

IN BRIEF

Two virus deaths reported for county

The Oregon Health Authority has reported two Clatsop County virus deaths from the summer.

A 79-year-old woman died on Aug. 29 at Providence St. Vincent Medical Center in Portland. She had tested positive for COVID-19 on Aug. 22.

A 38-year-old woman died on Sept. 2 at St. Charles Medical Center in Bend. She had tested positive on May 7. No other information on the deaths was available.

The deaths were part of a surge of virus cases, hospitalizations and deaths in the county over the summer.

Since the pandemic began, the state has recorded 32 virus deaths for the county, although the county has said that one of those deaths did not involve a resident.

The health authority is in the process of documenting several hundred virus deaths statewide that were not initially reported because of a computer error.

Virus case identified at wrong Jewell school

A coronavirus case of a student at Jewell School was incorrectly reported by the Oregon Health Authority last week.

The virus case was supposed to be listed at R.E. Jewell Elementary School in Bend, according to Jewell Superintendent Steve Phillips, who spoke with Clatsop County health officials.

The school district has only had two virus cases so far this school year, both of which were staff members, Phillips said.

— *The Astorian*

Wyden pushes for scenic rivers

BEND — U.S. Sen. Ron Wyden said a plan to protect thousands of miles of rivers and streams in Oregon from development could become law next year.

The Oregon Democrat, meeting in Shevlin Park last week with students who urged the senator to get the legislation passed, said the River Democracy Act could be approved in 2022 after the dust settles from President Joe Biden's Build Back Better push.

If passed, the act would add nearly 4,700 miles of rivers and streams in Oregon to the Wild and Scenic Rivers System.

— *The Bulletin*

MEMORIAL

Saturday, Nov. 20

EATON, Roberta McCallister — Service at 1 p.m., Beautiful Savior Lutheran Church, 12513 S.E. Mill Plain Blvd. in Vancouver, Washington.

ON THE RECORD

Assault

• Gary Gobin, 41, of Seaside, was sentenced on Monday to five years and 10 months in prison for assault in the second degree, along with 37 months for burglary in the first degree. The sentences will run concurrently, and Gobin will receive credit for time served.

The crimes, which involved a machete used on a victim's face and body, occurred at a Seaside apartment in October 2020.

DUII

• Richard Earl Cook, 59, of Kalama, Washington, was arrested on Sunday on Marine Drive in Astoria for driving under the influence of intoxicants.

• Justin James Swearingen, 31, of Astoria, was arrested on Saturday at

Gnat Creek Fish Hatchery off U.S. Highway 30 for DUII, reckless driving and four counts of reckless endangering of a person.

• Angel Ramirez-Gonzalez, 40, of Astoria, was arrested on Friday at Alameda Avenue and Agate Street in Astoria for DUII and reckless driving. His vehicle collided with a power pole.

Theft

• Stephanie Patricia Conner, 36, of Portland was arrested on Sunday at Walmart in Warrenton for theft in the second degree, criminal mischief in the third degree and criminal trespass in the first degree.

• Eric Nicholas Ferguson, 41, of Astoria, was arrested on Sunday at Natural Grocers in Warrenton for theft in the second degree and criminal mischief in the third degree.

PUBLIC MEETINGS

TUESDAY

Port of Astoria Commission, 4 p.m., workshop, (electronic meeting).

Astoria Historic Landmarks Commission, 5:30 p.m., City Hall, 1095 Duane St.

Seaside School District Board, 6 p.m., (electronic meeting).

WEDNESDAY

Astoria City Council, 1 p.m., work session, City Hall, 1095 Duane St.

Seaside Tourism Advisory Committee, 3 p.m., City Hall, 989 Broadway.

Seaside City Tree Board, 4 p.m., City Hall, 989 Broadway.

Knappa School District Board, 6:30 p.m., Knappa High School Library, 41535 Old U.S. Highway 30.

THURSDAY

Cannon Beach Design Review Board, 6 p.m., (electronic meeting).

Seaside Transportation Advisory Commission, 6 p.m., City Hall, 989 Broadway.

Ecola State Park to remain closed after damage to road

By KATIE FRANKOWICZ
The Astorian

CANNON BEACH — Ecola State Park could remain closed for a while as the state evaluates damage to the entrance road following days of heavy rain on the North Coast.

Cracks appeared on one repeatedly troublesome section of Ecola Park Road on Friday. Last year, an active landslide wiped out a trail below this section and forced the park to close temporarily.

Just down the road, about two curves away, a sinkhole has opened up, raising questions about the overall structural integrity of the road section. In a video park rangers shot to illustrate the seriousness of the damage, one ranger was able to stick a shovel handle almost all the way down into the void.

Rangers closed the park Friday afternoon.

The damage to the entrance road is not surprising, said Ben Cox, the manager of the Nehalem Bay Management Unit, which includes Ecola State Park.



Oregon Parks and Recreation Department

Park rangers look at a sinkhole that appeared in the entrance road into Ecola State Park on Friday after days of heavy rain.

But, he added, "It's a little disappointing."

Washouts and other issues have become common at the popular park over the years as winter storms activate slide areas or aggravate older problems. Ecola Park Road, which provides access to the Ecola Point recreation area and Indian Beach, is the only way for the public to access the park

by vehicle.

People can still hike into the park using the Tillamook Head trail that begins in Seaside.

Cox expects that repairs to the road, especially at the sinkhole, could require a lot of excavation and crews will need to work around utilities in that spot. Contractors have been especially busy and difficult to schedule,

which could further delay any repairs, Cox said.

He isn't sure what to expect when they take a closer look at the road or what the presence of the sinkhole represents in terms of movement or washout below the asphalt. His big concern, Cox said, is that the only thing holding together the road is the road surface itself.

Clash: Arguments primarily come down to how the city applied its ocean setback standard

Continued from Page A1

The undeveloped lots off the Hemlock Street curves are some of the few such oceanfront parcels left near the heart of the city. They allow people a glimpse, a sort of memory, of what the area looked like before it became so developed and a hub for tourism.

Then there is the thorniest issue of all.

Oceanfront setback

The property is zoned residential, so a beach house is allowed. However, the location puts it under an oceanfront management overlay with attendant limitations on development. Here, the Oswald West cabin, the only nearby building, plays a key role.

Last year, the Roberts submitted a proposal to build a 2,712-square-foot beach house on the northeastern corner of the property. City staff approved the request with several conditions. The Roberts needed to show the proposed house complied with the city's oceanfront setback standard.

At first, it seemed possible the project could meet the city's requirements, Planning Director Jeff Adams later noted in a report.

But the Roberts challenged the conditions set on them by city staff. Later, they submitted information that staff and officials say showed the house they hoped to build did not meet the oceanfront setback standard.

Cannon Beach's oceanfront setback rule has been in place since at least the 1990s, before the Roberts bought the property. It dictates that new development must be set away from the ocean shore and outlines how to calculate that distance. Most local surveyors, engineers and architects know about the rule and how to work with it, Adams said. "It's pretty standard," he said. "I don't think there really had been a question until now."

Planners calculate the ocean setback for any given property by taking the average of the setbacks for existing buildings nearby that could be affected by a new building. In the Roberts' case, the only nearby building was the Oswald West cabin. So the city determined the setback for the Roberts' property would be the same as the cabin's: 119 feet.



Lydia Ely/The Astorian

The Roberts' property has a fantastic view.

The line planners drew after applying the setback standard ran right through the middle of the Roberts' proposed house and significantly reduced the possible footprint for any building on the property.

The Roberts have gone through several appeals with the city over the setback standard. The matter eventually went to the state Land Use Board of Appeals, where the state sided with the city.

The Roberts were not ready to give up and appealed to the Court of Appeals. The city expects to hear a decision from the state early next year.

The arguments primarily come down to how the city applied its ocean setback standard and whether or not certain words in the law are clear. The Roberts believe different people could reach different conclusions about how to apply the ocean setback standard.

They also argue that state law prohibits Cannon Beach from applying the standard. To follow the city's rule reduces the size of the house that can be built, going against a state rule dealing with housing density, the Roberts argue.

The city contends that the state law does not apply in this case and that the Roberts' project was denied not because of the size of the house, but because the project didn't meet the city's setback standard.

Statewide concerns

Other influential groups have joined the fight. Signed on with the city

is Haystack Rock LLC, which represents the Oswald West cabin property, and the nonprofit Oregon Coast Alliance. They have been joined by the League of Oregon Cities, which submitted an amicus brief to the appeals court to show the organization's strong support for the city's arguments.

The court's decision will "significantly affect the ability of cities in Oregon to plan for and guide development of housing within their jurisdictions," the League of Oregon Cities wrote.

The organization also contends that the Roberts are proposing interpretations of state rules about housing density that "would undermine the ability of cities to increase housing and avoid other critical zoning problems."

Meanwhile, the Home Builders Association of Metropolitan Portland and the Stafford Land Co., a residential developer, have submitted amicus briefs of their own in support of the Roberts, echoing the couple's arguments.

Stanley Roberts said he never expected so much pushback.

Roberts, a retired Washington state actuary, bought the property with his wife, his brother and his sister-in-law in 2001. It had been his brother's dream to

build a house there. When his brother died, Roberts wasn't sure what to do.

Eventually, he decided to build the beach house — in honor of his brother, he said.

"It was very sentimental to me, to build where he wanted to build," Roberts said.

Now he has spent thousands of dollars trying to realize that dream with no guarantee that it will happen. He's angry.

"Cannon Beach, I will tell you, should be renamed Cannot Beach," he said.

Roberts doesn't think he will win at the appeals court. Perhaps he'll take the matter to the Oregon Supreme Court next. He isn't sure.

What he is sure about, though, is a feeling that his neighbors have more ownership and say over what happens on his property than he does.

Roberts is not interested in building a smaller house to satisfy the city's requirements. There is a good chance, he thinks, that he'll never be able to build the house he envisioned. If "no" is the final answer, he'll put something else on the property: some kind of homeless shelter, maybe, or, he said, "the most obnoxious art."

"I'll be famous in Cannon Beach," he said. "Infamous, probably."

the Astorian

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