
grind to a standstill products
take longer to get to market,
workers are less productive
and quality of life is degraded.
Today, we can take steps to
help Oregon businesses get
their goods to market while
also improving quality of life,"
McKeown said.

Among projects speci-
fied in the plan are congestion
relief on Highway 217, wid-
ening northbound Interstate
205 from Powell Boulevard to
Interstate 84 and initial invest-



Oregon Department of Transportation
**The state House of Representatives passed a \$5.3 billion statewide transportation pack-
age Wednesday 39-20. The statewide plan raises new taxes and fees to fund congestion
relief, roads, bridges, sidewalks, bicycle routes and transit.**

ment in adding new lanes to
Interstate 5 through Portland's
Rose Quarter. The plan also

includes other projects around
the state. It will be up to the
Oregon Transportation Com-

mission to prioritize some of
those projects.

Rep. Susan McLain, D-For-

est Grove, said the plan main-
tains and modernizes roads
and bridges and increases
funding for seismic upgrades
and repairs by 462 percent.

She said it will give the
state a long-term and short-
term economic boost, with
16,000 more short-term con-
struction jobs.

Rep. Julie Parrish, R-West
Linn, who voted "no" on the
bill, said she opposed the
launch of a tolling program
on freeways, given that sur-
veys show there is scarce sup-
port for that method of funding
road projects.

"Maybe it's just deep in our
DNA," Parrish said of respon-
dents' dislike of tolls.

The plan hikes the state's
existing 30-cent gas tax gradu-
ally over seven years to 40
cents. Registration fees would
climb by \$13 and title fees by
\$16 in 2018.

Beginning in 2020, the
state would move toward a
tiered system of registration
and title fees based on a vehi-
cle's gas mileage.

The plan also levies a 0.5
percent tax on the purchase of
new vehicles. About \$12 mil-
lion of the revenue from the
proceeds of the vehicle excise
tax would be used for rebates
on the purchase of electric
vehicles.

A \$15 flat fee would be
charged on the purchase of
new adult bicycles with a
price tag of more than
\$200. The proceeds of that
would go toward paying for
commuter bicycle and pedes-
trian paths.

The legislative session ends
on Monday.

*The Capital Bureau is a
collaboration between EO
Media Group and Pamplin
Media Group.*

Gearhart: 'I think the law is pretty clear'

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they wanted to bring it back
for discussion. Based on
that discussion, they decided
to reverse themselves and
approve it."

Repeated denials

Citing losses, Lowen-
berg, the owner of the for-
mer Gearhart Grocery, won
a conditional use permit to
open a neighborhood brew-
pub and deli at the grocery's
location at 599 Pacific Way
in March 2016, saying the
grocery was unable to com-
pete with larger stores. After
commissioners approved the
plan, Lowenberg submitted
an amended permit
request seeking video lottery
machines.

Maintaining neighbor-
hood character, the proximity
of lottery machines at nearby
locations along U.S. High-
way 101 and no proven need
for the machines all factored
into the council's decision to
uphold a January Planning
Commission denial.

In April, the City Council
held an appeal hearing, and
affirmed the Planning Com-
mission's decision to deny
the revision. After Lowen-
berg's appeal to the state's
Land Use Board of Appeals,
the city withdrew the case for
reconsideration in late May.

A new staff report recom-
mended that the City Council
affirm the Planning Commis-
sion's denial of Lowenberg's
request. "They have to com-
ply with conditional use cri-
teria," Planner Carole Con-
nell said. "If that use is not
listed or permitted, it is con-
sidered prohibited."

State law preemption

But a submission to the
city from Hathaway and
additional comments from
City Attorney Peter Watts led
to a change in direction by
councilors.

In 1984, voters passed
Measure 4 amending the
Oregon Constitution to
establish a state lottery.

A fundamental provision
of the law is that jurisdictions
are preempted from enact-
ing any regulation in conflict
with its provisions. Land use
regulations, whether adopted
before or after 1984, would
be preempted, Hathaway
said.

A key provision of the law
regulates how a video lot-

tery game may be placed and
does not require an applicat-
ant to demonstrate that the place-
ment of lottery machines is
permitted by local land use
regulations, Hathaway said.

"The preemption use is
covered specifically," Hatha-
way said. "Other uses as
mentioned can be absolutely
regulated by the city, but
when it comes to the place-
ment of those machines,
that's subject to the preemp-
tion statute. It appears to be
very unambiguous about the
Legislature's intent: making
sure local government regu-
lations don't prohibit the
ability to place authorized
lottery machines in author-
ized places."

While declining to issue a
recommendation to approve
or deny the appeal, Watts
said state law had "never
been tested."

"This is a difficult deci-
sion, because you're not only
looking at city code, you're
looking at state statutes,"
Watts said. "This language is
pretty strong."

The state could preempt
local codes, including the
city's comprehensive plan,
Watts said, which limits uses
in the city's downtown area.

Change of direction

Ultimately, city council-
ors decided not to pit Gear-
hart's zoning code against
state law.

"I must say I am dead
set against video lottery
machines in the downtown
corridor," Councilor Kerry
Smith said before the vote.
"I'm going to kick myself.
Right now I have to vote for
the video lottery machines
because of that damn law."

Councilor Sue Lorain sec-
onded that sentiment. "I feel
really badly because I have to
vote for it," she said.

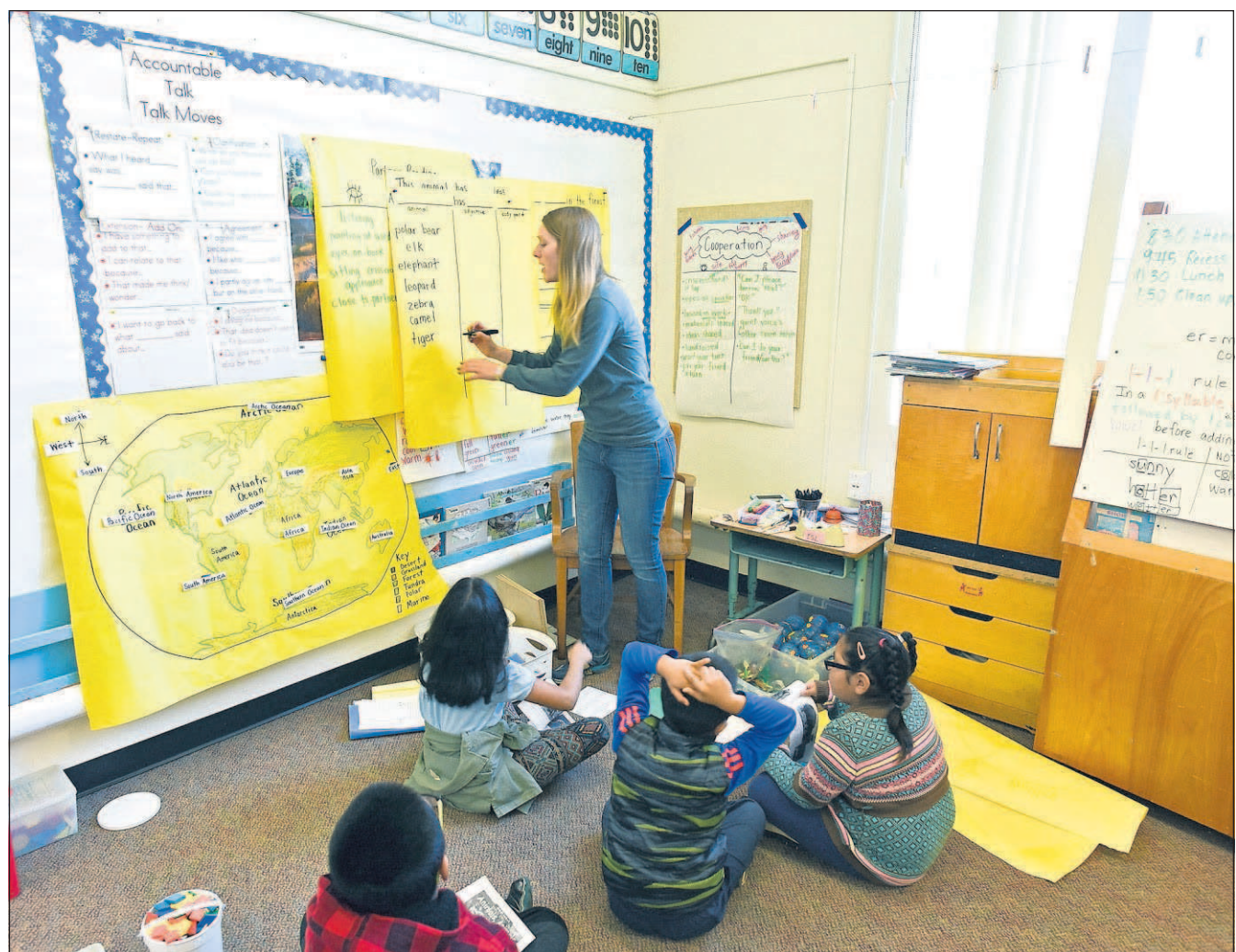
"Our citizens will vote for
it with their wallets," Coun-
cilor Dan Jesse said. "They
will choose to either sup-
port the business or not sup-
port the business. Either it
will succeed or fail based on
what Terry decides to do with
it. To me it's not for us to be
getting into. It's for the citi-
zens to decide. I think the law
is pretty clear."

Jesse, Lorain, Smith
and Paulina Cockrum
voted on behalf of allow-
ing the machines, with con-
ditions. Mayor Matt Brown
abstained.



Colin Murphey/The Daily Astorian

Terry Lowenberg, left, wearing the blue shirt, attends a special meeting of the Gearhart City Council Wednesday in regards to his request to place video lottery machines in his business. Lowenberg, owner of Gearhart Crossing Pub and Deli, was granted a conditional use permit to install the machines.



Colin Murphey/The Daily Astorian

English language development teacher Emily Townsend conducts a lesson during the John Jacob Astor Elementary School's summer learning program for about 200 migrant and English learner students.

Summer school: Results from the past year show marked improvements among English learners

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Beyond push-in and the
migrant summer school,
Townsend said the school dis-
trict is also trying to better
engage with the families of
English learners because of
the role they play in the suc-
cess of students.

Victor Mendez, an incom-
ing senior at Astoria High
School, is one of several older
students brought in to men-
tor in the summer school. An
Astoria native, Mendez went
to kindergarten before mov-
ing to Mexico and returning
in the sixth grade. He said he
struggled with English on his
return.

"I understood everything,
but I couldn't speak it," he
said.

Mendez never went to the
summer school, but said it
was all the extra practice with
teachers that helped him catch
up.

Who qualifies?

To qualify for the summer
school, a student must have
moved between school dis-
tricts in the past three years
because of a parent's seasonal
work with raw goods.

The Northwest Regional
Education Service District
helps fund and recruit for sum-
mer schools in Astoria, Til-
lamook and Scappoose. Seth
Tucker, a program special-
ist with the service district's
migrant and English learner
program, said there are about
200 migrant students in Clat-
sop County, a majority from
families working in Astoria
area seafood processors. The
summer school also brings
in about 30 students from the
Warrenton-Hammond School
District and fewer than 10
from Seaside.

Tucker said students from
migrant families, even if they
primarily speak English, face
challenges from moving a lot,



Colin Murphey/The Daily Astorian

Students in Emily Townsend's class spend a portion of the day working on computers to improve their English language skills.

'We are optimistic and hopeful that this trend in achievement continues and that we will be able to say that it is directly correlated.'

Melissa Linder

Astoria's curriculum director

switching teachers and learn-
ing new curricula, and often
fall behind.

"We see that many of those
students have an opportunity
gap in the summer," he said
of students whose parents are
often at their busiest in those
months.

Promising returns

The school district tests
kindergartners through
11th-graders in fall, winter
and spring on reading, writ-
ing and mathematics. Results
from the past year showed

marked improvements among
English learners, especially
among elementary school
students.

In fall, only 33 percent
of incoming English learner
kindergartners were meet-
ing grade-level reading stan-
dards. By spring, nearly 90
percent met the standards.
Second-grade English learn-
ers reading at grade level rose
from 40 percent to 50 percent
by the end of the school year.
Only 25 percent of fifth-grade
English learners read at grade
level in the beginning of the

year, which rose to 70 percent
by spring.

Students progress through
and eventually phase out
of the English learner pro-
gram as their language skills
advance.

Melissa Linder, Astoria's
curriculum director, said it is
too early to tell if the district's
focus on the push-in model
and other changes are what
resulted in the improvements.
"We are optimistic and hope-
ful that this trend in achieve-
ment continues and that we
will be able to say that it is
directly correlated," she said.

Linder said the school dis-
trict has also experienced the
highest rate in more than five
years of students phasing out
of the English learner program
and into the broader popula-
tion, the ideal conclusion for
those catching up in language
skills. "That is another piece
of data that we believe sug-
gests that we are beginning to
make an impact," she said.