

Oregon

Housing projects on farmland hinge on 'vested rights'

Appeals court asked to overturn subdivisions in Yamhill County

By MATEUSZ PERKOWSKI
Capital Press

The fate of two housing subdivisions planned for farm zones in Oregon's Yamhill County depends on the landowners' "vested rights" in the unfinished projects.

The Oregon Court of Appeals was recently asked to overturn the county's approval of the two projects, which involve building 50 homes on nearly 80 acres.

More than a decade after Oregonians voted on significant changes to state land use laws, the legal repercussions continue to be sorted out on the ground.

In 2004, voters approved Measure 37, which required governments to compensate landowners for zoning restrictions imposed after they

bought their properties, or to waive those regulations.

Due to the tremendous cost of providing compensation, counties predominantly granted waivers to landowners, raising concerns about major conversions of farmland to housing.

The controversy led voters to approve Measure 49 in 2007, which allowed landowners with valid Measure 37 waivers to have three to 10 homes on their property, depending on a variety of conditions.

Those who wanted to develop larger housing subdivisions could only proceed if they were far enough along with the projects to have "vested rights" to complete them.

In the two Yamhill County cases, a state judge ruled that Ralph and Norma Johnson had vested rights to develop homes sites on about 40 acres and that Gordon Cook had vested rights to develop home sites on about 39 acres.

A central question in both cases is whether these land-

owners could sell the subdivided lots and have other people build the houses, rather than constructing the dwellings themselves.

Friends of Yamhill County, a conservation group, and other critics of the housing developments argue that under the language of Measure 37, waivers of zoning restrictions were not transferable.

During oral arguments on Nov. 21 in Salem, Ore., opponents of the two projects argued that landowners are barred from selling undevel-

oped parcels, so the "vested rights" findings should be overturned by the Oregon Court of Appeals.

Despite legal uncertainties about Measure 37's implications at the time, the landowners decided against building the homes themselves, said Ralph Bloemers, attorney for Friends of Yamhill County and other critics.

"They only pursued subdivision. That's the bed they made for themselves and that has legal consequences," Bloemers said.

Farmers hope to alter transmission line's route

Project wins approval to cross federal land

By MATEUSZ PERKOWSKI
Capital Press

The route of a 300-mile high-voltage power line has won the federal government's approval, but some Eastern Oregon farmers hope state regulators can still alter its course.

The U.S. Bureau of Land Management has granted a right-of-way allowing Idaho Power's transmission line to cross roughly 100 miles of federal land, but Oregon's Energy Facility Siting Council must still sign off on its overall path.

"They picked a route but

the state doesn't have to go along with that," said Mark Bennett, a rancher and commissioner for Oregon's Baker County.

The line between Boardman, Ore., and the Nampa, Idaho, area is expected to cost up to \$1.2 billion, with construction projected to start in 2021.

About 70 miles of the transmission line would run through Baker County, with more than 80 percent of those miles on "exclusive farm use" property, said Bennett.

"It not only affects that farming ground, it's affecting the visual corridor as well," Bennett said.

Farmers and ranchers in the area would prefer the transmission line to bypass Baker County by traversing an existing Central Oregon

energy corridor, though that would likely add to its length, he said.

Aside from the transmission line, its presence is associated with road-building, weeds and other disturbances to agriculture, he said.

Irrigation wheel lines and center pivots would be disrupted by the transmission line, as would aerial pesticide applications, said Bennett.

"It affects people's property values by putting up a power line in their viewshed," he added.

Farther to the West, in Morrow County, farmers have at least partly resolved concerns about the transmission line's effects on agriculture.

Growers were hoping for 12 miles of the transmission line to be located on the edge of the U.S. Navy's bombing

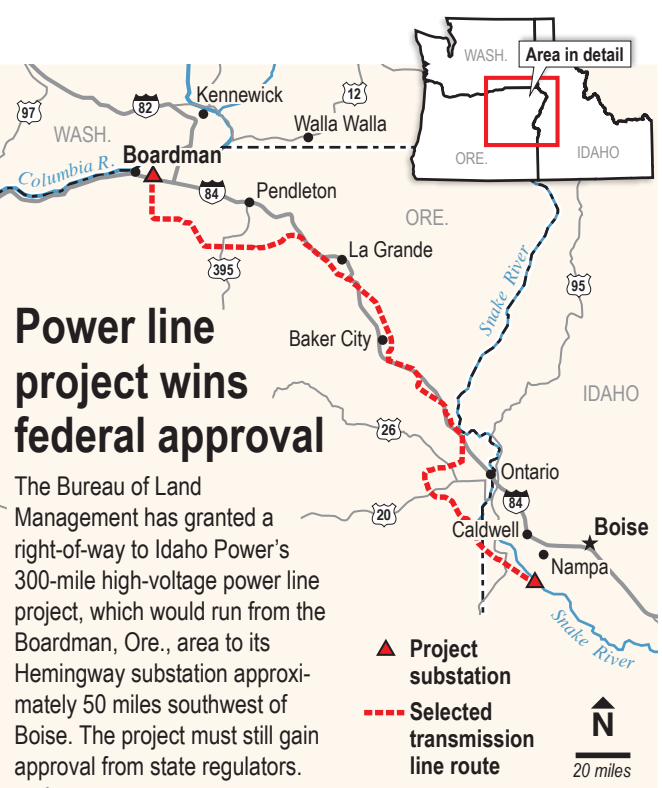
range near Boardman, Ore., rather than on farmland.

Due to the presence of tribal cultural resources within the bombing range, however, the southernmost five miles must cross the road onto private property, said Carla McLane, Morrow County's planning director.

"They have to balance all those impacts to have a viable project," McLane said.

As the transmission line travels farther south of the bombing range, it would first cross land used for irrigated farming and then dryland farming, she said.

Irrigated agriculture often involves growing several crops per year, so the transmission line would be more prone to interfere with those operations than dryland agriculture, McLane said.



Source: Bureau of Land Management

Alan Kenaga/Capital Press

Declining workforce hits businesses hard at time of peak demand



E.J. Harris/EO Media Group

Like many agricultural businesses, Smith Frozen Foods is dealing with a current labor shortage.

By GEORGE PLAVEN
EO Media Group

WESTON, Ore. — Finding enough workers is getting to be more of a challenge for Michael Lesko at Smith Frozen Foods.

The company, which processes and packages frozen vegetables near Weston, is capable of storing more than 130 million pounds of product on site, including corn, lima beans, onions and carrots. Harvest season typically begins around June 1 and runs through the end of November, when the demand for seasonal labor is at its strongest.

Lesko, director of human resources for the company, said the plant has roughly 100 regular employees and typically hires 200 seasonal workers through

harvest. Those positions, however, are becoming more difficult to fill, he said, adding that it has left the plant short up to 10 workers on any given shift over the past year.

"It's been difficult keeping people, by all means," Lesko said. "We were looking for people to start in June and work through November, but that's becoming more and more rare."

Labor woes are not unique to Smith Frozen Foods. It is an issue that has affected all corners of the agricultural industry, from the farm to the processing plant. Earlier this year, the Capital Press documented workforce worries around the West.

In Eastern Oregon, AgriNorthwest and Threemile Canyon Farms declined

to speak specifically about experiences at their operations, though Matthew Vickery, land and government affairs director for AgriNorthwest, did acknowledge the labor shortage "is a growing problem for everyone in agriculture."

Dallas Fridley, regional state economist for the Columbia River Gorge and Columbia Basin, provided information from the U.S. Department of Labor's National Agricultural Workers Survey, which was last updated in 2013-14.

According to that report, approximately two-thirds of hired farmworkers were born in Mexico, and 80 percent of all farmworkers were Hispanic. Some 53 percent, had work authorization, and the vast majority, or 84 percent, were settled in the country.

Nursery association honors government, agency backers

By ERIC MORTENSON
Capital Press

Five people, including former state Agriculture Director Katy Coba, have received the 2017 Friends of Nurseries awards from the Oregon Association of Nurseries.

The association gives the annual awards to elected officials or to key government agency personnel who are "solution-oriented, who consider the nursery and greenhouse point of view and who act as a partner, regardless of party affiliation," executive director Jeff Stone said.

The association represents more than 800 nursery growers, retailers, suppliers and landscapers. Ornamental horticulture is one of the state's biggest agricultural sectors, with more than \$900 million in annual sales. Almost 75 percent of the industry's production is shipped out of state.

Friends of Nurseries awards this year went to:

• Coba, the first woman and the longest-serving director of the Oregon Department of Agriculture. She headed ODA from 2003 to 2016, and Stone called Coba a "key ally" of the nursery industry who worked to maintain domestic and international market access.

• State Sens. Tim Knopp, R-Bend, and Kathleen Taylor, D-Portland. They served on the Senate Committee on Workforce as it considered labor rules that would affect nursery and greenhouse businesses. Because they listened



Katy Coba

carefully, the final version of legislation was not harmful to the industry, Stone said.

• U.S. Sen. Jeff Merkley,

D-Ore., who secured funding in Congress for a "smart sprayer" research project that could prove to be "game changing technology" for the industry, Stone said.

• State Rep. Ken Helm, D-Beaverton, who Stone described as a "quick study" on issues important to the industry.

• The nursery association also announced a "New Legislator of the Year" award, presented to state Rep. Karin Power, D-Milwaukie. Stone said Power demonstrated a "keen mind" and deserved recognition as a freshman legislator with a balanced perspective.

He added Power had shown herself to be "solution oriented and open to the nursery perspective."

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