

# Controversial Oregon airport expansion ruling reversed on appeal

By **MATEUSZ PERKOWSKI**  
Capital Press

AURORA, Ore. — A controversial airport expansion must be reconsidered to determine if the project complies with Oregon’s land use laws, according to the state Court of Appeals.

Last year, the state’s Land Use Board of Appeals dismissed objections to the Aurora State Airport’s expansion, which was approved by the Oregon Aviation Board a decade ago.

Critics challenged LUBA’s ruling, claiming the project will urbanize a rural area to the detriment of agriculture.

Opponents include the cities of Aurora and Wilsonville, as well as the farmland preservation groups 1,000 Friends of Oregon and Friends of French Prairie.

The Court of Appeals has now agreed with critics that LUBA committed several legal errors and has ordered



Mateusz Perkowski/Capital Press File

**An airplane departs from the Aurora State Airport near Aurora, Ore. The state Court of Appeals has overturned a land use ruling pertaining to the airport’s proposed expansion.**

the board to reconsider its decision.

LUBA found that the project didn’t necessarily involve expanding the airport into an “exclusive farm use” zone, since its master plan is not a “design-level document.”

The appellate court has reversed this finding because “LUBA misunderstood its task.”

Airport layout drawings within the master plan are “authoritative documents

that determine the location of improvements,” which are shown to “extend off the airport property and onto EFU property,” the ruling said.

For that reason, LUBA must reconsider whether the expansion plan complies with Marion County’s agricultural land policies, according to the Court of Appeals.

LUBA incorrectly rejected the argument that the expansion project is an “urban use of rural land”

because it mistakenly considered the airport to be a “rural” land use, the ruling said.

The board wrongly excused the project from having to comply with several statewide land use goals because it wouldn’t permit a larger class of airplanes at the facility, the ruling said.

However, a larger class of airplanes doesn’t necessarily refer to tail height or wingspan — as interpreted by LUBA — but also to higher take-off weight, which the runway extension intends to accommodate, the ruling said.

The Court of Appeals also faulted LUBA for accepting a procedural error in which the 2011 original version of the master plan wasn’t included in the record before the agency.

However, the appellate court said it didn’t need to decide whether that procedural error alone justified overturning LUBA’s decision due to the other legal errors.

# Mystery Asian giant hornet baffles entomologists

By **DON JENKINS**  
Capital Press



WSDA

**An Asian giant hornet found in Snohomish County, Wash., lies next to a beer can. It’s the farthest south the world’s largest wasp has been found in the U.S.**

The dead Asian giant hornet found in Snohomish County, Wash., left no clue to its origin or whether there are survivors nearby, state Department of Agriculture entomologist Sven Spichiger said last week.

The male hornet likely was alive in 2020, and its dry remains may have been sheltered from the weather and scavenging insects before somehow landing on a residential lawn, he said.

“There isn’t enough information to even speculate on how it got there, or how long it had been there,” Spichiger said.

Asian giant hornets were detected more than 70 miles farther north in 2019 and 2020. The agriculture department expects finding one about 35 miles north of Seattle will intensify the public’s interest in trapping the giant stinging wasps.

The hornet was reported by a Marysville resident June 4. The USDA confirmed it was an Asian giant hornet June 11. The USDA and state agriculture department announced the find Wednesday.

The hornet likely represents a new introduction, rather than an expansion of hornets found in Whatcom County or on Vancouver Island or the Fraser Valley in British Columbia. “Basically, it seems to be a separate event,” Spichiger said.

The hornet’s DNA and coloring differ from those of other specimens. The hornet had the distinctive large orange-yellow head of an Asian giant hornet, but its midsection did not have orange-yellow stripes.

“Southern Asia is where this color-form seems to be found,” Spichiger said.

The Asian giant hornet life cycle argues against it having been recently active. Males are not known to sur-

vive the winter and typically emerge in the fall — mid-July at the earliest, Spichiger said.

“We do not believe that any males should be alive this time of year,” he said.

The department will set traps in Snohomish County, but won’t conduct the same intensive effort as waged near the Canadian border to find and destroy nests.

“A single dead specimen does not indicate a population,” Spichiger said. “There is not enough evidence to support that a population exists in Snohomish County.”

The hornet may simply have been packaged in a product shipped from overseas, he said.

“It’s entirely possible for single hornet specimens to get from the other side of the world to Washington or anywhere else in the United States,” Spichiger said.

Five Asian giant hornets have been found in British Columbia, spread over 350 square kilometers, or about 135 square miles, said the province’s apiculturist, Paul van Westendorp. No hornets have been detected this year.

The region’s proximity to maritime trade increases the chances that hornets of various types will appear, he said. “We will continue to be exposed to incidental introductions of these kind of species.”

## LEGAL

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re Chapter 11  
EASTERDAY RANCHES, INC., *et al.* Lead Case No. 21-00141-11  
Jointly Administered  
Debtors.<sup>1</sup>

### NOTICE OF SALE OF PROPERTY BY AUCTION, SALE OBJECTION DEADLINE, AND SALE HEARING

**NOTICE TO CREDITORS OF EASTERDAY RANCHES, INC. (“RANCHES”); EASTERDAY FARMS (“FARMS”); CODY EASTERDAY AND DEBBY EASTERDAY, HUSBAND AND WIFE, KAREN EASTERDAY, IN HER INDIVIDUAL CAPACITY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF GALE EASTERDAY<sup>2</sup> (COLLECTIVELY, THE “EASTERDAYS”).**

#### PLEASE TAKE NOTICE OF THE FOLLOWING MATTERS THAT MAY AFFECT YOUR RIGHTS:

On February 1, 2021, and February 8, 2021, respectively, Ranches and Farms (together, the “Debtors”), commenced chapter 11 bankruptcy cases (the “Bankruptcy Cases”) in the U.S. Bankruptcy Court for the Eastern District of Washington (the “Bankruptcy Court”).

The Debtors operate commercial farms and ranches that utilize multiple farms, feedlots, ranches, and other facilities that are commonly referred to as Nine Canyon Farm, Goose Gap Farm, River Farm, Cox Farm, Farm Manager House, and Storage Complex (the “Property”). The Property is owned in part by the Debtors (the “Debtor Property”) and in part by the Easterdays (the “Easterday Property”).

To maximize the value of the Property, the Debtors and the Easterdays determined that the Property should be marketed for sale together. Accordingly, on March 26, 2021, the Debtors filed two motions with the Bankruptcy Court: (i) a motion to approve a cooperation agreement (the “Cooperation Agreement”) between the Debtors and the Easterdays (together, the “Sellers”) and (ii) a motion (x) establishing a process to sell the Property and (y) to approve the sale of the Property at the conclusion of such process (the “Sale Motion”).

On April 28, 2021, the Bankruptcy Court entered an order (the “Cooperation Agreement Order”) approving the Cooperation Agreement between and among the Debtors and the Easterdays. On April 29, 2021, the Bankruptcy Court entered the Bidding Procedures Order which, among other things, (i) approved procedures for submitting offers and bidding at an auction for the Property (“Bidding Procedures”), (ii) approved procedures for the assumption and assignment of certain executory contracts and unexpired leases, (iii) scheduled a hearing on the sale, and (iv) granted related relief.

On May 19, 2021, the Sellers, entered into a purchase and sale agreement (the “Stalking Horse APA”) with Farmland Reserve, Inc. (“FRI”) or the “Stalking Horse Bidder”), pursuant to which, and subject to higher and better offers in accordance with the Bidding Procedures:

(i) the Debtors shall acquire the Easterday Property, upon which transfer all of the Easterday Property shall constitute property of the Debtors’ bankruptcy estates in the Bankruptcy Cases and for which the Easterdays shall receive, subject to the approval of the Bankruptcy Court, an allocable interest in the Net Sale Proceeds, as such term is defined in the Cooperation Agreement;

(ii) the Debtors shall sell, assign, transfer, convey and deliver to FRI, and FRI shall acquire and accept from Debtors, free and clear of all Claims, Rights, and Encumbrances (as defined in the proposed Sale Order attached to the Stalking Horse APA), all of the Debtors’ rights, title and interest in and to the Property; and

(iii) FRI shall pay \$188,000,000 plus any transfer taxes or the like “Purchase Price” for the Property (i) through (iii), the “Sale”).

Also on May 19, 2021, the Debtors supplemented the Sale Motion with their motion to designate FRI as the Stalking Horse Bidder, approve the bid protections in the Stalking Horse APA, and supplement the relief requested by the Debtors in the Sale Motion to include authorization for the Debtors to acquire all rights, title and interest in and to the Easterday Property for the purpose of including the Easterday Property in the Sale, pursuant to the Stalking Horse APA (“Supplemental Bidding Procedures Motion”).

On May 28, 2021, the Bankruptcy Court entered an order granting the Supplemental Bidding Procedures Motion, pursuant to which the Bankruptcy Court (i) approved the Stalking Horse APA as the Stalking Horse Bid and FRI as the Stalking Horse Bidder, (ii) authorized the Debtors to enter into and perform under the Stalking Horse APA, subject to higher or otherwise better offers by other qualified bidders, and (iii) approved the Debtors’ request to supplement the relief requested by the Debtors in the Sale Motion to include authorization for the Debtors to acquire all rights, title and interest in and to the Easterday Property for the purpose of consummating the Sale with the Stalking Horse Bidder, subject to higher or otherwise better offers by other qualified bidders at an auction (the “Auction”) to be held on **June 14, 2021, commencing at 10:00 a.m. (Pacific Time)** (“Supplemental Bidding Procedures Order”).

#### THE BANKRUPTCY COURT HAS CURRENTLY SET JUNE 30, 2021 AT 4:00 P.M. (PACIFIC TIME) AS THE DEADLINE FOR ALL OBJECTIONS TO THE SALE (THE “SALE OBJECTION DEADLINE”).

All objections to the Sale and related relief must: (a) be in writing; (b) be signed by counsel or attested to by the objecting party; (c) conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court (“Local Rules”); (d) be filed with the Clerk of the Bankruptcy Court, 402 E. Yakima Avenue, Yakima, WA 98901 by no later than the Sale Objection Deadline; and (e) be served in accordance with the Local Rules so as to be received on or before the Objection Deadline by the following: (i) counsel to the Debtors: (a) Bush Kornfeld LLP, 601 Union Suite, Suite 500, Seattle, WA 98101, Attention: Armand J. Kornfeld (jkornfeld@bskd.com) and Thomas A. Buford (tbuford@bskd.com); and (b) Pachulski Stang Ziehl & Jones, LLP, 10100 Santa Monica Boulevard, 13th Floor, Los Angeles, CA 90067, Attention: Richard M. Pachulski (rpachulski@pszjlaw.com), Ira D. Kharasch (ikharasch@pszjlaw.com), Jeffrey W. Dulberg (jdulberg@pszjlaw.com) and Jason H. Rosell (jrosell@pszjlaw.com); (ii) the Office of the United States Trustee for the Eastern District of Washington, 920 W Riverside Ave, Suite 593, Spokane, WA 99201, Attn: Gary W. Dyer (Gary.W.Dyer@usdoj.gov); (iii) counsel to the Stalking Horse Bidder, Stoel Rives LLP, 600 University Street, Suite 3600, Seattle, WA 98101, Attention: Oren B. Haker (oren.haker@stoel.com) and Ellen E. Ostrow (ellen.ostrow@stoel.com); and (iv) those parties who have filed notices of appearance and/or requested service of all motions and pleadings in these Chapter 11 Cases prior to the date of service thereof.

**THE SALE SHALL BE FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES OR OTHER INTERESTS UNDER SECTION 363 OF THE BANKRUPTCY CODE. THE ASSIGNMENT OF CERTAIN OF THE SELLERS’ CONTRACTS AND LEASES MAY BE APPROVED AND AUTHORIZED BY THE BANKRUPTCY COURT ABSENT A TIMELY OBJECTION BY ANY PERSON OR ENTITY CLAIMING AN INTEREST OR RIGHT IN SUCH CONTRACT OR LEASE. THE FAILURE OF ANY PERSON OR ENTITY TO FILE AND SERVE AN OBJECTION ON OR BEFORE THE SALE OBJECTION DEADLINE MAY BE DEEMED CONSENT TO ANY SALE OR ASSIGNMENT APPROVED BY THE BANKRUPTCY COURT AND MAY BE A BAR TO THE ASSERTION OF ANY LIENS, CLAIMS, RIGHTS, ENCUMBRANCES OR OTHER INTERESTS IN THE PROPERTY SOLD, ASSIGNED OR OTHERWISE TRANSFERRED TO THE STALKING HORSE BIDDER OR THE SUCCESSFUL BIDDER(S), AND MAY BE A BAR TO ANY RECOVERY AGAINST THE STALKING HORSE BIDDER OR OTHER SUCCESSFUL BIDDER(S).**

**IF YOU ARE A CREDITOR OF THE SELLERS OR A CONTRACT OR LEASE COUNTERPARTY TO ANY OF THE SELLERS, YOUR RIGHTS MAY BE AFFECTED BY THE SALE OF THE PROPERTY TO THE STALKING HORSE BIDDER OR OTHER SUCCESSFUL BIDDER(S).** You should review the documents related to the Sale and discuss them with your attorney. If you do not have an attorney, you may wish to consult one. Sale documents, including the Stalking Horse APA, Sale Motion, Bidding Procedures Order, Supplemental Bidding Procedures Order, and proposed sale order, can be obtained through the Bankruptcy Court or by requesting copies from the Debtors’ bankruptcy counsel by email to Jason Rosell (email: jrosell@pszjlaw.com). **If you do not want the Bankruptcy Court to approve the Sale, you must file an objection with the Bankruptcy Court by the Sale Objection Deadline as set forth above.**

A hearing to confirm the results of the Auction and approve the sale of the Property (the “Sale Hearing”) will be held before the Honorable Whitman Holt, United States Bankruptcy Judge, on **July 14, 2021 at 11:00 a.m. (PT)**, or at such other time as the Bankruptcy Court permits, in the United States Bankruptcy Court for the Eastern District of Washington, 402 E. Yakima Avenue, Second Floor Courtroom, Yakima, WA 98901. Parties may appear at the Sale Hearing by telephone. To make a telephonic appearance, parties must call 877-402-9757; code 7036041. The Debtors may adjourn or reschedule the Sale Hearing one or more times with prior notice filed on the docket in the Bankruptcy Cases or without prior notice by making an announcement at the Sale Hearing.

Dates set forth in this notice are subject to change, and further notice of such changes may not be provided except through announcements in open court and/or the filing of notices in the Bankruptcy Cases. Interested persons or entities are encouraged to monitor the electronic court docket for further updates.

1 The Debtors along with their case numbers are as follows: Easterday Ranches, Inc. (21-00141) and Easterday Farms, a Washington general partnership (21-00176).  
2 The administration of the Estate of Gale Easterday is currently pending in Franklin County Superior Court, Case No. 21-450004-11. 5247839-1

**LEGAL**  
**PURSUANT TO ORS CHAPTER 87**  
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 07/05/2021. The sale will be held at 10:00am by  
COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR 2014 ACURA TXS 4D  
VIN = JH4CUZ7F1EC004264  
**Amount due on lien \$1435.00**  
Reputed owner(s)  
ANNA L VARGAS  
CAPITAL ONE AUTO FINANCE  
5249847-1

**LEGAL**  
**PURSUANT TO ORS CHAPTER 87**  
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 06/28/2021. The sale will be held at 10:00am by  
COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR 2014 MERZ GL450 LL  
VIN = 4JGDF7CE4EA351510  
**Amount due on lien \$1435.00**  
Reputed owner(s) EMMET L DOWNS & RAQUELA NUNNERY  
MECHANICS BANK  
5248175-1

### LEGAL

#### IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION PROBATE DEPARTMENT

IN THE MATTER OF THE ESTATE OF PENNY G. NEAL, deceased.  
Case No.: 21PB01747

NOTICE TO INTERESTED PERSONS  
NOTICE IS HERBY GIVEN that the undersigned has been appointed Personal Representative of the above estate. All persons having claims against the estate are required to present them to the undersigned attorney at: 319 Sixth Street SW, Albany, OR 97321 within four months after the date of the first publication of this notice, as stated below, or such claims may be barred.

All persons whose rights may be effected by the proceedings in this estate may obtain additional information from the records of the Court, the Personal Representative, or the attorney for the Personal Representative.  
DATED and first published June 11th, 2021

**Personal Representative**  
PAMELA K. MOYE  
6265 NE Pettibone Drive  
Corvallis, OR 97330  
**Attorney**  
DAVID B. BECKHAM  
319 Sixth Ave SW  
Albany, OR 97321  
5248121-1

**LEGAL**  
**PURSUANT TO ORS CHAPTER 87**  
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 07/05/2021. The sale will be held at 10:00am by  
COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR 2019 HYUNDAI KONA UT  
VIN = KM8K5CA53KU253813  
**Amount due on lien \$1435.00**  
Reputed owner(s)  
TED R & DEBBIE K STEINKE  
JPMORGAN CHASE BANK NA  
5249848-1

**LEGAL**  
**PURSUANT TO ORS CHAPTER 87**  
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 06/28/2021. The sale will be held at 10:00am by  
COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR 2015 TOYOTA PRIUS 4DR  
VIN = JTDKN3DU0F0450961  
**Amount due on lien \$1435.00**  
Reputed owner(s) TARL J & ERICKA D HOXIT  
TOYOTA MOTOR CREDIT CORP  
5248176-1

**LEGAL**  
**PURSUANT TO ORS CHAPTER 87**  
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 06/28/2021. The sale will be held at 10:00am by  
COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR 2019 KYRV SPRINGDAL T.T  
VIN = 4YDT25823K6100966  
**Amount due on lien \$1535.00**  
Reputed owner(s) ROBIN & LAWRENCE LABONTE C/O MET  
5248173-1

**LEGAL**  
**PURSUANT TO ORS CHAPTER 87**  
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 06/28/2021. The sale will be held at 10:00am by  
COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR 2015 HONDA PILOT UT  
VIN = 5FN9Y4H27FB040102  
**Amount due on lien \$1555.00**  
Reputed owner(s) RAMI MORNEL  
5248170-1

**LEGAL**  
**PURSUANT TO ORS CHAPTER 87**  
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 06/28/2021. The sale will be held at 10:00am by  
COPART OF WASHINGTON INC  
2885 NATIONAL WAY WOODBURN, OR 2016 HYUNDAI ELANTRA 4D  
VIN = 5NPDH4AE1GH773813  
**Amount due on lien \$1555.00**  
Reputed owner(s) DONGVILLO CARLOS RODOLFO  
5248167-1