

RV park: Many aspects of plan will be guided by ecological, geological surveys

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Mike Manzulli, the president of the Oregon Coast Alliance and a member of the Ecola Watershed Council, said these kind of violations not only disregard the planning process, but the survival of the marbled murrelet, which only lives in increasingly rare, old-growth, coastal forests.

While surveys have yet to be conducted to show whether Smejkal's property is directly home to these birds, the Department of Forestry identified the property as immediately adjacent to a marbled murrelet management area in 2009.

"Given the time frame, and Mr. Smejkal's disregard of our local ordinances, it is in the best interest of the threatened marbled murrelet and people that care about the birds' dwindling critical habitat to try and purchase this land now," Manzulli said.

Smejkal said no one has come forward with any kind of an offer, but said "anything is for sale."

Next steps

Caplinger said many of the aspects of the plan, like water and sewer infrastructure, will be guided by ecological and geological surveys.

Because the property is in a resource zone, anyone 300 feet from Smejkal's property line will receive a notice from the county after his plan is submitted for the opportunity to participate in a public comment period and hearing.

Both the county and the Oregon Coast Alliance said they are keeping a close eye on development to make sure local ordinances are followed. But until more surveys are completed, a timeline for when this could be completed is not clear.

"It's going to be awhile," Caplinger said.



Submitted Photo

Blue lines on this county aerial indicate approximately 175-acre parcel owned by James Smejkal across from Arcadia Beach.

Hangar: Commission agreed to bring issue up at its next meeting

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getting the equal treatment in return."

FAA permission

Life Flight applied for the state grant with the understanding that the Port was going to cover the cost of installing infrastructure and utilities to the preferred site, Travers said. Since the bond failed, he said, Life Flight has received permission from the Federal Aviation Administration to start a review of its current site for the new hangar.

Life Flight needs to finalize a location for the hangar by the end of September or seek a second extension on its ConnectOregon grant, in which it originally committed to choosing a location by the end of June. Travers asked the Port to either secure the funding for infrastructure as promised or OK the current location.

Port Executive Director Jim Knight remained committed to the preferred site to the south and said he took exception to some of Travers' characterizations of past conversations.

"At no time did I make a promise that I would commit the Port's resources," Knight said. "I don't have the authority to commit the Port's resources to fund the infrastructure costs. I did say I would do everything in my power to find those funds."

The Port did not have the money to develop the infrastructure to the preferred site, and asked voters to fund the expansion. It was Life Flight that had asked the Port to find a different location at the airport for its hangar, Knight said.

Dalstra denied ever having said Life Flight wanted to move from its current location.

"If we were allowed to build at our current location, it wouldn't cost the Port anything, zero dollars," Dalstra said. "It wouldn't cost the taxpayers any dollars. We would take on all the costs of building right where we're at."

Life Flight would pay for any costs to mitigate any issues at the current site, but doesn't want to wait for the Port to find infrastructure funding while its aircraft are subjected to corrosion from being left outside, Dalstra said.

"We sent an aircraft out on a truck," he said. "We couldn't even fly it because of corrosion, because the aircraft was sitting outside. We're not going to go through that again. We are on a time crunch to get this built."

Discussions between Life Flight and the Port have reached an impasse, necessitating a quick decision by the Port Commission separate from the airport committee, Travers said.

'One more shot'

Port Commission President Frank Spence called for a vote on the preferred location, but Commissioner Bill Hunsinger said he wanted more information. Commissioner James Campbell said the current location is not safe. New commissioners Dirk Rohne and Robert Stevens called for more negotiations between the Port and Life Flight to find a solution.

"I'd like to see everyone try one more shot at it, before we vote on it, and if we can't get there ... I would support building where they are if we can't figure out how to pay for where we want them," Rohne said.

The Port Commission agreed to bring the issue up again at its next meeting later this month.



Craig Bailey/Florida Today

A SpaceX unmanned Falcon rocket launches from Florida's Kennedy Space Center today.

SpaceX launches Air Force's super-secret minishuttle

By MARCIA DUNN
Associated Press

CAPE CANAVERAL, Fla. — SpaceX launched the Air Force's super-secret space shuttle today, a technology tester capable of spending years in orbit.

The unmanned Falcon rocket blasted off from Florida's Kennedy Space Center, as schools and businesses boarded up for Hurricane Irma.

It's the fifth flight for one of these crewless minishuttles,

known as the X-37B Orbital Test Vehicle.

The two Air Force space planes have already logged a combined 5 1/2 years in orbit. But officials won't say what the spacecraft are doing up there. The last mission lasted almost two years and ended with a May touchdown at the runway formerly used by NASA's space shuttles. The first one launched in 2010.

As has become customary, SpaceX landed its leftover booster back at Cape Canaveral for eventual reuse.

This was the first time SpaceX has provided a lift for the experimental minishuttle. The previous missions relied on United Launch Alliance's Atlas V rockets. Air Force officials said they want to use a variety of rockets for the X-37B program, to launch quickly if warranted.

The Boeing-built minishuttle is 29 feet long, with a 14-foot wingspan. By comparison, NASA's retired space shuttles were 122 feet long, with a 78-foot wingspan.

SpaceX stopped provid-

ing details about the X-37B's climb to orbit, a few minutes after liftoff at the Air Force's request. The booster's return to SpaceX's landing zone at Cape Canaveral Air Force Station, however, was broadcast live.

"The Falcon has safely landed," a SpaceX launch controller announced. Cheers erupted at SpaceX headquarters in Hawthorne, California.

It was SpaceX's 16th successful return of a first-stage booster. Booster rockets are normally discarded at sea.

Warming center: Appeals process could delay opening

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First United Methodist Church on Franklin Avenue and 11th Street where the center operates each winter and the Astoria Downtown Historic District Association.

"This is difficult work, creating a document like this, and I was very pleased to see the results of this," Pearson said. He supported approval of the center's permit "100 percent."

The agreement — now referred to as a good-neighbor commitment — details how the center's board, staff and volunteers plan to address neighborhood concerns and issues with how the center operated in the past. It also explains what the center will require of the homeless who come to eat a meal and spend the night at the center when low temperatures or expected rainfall hit established thresholds.

Parkison said he was "very pleased that a majority (of the Planning Commission) saw the need in Astoria and saw that our mission is important to not only the people we serve but to all the citizens of Astoria." He added that the city deserves credit for the good-neighbor commitment; the document and last week's meetings overseen by a mediator were first suggested by



Joshua Bessex/The Daily Astorian

Volunteers Steve Swenson, left, and Rory Gerard, center, help check people into the warming center at First United Methodist Church in 2015.

city staff and City Manager Brett Estes.

"You could just see all the different groups coming together because it really was a collaborative effort of everybody trying to reach an understanding of the other person's needs and what they wanted," Parkison said. "It would not have happened without the city's mediation effort. We started off just too far apart."

Planning Commissioner Sean Fitzpatrick, a vocal opponent of the center's location though not its mission, did not attend Wednesday night's meeting. He had recused himself from considering the application in July.

As an owner of the Illahee Apartments across the street from First United Methodist Church, he participated in the community meetings last week.

Commissioners Kent Easom and Daryl Moore voted against approving the warming center's permit, saying they were still concerned about impacts on the neighborhood. Moore explained that since Planning Commission members could not attend the community meetings last week and the city did not record who attended, he has no evidence that the neighbors actually approved of the good-neighbor commitment.

The commitment "didn't alleviate my concerns that the

impacts will be addressed," he said, but added, "I hope they are and I hope (the warming center) is run great and the neighborhood is fine. I certainly hope that they help people and I appreciate the work that you do, but my role is to protect our governing documents. The documents that I reviewed and researched say that my role in this was to protect the neighborhood from uses that don't belong in the neighborhood. It's never been about the people that need help."

He said he wished the center the best.

The Planning Commission's decision can be appealed to the City Council by anyone with standing — people who testified or submitted testimony during the public hearing — within the next 15 days. If the matter does go to the City Council, whatever the councilors decide can also be appealed. The warming center is allowed to open beginning Nov. 15, but the appeals process could delay these plans.

Parkison said the board will need to hold off on securing their food donor network, fulfilling landscaping and other requirements outlined in the permit, hiring additional staff and contacting volunteers until the chance for appeals has passed.

Jury law: Oregon's law was passed by voters in 1934

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Lambert was convicted of second-degree murder by a 10-2 guilty verdict in connection with the fatal shooting of a man in Louisiana's Orleans Parish on March 22, 2013.

His lawyers supported their petition to the Supreme Court with research by professor Aliza Kaplan and law student Amy Saack of Portland's Lewis & Clark Law School.

Louisiana's majority verdict system was introduced in the 1898 Constitution as part of measures designed to "establish the supremacy of the white race," according to the researchers' February article in the Oregon Law Review.

Likewise, Oregon's law, passed by voters in 1934, was an anti-Semitic reaction to one juror holding out on convicting a Jewish man of first-degree murder in the death of Jimmy Walker, a Protestant white man, in 1933, the researchers assert. Instead, the Jewish



A case appealed to the U.S. Supreme Court could impact Oregon law allowing 10-2 convictions.

man, Jacob Silverman, was convicted of manslaughter and spared a death sentence.

The U.S. Supreme Court upheld Oregon and Louisiana's jury laws in 1972, but since then, the understanding of the detrimental effect of non-unanimous jury verdicts,

especially on people of color, has increased, said Kaplan, director of the Criminal Justice Reform Clinic at Lewis & Clark.

"All of the social science points to why unanimous juries work out better and more fair and demonstrate why all

voices need to be heard," she said.

Clatsop County District Attorney Josh Marquis dismissed the researchers' assertion that Oregon's law is based on racism. The law offers benefits that criminal justice reformers overlook, such as fewer hung juries, he said.

"The issue is that as a result of a popular referendum in 1934 that guaranteed the right to non-jury trial, Oregon voters decided that a verdict of 10 to 2 is needed to either convict or acquit in criminal cases, except murder, where a unanimous verdict is required for guilty, but it can be 10-2 for not guilty," he said in an email.

"The result is not more convictions, just fewer hung juries."

The Supreme Court is scheduled to consider whether it will take the case Sept. 25.

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