

Appeals court sides with Cannon Beach in beach house dispute

By NICOLE BALES
The Astorian

The Oregon Court of Appeals has upheld the city's decision to deny a couple a building permit for a beach house.

Stanley and Rebecca Roberts submitted an application to construct a 2,712-square-foot oceanfront home on a steep hillside off of Hemlock Street. The proposal, however, did not advance because it did not meet the city's oceanfront setback standard.

After several appeals with the city, the Roberts appealed to the state Land Use Board of Appeals, which sided with Cannon Beach. Then the Roberts sought judicial review from

the Court of Appeals which, in December, upheld the state's and city's decision.

The location of the Roberts' 5,394-square-foot property puts it under an oceanfront management overlay, which requires the application to comply with the city's oceanfront setback rule. The rule requires that new development be set away from the shore and outlines how to calculate that distance.

If the setback standard was applied, it would significantly reduce the possible footprint for any building on the property.

The couple argued that there is ambiguity in the city's ordinance, which can lead to different interpretations. They also argued that state law prohibits Cannon



Lydia Ely/The Astorian

A Cannon Beach couple is in a legal fight to build a beach house.

Beach from applying the standard because it has the effect of reducing the density of their proposed home by reducing the floor area. In the ruling, the appeals court rejected the Roberts' first argument, concluding

that they "rely on potential ambiguity in various terms when they are considered without reference to their context and the purpose of the ordinance."

As far as the state rule dealing with housing density, the appeals court maintained that it was not the Legislature's intention to preempt the ability of local governments to apply standards like setbacks that have a purpose other than reducing density.

Haystack Rock LLC, the nonprofit Oregon Coast Alliance and the League of Oregon Cities supported the city in the challenge.

The League of Oregon Cities submitted an amicus brief to the appeals court, writing that the court's decision would "significantly

affect the ability of cities in Oregon to plan for and guide development of housing within their jurisdictions."

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

The Roberts plan to appeal to the Oregon Supreme Court.

Meanwhile, the couple has applied for a second building permit for a smaller house that meets the oceanfront setback standard. The City Council plans to hold a public hearing for a driveway access easement agreement — a requirement before the building permit is considered — in March.

Bell Buoy to offer wine, beer; Whet Spot adds spirits

Seaside Signal

Two Seaside businesses went before the City Council last Monday seeking to expand their drink offerings.

Rick and Barbara Berry purchased the Whet Spot at 12 N. Holladay in 2020, offering 20 rotating draft selections of northwest craft beer and ciders, non-alcoholic beverages and wine by the glass.

They plan to expand the offerings at the tap room and bottle shop to a full on-premises sales license, allowing them to sell distilled spirits along with malt beverages, wine and cider. They added an additional member to the business, Matthew Ryan Lang.

The Seaside Police Department reviewed the application, Detective Sgt. Josh Gregory said in a report to city staff. The Whet Spot remains in good standing, with no calls for police service at the establishment.

Mayor Jay Barber and the City Council unanimously approved the license request.

Following the

approval, Trent Hartill, of Bell Buoy, a fresh smoked fish market and fish and chips restaurant at 1800 S. Roosevelt, also spoke before the council.

"I'm interested in offering beer and wine at our restaurant," Hartill said.

The business will be open to sell alcoholic beverages from 11 a.m. to 5 p.m., seven days a week. There are currently 14 seats available for indoor consumption and 36 outdoor with the area being roped or fenced off from the general public.

There are no issues with Hartill, the current owner, who remains in good standing, Gregory said.

The only calls for service to this establishment of note have been a few after-hour alarm calls, and some transient activity around the premise after-hours, which would be considered outside the control of the business owner.

"So good for Seaside that we have a fresh seafood market in our town, and a place for fish-and-chips," Barber said.

The council approved the Bell Buoy application.



Bell Buoy received approval for beer and wine sales.

Seaside contractor fined for violating job safety standards

By R.J. MARX
Seaside Signal

Synergy Construction Group, a contractor based in Seaside, was fined more than \$15,000 by the state for job safety violations on a residential roofing project last year.

The Oregon Occupational Health and Safety Administration said an inspection found two employees working on a roof with no protection against potential falls. The inspection was conducted after a complaint about the lack of fall protection.

According to Aaron Corwin, an Oregon OSHA spokesman, this is the fourth time Synergy Construction Group has violated the fall standard since February 2020, each of which resulted in fines.

Sabel Wilder, a company representative, said in an appeal that the violations were the actions of a subcontractor.

"The reason I did not participate in an opening or closing conference was because I told the inspector that I believed he had the wrong company," he said. "I asked for any evidence that put our employees at the scene of the alleged violation, he said he could not produce any evidence, and was told someone said it was our company."

"Yes, we were the general contractor for this project, the project was subcontracted to another licensed company. If there were any violations, my advice for the inspector was to produce pictures or something that could substantiate his claims. He could not. For this reason I want a hearing."

PUBLIC SAFETY LOG

Continued from Page A2

Avenue: EMS call.

11:01 a.m., 1900 block Spruce Drive: EMS call.

Jan. 8

3:10 p.m. Forest Drive: EMS call.

3:27 p.m., 800 block Beach Drive: EMS call.

Jan. 10

12:00 p.m., 1600 block S. Edgewood: EMS call.

12:06 p.m., 1900 block Spruce Drive: EMS call.

4:40 p.m., 1000 block N. Holladay: Structure fire; flames and black smoke reported.

Jan. 11

8:19 a.m., 12th and Necanicum: Chimney fire.

3:08 p.m., Leech Lane: Water rescue.



Two-car crash

Troopers responded Jan. 1 at 9:30 a.m. to a two-car crash with injuries on U.S. Highway 26 near milepost 33. A Ford truck heading westbound hit a patch of ice, crossed the double yellow line into the eastbound lane, and collided with a GMC Acadia. Four people in the GMC were assessed on scene by medics and transported to Emanuel Hospital in Portland for injuries. That vehicle was towed by Anderson Towing. The Ford was also towed from the scene by Anderson Towing.

Patch of ice

No injuries were reported at the scene of a crash Jan. 2 at 3:37 p.m. on U.S. Highway 26 near milepost 33. An eastbound VW Rabbit left the roadway due to poor visibility and road conditions; they hit a patch of ice and struck a snowbank and the eastbound

guardrail. The car was towed by Hillsboro Towing.

Tree blocking roadway

A tree was reported blocking the roadway Jan. 2 at 8:19 p.m. on U.S. Highway 26 at milepost 7. A car drove into the downed tree. Nobody was injured.

Blood on steering wheel

A Cottage Grove woman Jan. 7 who told troopers she was involved in a crash the day before, reported at 5:11 p.m. she returned to the scene of the crash to collect her Rav4 she left on U.S. Highway 26 at the Sunset Rest Area to find her driver's side window was broken and the hood up. She said there was blood on the steering wheel but nothing was taken. Police have no suspects.

Abandoned Audi

A trooper on patrol Jan. 8 at 9:54 p.m. near milepost 9.5 saw a silver four-door Audi on the westbound shoulder parked on a curve with low visibility. The driver was unable to be located and the car appeared abandoned. Classic Towing moved it and its owner, a 27-year-old woman, was contacted.

Rear-end crash

A two-car crash was reported Jan. 9 near milepost 3 at 2:47 p.m.. Police say a VW and a Nissan were both traveling east when one rear-ended the other. No one was injured and both cars were able to be driven from the scene.

Lost control

A 26-year-old man lost control of his BMW Jan. 11 at 1:42 p.m. at the junction of U.S. Highway 101 and U.S. Highway 26 while traveling westbound. Police say he took a corner too fast and his car slid off the road, damaging two ODOT signs. No injuries were reported.

A 26-year-old man was involved in a single-car accident Jan. 11 at 1:42 p.m. when he tried to exit onto U.S. Highway 101 while traveling west on U.S. Highway 26 and took the corner too fast. He lost control

of the wheel, sliding off the road and striking two ODOT signs. He wasn't injured. His BMW was damaged but no tow was required.

Speeding on Highway 26

A Vancouver, Washington, man was given a citation Jan. 11 at 7:07 p.m. on U.S. Highway 26 at milepost 9.5. Troopers saw a white Ram traveling west on U.S. Highway 26 traveling at a high rate of speed near milepost 10. Emergency lights were activated and the Ram was pulled over. As the trooper pulled in behind the pickup, the pickup backed up into the trooper's vehicle. The brush guard of the patrol vehicle was damaged. The driver got out and was detained to see if anything criminal had happened. He was released and given a citation for speeding and careless driving.

Left roadway

An Astoria man in a silver Toyota Jan. 12 at 7:57 p.m., was traveling east on U.S. Highway 26 near milepost 4 when he left the roadway heading to the eastbound shoulder where he struck a guardrail and then spun into the westbound lane. A trooper and the Hamlet fire department arrived on scene. The driver said his steering wheel stopped responding. His car was removed by Gary's Tow.



Dec. 9

6:53 p.m., motor vehicle accident with injuries, U.S. Highway 101, Warrenton.

Dec. 10

5:04 p.m., building fire, Highway 202, Astoria.

Dec. 11

3:39 p.m., emergency medical service, U.S. Highway 101.

Dec. 12

5:09 p.m., emergency medical service, Dellmoor, Warrenton.

Dec. 17

6:33 p.m., motor vehicle accident with injuries, U.S. Highway 101.

Dec. 18

5:59 p.m., building fire, Sha Ne Mah, Elsie.

Dec. 19

6:44 a.m., emergency medical service, U.S. Highway 101, Warrenton.

2:07 p.m., emergency medical service, Picture.

2:09 p.m., emergency medical service, Ridge.

Dec. 20

9:09 a.m., emergency medical service, 627 Eighth.

Dec. 21

3:57 p.m., motor vehicle accident with injuries, Del Ray Beach, Warrenton.

5:12 p.m., emergency medical service, Dellmoor, Warrenton.

5:50 p.m., public service assistance, U.S. Highway 101 and Highlands Lane.

10:18 p.m., cover assignment standby, moveup, Lincoln, Seaside.

Dec. 22

1:20 p.m., public service, Silver-spot, Surf Pines.

11:48 p.m., emergency medical service, U.S. Highway 101.

Dec. 24

3:09 a.m., emergency medical service, Dellmoor, Warrenton.

10:51 a.m., cover assignment, standby, moveup, South Lincoln, Seaside.

12:05 p.m., motor vehicle accident with injuries, U.S. Highway 26, Elsie.

1:03 p.m., emergency medical service, U.S. Highway 101, Seaside.

1:52 p.m., motor vehicle accident with injuries, U.S. Highway 101, Hamlet.

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