

# Court asked to reconsider Oregon soldiers get wind judgment employment help with a twist

The Oregon Land Use Board of Appeals (LUBA) has asked the Morrow County Court to reconsider an earlier decision regarding a wind project near lone.

In January, the court ruled that the 48-turbine Willow Creek wind farm exceeded the state's noise control rule at a nearby home. The court gave Invenery, the project's parent company, six months to comply with the rule. Last week, LUBA countered the decision.

The court decision had upheld part of an earlier ruling by the Morrow County Planning Commission, which stated that Invenery broke the state noise rule at four homes. The planning commission used a "black and white" standard that stated that noise from the wind farm, plus background, must not exceed 36 decibels at nearby homes. Invenery's own study showed that noise at all four homes grew louder than 36 decibels at times, according to the East Oregonian.

After an appeal by all parties to the Morrow County Court, the court determined that three of the wind farm's neighbors lacked evidence to support their claims. It upheld the planning commission's decision concerning the fourth home.

According to LUBA's legal experts, though, the court needs to explain why its interpretation of the rule stood at one home but not the three others.

"...if the county court adheres to its view that the 36 dBA standard is violated at the Williams residence...it must adopt an explanation for that view that is sufficiently developed for LUBA review," LUBA wrote.

The wind farm's neighbors say that wind developers need to choose an assumed level of background noise prior to construction, and either conduct an ambient noise study—which Invenery did not do—or abide by the strict 36 decibel rule.

LUBA stated it could not find language requiring such a choice in the law. LUBA also stated that requiring such constraints could make it difficult for developers if the background noise rose above 36 decibels, since they could break the law without making any noise.

"We conclude it is highly unlikely that the authors of (the law) would have intended that result," LUBA wrote.

Invenery is currently taking active steps toward compliance with the court order, according to county planner Carla McLane.

Businesses, employment agencies and employer support volunteers are coming together in a unique effort to help provide employment services for deployed area soldiers. The employment process usually takes place when troops return home; however, Oregon's pilot project is focused on what can be done while soldiers are still in theater.

In September, the Oregon National Guard's 3rd Battalion, 116th Cavalry based out of eastern Oregon will return from a year-long deployment in Iraq. When these soldiers come home and take off their uniforms, the goal is for them to have jobs to report to. This pilot project will help them to avoid the ranks of the unemployed.

The battalion's leadership is aware that employment is a key readiness factor for reservists. It has great impact on service members, families and the military unit. They have legitimate concerns regard-

ing job availability and their ability to land a job when they return home.

Unit leadership is working to encourage and support its soldiers as they go through the employment process. The battalion will expose their troops to resume writing, assist with job applications and teach interviewing techniques. The goal is to provide everything necessary to enable their soldiers to find jobs while deployed. In this case, the focus is on securing employment during the last six months of deployment while serving in Iraq.

Ray Grace, outreach coordinator in Heppner, said that "...the 3rd Battalion 116th Cavalry's leadership is right on target with this effort. Soldiers within the battalion want and will need employment once they arrive home from Iraq. I also see this ESGR project as a 'best practice' model that can be used by other military units that re-deploy in the future."

## DA's Report

The office of Morrow County District Attorney Justin Nelson has released the following report:

-Oscar Miguel Me-

jia, 25, was convicted of Assault in the Fourth Degree, a Class A Misdemeanor.

He was sentenced to 30 days incarceration with the Local Supervisory Authority and 36 months bench probation.

Total fines, fees and assessments were \$1,238.

-James Wayne Speaker, 29, was convicted of Rape in the Third Degree, a Class C Felony. He was sentenced to 30 months

the custody of the Oregon Department of Corrections and 2 years post-prison supervision to include sex offender follow-up treatment and no direct or indirect contact with certain persons during two-year supervision period.

Total fines, fees and assessments were \$1,608.

-Daniel Albert Bozarth, 51, was convicted of Attempt to Commit a Class B Felony-Assault 2 and Unlawful Use of a Weapon, both Class C felonies.

He was sentenced to 3 years supervised probation subject to 180 sanction units with 90 jail units on both counts.

Total fines, fees and assessments were \$886.

-Daniel Val Carlile, 35, was convicted of Possession of Methamphetamine, a Class C Felony.

He was sentenced to 18 months supervised probation subject to 90 sanction units with 30 jail units.

Total fines, fees and assessments were \$1,428.

-Oscar Miguel Mejia, 25, was convicted of Assault in the Fourth Degree, a Class A Misdemeanor.

He was sentenced to 180 days custody of the Local Supervisory Authority, with 150 days suspended and the defendant sentenced to probation. He was sentenced to 36 months bench probation.

Total fines, fees and assessments were \$1,238.

-Joel Ernesto Rodriguez, 25, was convicted of Possession of Methamphetamine, a Class C Felony.

He was sentenced to 6 months drivers license suspension, 60 days incarceration and 1 year post-prison supervision.

Total fines, fees and assessments were \$678.

## ~ Letters to the Editor ~

The Heppner Gazette Times will print all letters to the Editor with the following criteria met: letters submitted to the newspaper will need to have the name of the sender along with a legible signature. We are also requesting that you provide your address and a phone number where you can be reached. The address and phone number will only be used for verification and will not be printed in the newspaper. Letters may not be libelous. The GT reserves the right to edit. The GT is not responsible for accuracy of statements made in letters. Any letters expressing thanks will be placed in the classifieds under "Card of Thanks" at a cost of \$10.

## Letter to Heppner folks tells of dramatic wildfire

(Editor's note: The following letter on the recent 39,000-acre fire at Mayhill, NM from Dee and Jay Northcott, fire control officer of the Sacramento Ranger District, Lincoln National Forest at Cloudfcroft, New Mexico, was sent to Karen and Dale Holland of Heppner, who were lookouts at Cloudfcroft for 13 years. Dale, who submitted the letter to the Gazette, says that Mayhill is a town about the size of Lexington, and was surrounded by fire.)

To the Editor:  
May 27, 2011

Karen and Dale,

Yes, the fire was a little excessive, but not as bad as it could have been. Making a long story short, Jay had been home maybe two days total since Easter Sunday, and when the Grave Yard Fire broke (name was later changed to Mayhill Fire), Jay and the team were in the Hobbs, Artesia, Roswell area, working three fires, think that one of the names was the Crooked Creek Fire. Thus, the morning of the fire, he and the team were gone, and our house was surrounded on three sides by a blistering fire and unmerciful winds, and I heard on the scanner "evacuation of Mayhill subdivision." Then the power went off—the fire fanned by the 50-mile-an-hour plus gusts.

Winds pushed it closer and closer to the house. I had gotten the elderly man from his home above ours and he was here. He had just gotten out of the hospital and I was going to take care of him, so that he did not have to go to a shelter in his condition. Then the phone rang—it was Jay—he started in on a normal condition, saying "Hi Honey, how is it going. Sorry I did not get to call last night."

Then I finally said, "Honey, I see fire from the porch in all three directions."

Then he said, "Honey, I know, but stay calm and tell me what you see—color of smoke, wind directions, and all that you can tell me—the team is on the way, so stay there as long as it is possible and I will be there soon."

He got here in a flash, drove Oak Circle, and buzzed by the house, saying, "Honey, you stay here. I am going to go and get some help, but that flank there is coming your way fast. If you see flames at this tree, you and Cecil get in the car and don't look back."

The winds did not stop and the hot ash was falling everywhere, but as of that time, nothing has spotted yet. Then I heard a familiar song being sung and the stomping of many boots. Soon the yellow and green were in the front yard and pointed in the position of the fast-moving fire, then turned and saw the flames and went into action. And then more units came in, a couple of F.S. engines and all of a sudden our little subdivision was a buzz of muffled chain saws and voices.

Jay came by and gave us a thumbs up and said, "We have one more area. If I can't hold it with the cat line, you will have to leave."

All is happening so fast, and soon we heard the moans and groans of the cat—so knew he was doing all he could to stop the tall grasses from jumping the road and so sat in the choking air and watched the massive clouds of smoke hover over the house. And with no electric and only one phone working, I lit an oil lamp and sat and waited.

About 4 a.m. Jay crawled in bed with me and at 5:30 he got up, showered and left again. And then I saw him about every other night or so since. He is tired, but is fine and yes, the damage done in Cherry Canyon was not good, but the J Hill R IC was not badly burnt, so that part was a good test, but Hilda Bain lost her three homes, on in Carr Canyon and the two right across the highway from the Mayhill Compound entrance. They were gone when Jay and the team drove in to take over the fire.

I had my big girl panties on, but was scared as it edged closer to the front door. So was so very glad to have Jay and the team here to take over the fire. I cried when I saw him, for knew then that I was going to be okay. But that fire went hopping from one side of the highway to the other and back and forth, clear town towards Artesia and went into the reservation. But with the winds, do not quite understand how they ever got it slowed down—even with the freezing nightly temp. The winds kept it going.

Now, if and when we get some rain, we will be flooded like crazy, for so many of the canyons off the highway were totally burnt, nothing left...so they will fill the highway with rocks and mud. The big wigs as well as Jay's office have been looking at all of these areas to see where homes, water wells and etc., are going to need to be protected, so it has been early to work and home just before the sun peeks out—but the winds will not stop.

(S) Jay and Dee Northcott

## Golf Scramble a success

The wheat grower and Mark Schlichting. Gilliam Counties hosted their annual golf scramble earlier this month at the Willow Creek Country Club in Heppner.

The day started and ended wet, but excitement peaked with a three-way tie for first place. The tie was broken by a putt-off to determine the winner.

Awards were presented as follows:

1st Place Team: Darrin Padberg, Kelwayne Haguwood, Jeff Cutsforth

2nd Place Team: Jim Swanson, Larry Lutch-er, Walter Powell and Jack Osterlund

3rd Place Team: Jared Lathrop, Don Dag-gett, Shane Matheny, Del-la Heideman and Loren Heideman

Men's KP ~ Brent Martin

Men's Long Drive ~ Mike Jesch

Women's KP ~ Kim Cutsforth

Women's Long Drive ~ Lindsey Ropp

## PUBLIC NOTICE

FORM LB-1

A meeting of the Heppner Cemetery Maintenance District will be held on June 23, 2011 at 5:30 pm at 180 Rock Street, Heppner, Oregon. The purpose of this meeting will be to discuss the budget for the fiscal year beginning July 1, 2011, as approved by the Heppner Cemetery Maintenance District Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at 180 Rock Street Heppner, Oregon between the hours of 5:30 p.m. and 8:00 p.m. This budget was prepared on a basis of accounting that is consistent with the basis of accounting used during the preceding year.

Major changes, if any, and their effect on the budget, are explained below. This budget is for an Annual Period.

County	City	Chairperson of Governing Body	Telephone Number
Morrow	Heppner	Christopher "Kit" George	541-676-5871

### FINANCIAL SUMMARY

	TOTAL OF ALL FUNDS	
	Adopted Budget This Year 2010-2011	Approved Budget Next Year 2011-2012
1. Total Personal Services	26,608	27,485
2. Total Materials and Supplies	18,050	16,641
3. Total Capital Outlay	35,316	36,123
4. Total Debt Service	0	0
5. Total Transfers	7,005	6,100
6. Total Contingencies	0	0
7. Total Reserves and Special Payments	0	0
8. Total Unappropriated Ending Fund Balance	55,692	55,166
9. Total Requirements - add Lines 1 through 8	142,671	141,515
10. Total Resources Except Property Taxes	101,171	98,515
11. Total Property Taxes Estimated to be Received	41,500	43,000
12. Total Resources - add Lines 10 and 11	142,671	141,515
13. Total Property Taxes Estimated to be Received (line 11)	41,500	43,000
14. Plus: Estimated Property Taxes Not To Be Received		
A. Loss Due to Constitutional Limits	3,547	2,908
B. Discounts Allowed, Other Uncollected Amounts	2,998	3,055
15. Total Tax Levied	48,045	48,963
16. Permanent Rate Limit Levy (rate limit 0.5413)	0.5413	0.5413
17. Local Option Taxes	0	0
18. Levy for Bonded Debt or Obligations	0	0

### STATEMENT OF INDEBTEDNESS

Debt Outstanding	<input checked="" type="checkbox"/> None	Debt Authorized, Not Incurred	<input type="checkbox"/> As Summarized Below
	<input type="checkbox"/> As Summarized Below		<input checked="" type="checkbox"/> None

FORM LB-2

### FUNDS NOT REQUIRING A PROPERTY TAX TO BE LEVIED

Heppner Cemetery Maintenance District

Name of Fund:	Actual Data Last Year 2009-10	Adopted Budget This year 2010-11	Approved Budget Next Year 2011-12
<b>Perpetual Care Fund</b>			
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	2,000	2,005	1,100
6. Total Contingencies			
7. Total Reserves and Special Payments			
8. Total Unappropriated Ending Fund Balance	43,824	43,944	44,166
9. Total Requirements	45,824	45,949	45,266
10. Total Resources Except Property Taxes	45,824	45,949	45,266
<b>Equipment Fund</b>			
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay	1,196	35,316	36,123
4. Total Debt Service			
5. Total Transfers			
6. Total Contingencies			
7. Total Reserves and Special Payments			
8. Total Unappropriated Ending Fund Balance	30,200	0	0
9. Total Requirements	31,396	35,316	36,123
10. Total Resources Except Property Taxes	31,396	35,316	36,123

FORM LB-3

### FUNDS REQUIRING A PROPERTY TAX TO BE LEVIED

Heppner Cemetery Maintenance District

Name of Fund:	Actual Data Last Year 2009-10	Adopted Budget This year 2010-11	Approved Budget Next Year 2011-12
<b>General Fund</b>			
1. Total Personal Services	24,420	26,608	27,485
2. Total Materials and Services	14,857	18,050	16,641
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	4,000	5,000	5,000
6. Total Contingencies			
7. Total Reserves and Special Payments			
8. Total Unappropriated Ending Fund Balance		11,748	11,000
9. Total Requirements	43,077	61,406	60,126
10. Total Resources Except Property Taxes	17,320	19,906	17,126
11. Property Taxes Estimated to be Received	39,570	41,500	43,000
12. Total Resources (add Lines 10 and 11)	56,890	61,406	60,126
13. Property Taxes Estimated to be Received (line 11)		41,500	43,000
14. Estimated Property Taxes Not to be Received			
A. Loss Due to Constitutional Limit		3,547	2,908
B. Discounts Allowed, Other Uncollected Amounts		2,998	3,055
15. Total Tax Levied		48,045	48,963
		Rate or Amount	Rate or Amount
16. Permanent Rate Limit Levy (rate limit 0.5413)		0.5413	0.5413
17. Local Option Taxes		0	0
18. Levy for Bonded Debt or Obligations		0	0

Published: June 15, and 22, 2011 Affidavit