

IN BRIEF

Rezoning proposed at former Gearhart Elementary School

GEARHART — The owner of the former Gearhart Elementary School wants to rezone the property and build up to 24 residential units.

While environmental consultants will not finish monitoring groundwater test pits until the end of April, preliminary reports from the consultants about the septic carrying capacity on-site led the owners to seek city approval to rezone the entire 8.5 acres to residential medium density, or R-2.

“Information drives conclusions, and new information can change initial plans,” Bob Morey, of Scofi Gearhart LLC, said.

Scofi’s initial thought was that the septic capacity of the property might only accommodate a few residential units.

Providence Seaside partners with nonprofit on housing

SEASIDE — Providence Seaside Hospital is partnering with the nonprofit Home Share Oregon to implement a program that could help alleviate the housing crisis in the region.

“We saw this as a great opportunity to take this concept and this service and expand it into the community,” Cheryl Frei, the chief mission officer at Providence Seaside, said.

Home Share Oregon brings the community tradition of home-sharing into the modern age utilizing technology to match renters to homeowners, and vice versa, based on compatibility.

Tess Fields, Home Share Oregon’s executive director, launched the program two years ago as part of a larger nonprofit organization. It experienced rapid success and expansion, leading Fields to establish her own separate nonprofit entity in mid-2021.

Individuals and families can use Home Share Oregon’s digital app to create a profile — whether they’re looking to rent a room or have one to offer. Powered by Silvernest technology, the program helps facilitate background checks, rental agreements and access to mediation services, which all make the home-sharing process more secure and comfortable for both homeowners and renters.

Astoria Library to close on Thursday

The Astoria Library will close Thursday while staff attend the Public Library Association conference in Portland.

During the conference, staff will review the latest trends in libraries.

— *The Astorian*

Businesses challenge Oregon’s new climate program in court

A coalition of businesses wants a court to block Oregon’s new Climate Protection Program administrative rules.

The rules, passed by the Oregon Environmental Quality Commission in December, target a 90% reduction in greenhouse gas emissions from transportation fuels and natural gas by 2050.

In a petition for judicial review filed Friday, 12 industry trade groups say the rules “hold fuel suppliers directly accountable” for the state’s greenhouse gas emissions.

The groups represent farming, ranching, fossil fuel, logging, manufacturing and retail businesses.

Mary Anne Cooper, of the Oregon Farm Bureau, in a statement said the Oregon Department of Environmental Quality “overstepped its authority.”

“Oregonians should not stand for a state agency writing policies that it does not have the authority to write, and it sets a dangerous precedent for the future,” Cooper wrote.

For years, Oregon Democratic lawmakers have tried to launch an economywide cap-and-trade program to reduce the carbon emissions that contribute to climate change. When they failed to get enough votes, Gov. Kate Brown last year ordered the Department of Environmental Quality to develop administrative rules that would cap greenhouse gas emissions from fossil fuels and reduce them over time.

The resulting Climate Protection Program does just that: it caps emissions from gasoline, diesel, propane, kerosene and natural gas and makes the cap more restrictive over time. The program, which launched this month, will distribute a declining number of emission credits to fuel suppliers and allow them to buy and sell those credits as the cap comes down. It also creates a fund that allows companies to pay for emission reductions in communities that are most impacted by climate change.

— *Oregon Public Broadcasting*

PUBLIC MEETINGS

TUESDAY

Clatsop County Planning Commission and Countywide Advisory Committee, 9 a.m., (virtual meeting).
Warrenton City Commission, 6 p.m., City Hall, 225 S. Main Ave.

WEDNESDAY

Clatsop County Board of Commissioners, 6 p.m., (virtual meeting).

THURSDAY

Sunset Empire Transportation District Board, 9 a.m., (virtual meeting).

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MURAL AT RISK?

Patrick Webb/Chinook Observer

A mural by former Ilwaco resident Dorothy Danielson, now of Svensen, was created at the Ilwaco Timberland Library branch when her earlier artwork was discovered to be damaged during a 2008-09 remodel. The regional library network’s plan for a \$150,000 remodel this spring has been delayed following community uproar over fears of the potential loss of the mural.

State budget patch will shore up legal defense

By PETER WONG
Oregon Capital Bureau

Now that lawmakers have approved what is essentially a \$13 million patch, Oregon leaders have several more months to chart a new course for how indigent criminal defendants get legal representation in court.

The chairman of the state Public Defense Services Commission, which oversees the system, has even suggested that the state take over the web of public defender offices, nonprofit law firms, consortiums of individual lawyers and private law firms and sometimes lawyers themselves.

Per Ramfjord made the comment at a meeting a week after the Legislature approved \$12.8 million within a larger budget bill to pay for up to 36 new lawyers, plus support staff and investigations. The new positions — half now and the other half in July — would cover more populous counties in which an estimated 100 defendants have lacked legal representation, such as Multnomah and Washington counties, which are served by the Metropolitan Public Defender. Others are Lane and Marion counties.

The Legislature already had withheld about \$100 million from the Office of Public Defense Services’ two-year budget, allowing the legislative Emergency Board to release it. State House Speaker Dan Rayfield, a Democrat from Corvallis whose most recent position was as House co-leader of the joint budget committee, said such withholding is not unusual — but also not common — for an agency facing difficulties.

“We were trying to figure out those next steps we can do,” Rayfield told reporters when the Legislature closed its 2022 session. “You can’t throw a bunch of money at an agency and expect that you will get results. They need to be methodical and thoughtful to achieve what you are trying to accomplish.



The state Legislature approved an extra \$12.8 million for public defense services.

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Senate President Peter Courtney | a Democrat from Salem

“We sure could have thrown hundreds of millions at the Public Defense Services Commission in an effort to try to make things look good. But we wouldn’t be good stewards of public dollars.”

‘I am embarrassed’

“This is an area I am embarrassed about,” Senate President Peter Courtney, a Democrat from Salem, told reporters. “I didn’t realize the magnitude of this mess until this session. I’m glad we have an annual session, because we really made a run at it to try to get it under control.”

The U.S. Supreme Court established in a 1963 case that criminal defendants are entitled to legal counsel in state and federal courts. Oregon’s Robert Thornton was among the state attorneys general who filed their support for Clarence Earl Gideon, the petitioner in *Gideon v. Wainwright*.

“This is something the

media need to ride us on, because if you can’t get the right to counsel, you can talk all you want about a civilized society, but you’re not there,” Courtney said.

“I don’t know if we threw money at it or not. Nobody seems to want to take it on.”

The cost and availability of lawyers for indigent legal defense have been issues almost since the Legislature approved the state takeover of trial courts in Oregon’s 36 counties back in 1981. The takeover took effect in January 1983. Before then, judges were considered state officials, but counties provided the staffing — and counties still provide the buildings and security, although there is a 50-50 fund for courthouse construction. Some counties, faced with rising costs for indigent defense, backed the state takeover.

Twenty years later, in 2003, the Public Defense Services Commission was created to oversee the network of contractors that provide indigent defense. But a 2019 report by the Sixth Amendment Center concluded that the evolving system resulted in problems.

“In doing so, the state has created a complex bureaucracy that collects a significant amount of indigent defense data, yet does not provide sufficient oversight or financial accountability. In some instances,

the complex bureaucracy is itself a hindrance to effective assistance of counsel,” the report concluded.

“Moreover, the report concludes that this complex bureaucracy obscures an attorney compensation plan that is at root a fixed fee contract system that pits appointed lawyers’ financial self-interest against the due process rights of their clients, and is prohibited by national public defense standards.”

Bar association report

A January report by the American Bar Association concluded that Oregon should have 1,888 lawyers to provide adequate representation for indigent criminal defendants, but has just 592.

“I believe that with the resources of the Emergency Board, we can tackle it with a Band-Aid,” Gov. Kate Brown said. “The challenge is in hiring lawyers.”

Two Democrats voted against the end-of-session budget bill — House Bill 5202 — that contained the extra \$12.8 million for public defense services. They were Rep. Janelle Bynum, of Clackamas, who leads the House Judiciary Committee, and Rep. Marty Wilde, of Eugene, a lawyer. Both said the amount was insufficient.

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