

Rural brewery aims for Oregon land use fix

Proposal could be similar to exemption for wineries, cideries

By MATEUSZ PERKOWSKI
Capital Press

A rural Oregon brewery remains operational despite a major zoning problem but hopes that altering land use rules will offer a long-term fix.

Earlier this year, the tasting room at Agrarian Ales near Eugene, Ore., was temporarily shut down by Lane County officials, partly because its activities aren't allowed in an "exclusive farm use" zone.

County officials also said the building wasn't up to code for public occupancy, which Agrarian Ales has provisionally rectified by barring visitors from sitting beneath a roof overhang and instead steering them toward picnic tables on the property.

The zoning predicament also has a makeshift solution — while the brewery applies for a special use permit to run the tasting room, the county isn't penalizing it for land use violations in the meantime.

"Lane County, on the face of it, says it's interested in seeing this business continue," said Stephen Harrell, the company's farm manager.

To comply with building codes, the company is raising money through an online "Kickstarter" campaign to build a new tasting room equipped with fire suppression sprinklers, lighted exit signs and other elements.

On the land use front, Agrarian Ales wants to carve out an exemption for small breweries in Oregon's statewide land use law, providing them with similar flexibility as wineries and cideries on farmland.

Under a proposed revision to Oregon statutes,



Stephen Harrell, farm manager at Agrarian Ales, enjoys some of the company's beer at its facility north of Eugene, Ore. The company hopes that changes to Oregon's land use laws will provide a long-term fix for its zoning problem.

brewpubs could be sited in "exclusive farm use" zones if they annually generate fewer than 50,000 gallons of beer, with at least half the hops or grains grown within 10 miles of the property.

That proposal was floated late during the 2018 legislative session and didn't gain traction, but Harrell is hopeful a similar idea will prove more successful next year.

Limiting the size of brewpubs on farmland could alleviate concerns about large commercial operations, he said.

"You couldn't run the Sierra Nevada Brewery on EFU land," Harrell said,

referring to a well-known craft brewery with widespread distribution.

Agrarian Ales already grows all the hops used in its beer and is well under the annual production cap proposed earlier this year.

However, even wineries and cideries still face some ambiguities in land use law, such as the ability to serve food, Harrell said.

"It's subjective," he said. "It's not an objective set of standards," he said.

Most wineries cannot house full restaurants under land use rules, but the Oregon Liquor Control Commission requires food to be served at drinking establish-

ments, he said.

"You're looking at two regulatory bodies that ostensibly are conflicting," Harrell said.

State Sen. Lee Beyer, D-Springfield, said he has commitments from agricultural and conservation groups to discuss the issue and believes it's "realistic" a change can be made in 2019.

"I would assume the biggest objects would be that we keep the size of these relatively small and tied to farm uses onsite," he said.

Similar agritourism activities on farmland have spurred the growth of Oregon's wine industry, Beyer said. "You can't develop a

wine industry if you don't have tasting rooms."

1,000 Friends of Oregon, a farmland conservation group, is "definitely open to conversations" about an exemption for brewery agritourism "with the appropriate sideboards," said Meriel Darzen, its staff attorney.

The details will be critical, since a brewpub operating until midnight every night of the week, for example, may create traffic or other problems for neighboring farmers, she said.

"Depending on the scale, you're talking about something that can have significant impacts on surrounding farm uses," Darzen said.

Washington farm groups seek say in environmental lawsuit

By DON JENKINS
Capital Press

Rebuffed once, two Washington farm groups are again pleading to have a voice in an environmental organization's lawsuit that alleges federal and state regulators aren't protecting waterways from agriculture.

In what would be an unusual alliance, the Washington Farm Bureau and Washington Cattlemen's Association want to jump in on the side of the Environmental Protection Agency and state Department of Ecology.

They're asking the 9th U.S. Circuit Court of Appeals to overrule Western Washington District Judge John Coughenour, who decided last month that the farm groups could not help the government defend itself. Coughenour said that Ecology has the same interests as farmers and that it's expertise on agricultural runoff was "likely superior."

"We obviously think the court erred on this," Farm Bureau associate director of government relations Evan Sheffels said Tuesday. "We think our producers know their best interests, and we think they are often different than those of state and federal agencies."

The suit, filed by Northwest Environmental Advocates in 2016, claims the EPA has been wrong to approve pollution-control plans submitted by Ecology. The plans apply to logging and urban stormwater, as well as farming.

The Portland-based organization argues that the plans are ineffective and that the federal government should withhold funds for clean-water projects. Washington received a total of \$5.6 million in the current fiscal year.

As a condition to restoring the money, Ecology should implement "best-management practices" for agriculture, the lawsuit suit argues. The suit also alleges riparian buffers on farms are inadequate to protect water.

Ecology recently convened a workgroup to develop voluntary water-protection guidelines for agriculture.

Northwest Environmental Advocates Executive Director Nina Bell said Tuesday that the lawsuit seeks to have Ecology implement measures on the ground, not on paper.

"Ecology developing purely voluntary BMPs does not resolve anything we've raised in the litigation," she said. "Our goal in this lawsuit is to not just take money away from the Department of Ecology. Our goal is to have a real rather than a fictitious program."

Ecology and EPA have defended the pollution-control plans, though Ecology said in a recent court filing that it "admits that riparian buffers on some agricultural lands are inadequate to fully protect water quality."

Sheffels said that illustrates the Farm Bureau's concern that the lawsuit could lead to a settlement unsuitable for farming. The farms groups say they disagree with agencies on the extent of buffers needed to protect water quality.

"We want to make sure we don't have a solution that hurts our interests when we should have had a seat at the table," Sheffels said.

California starts picking light cherry crop

By DAN WHEAT
Capital Press

California is starting its harvest of sweet cherries, which are expected to yield 58 percent less than last year's record crop.

Lack of sufficient winter chill, freeze damage a month ago and poor pollination weather have adversely affected all growing regions except for Patterson area southwest of Stockton, said Mike Jameson, director of sales and marketing at Morada Produce in Linden.

The crop will likely be 4 million, 18-pound boxes, down from last year's 9.6 million boxes, he said.

In 2017, good weather helped produce the highest volume, quality, prices and sales in recent memory, Chris Zanobini, executive director of the California Cherry Advisory Board in Sacramento, has said.

Last year's crop averaged around \$55 per box wholesale because of high quality and limited competition worldwide, Jameson said.

"We have a window when we're first out the gate, ahead of Washington, and have no real competition," he said.

Picking began April 20 with a few Brooks variety

cherries in Arvin near Bakersfield, Jameson said. Early fruit sells at more than \$100 per box, he said.

Harvest will pick up speed April 30 but with no real volume until May 8 or 10, he said.

Brooks, Tulare and Corral varieties will peak May 10-20. Bing will start May 22 in Stockton, Lodi and Linden and peak May 27 to June 8, Jameson said.

"The whole crop is later this year by a few days," he said.

Washington cherry growers are always interested in California's sales and hope for little overlap with Washington's crop, which normally starts about June 8.

California lost 3 million boxes of cherries to rain to finish at 5.11 million boxes in 2016 and hit a low of 2.67 million boxes in 2014 due to the lack of winter chill and poor fruit set.

Harvest starts in the southern district, which includes Arvin, Bakersfield and Maricopa. Harvest spreads north to the middle district of Fresno, Reedley and Madera.

Next is the north with Stockton, Morada, Linden and Lodi. It finishes in the coastal district of Hollister and Gilroy.

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NOTICE OF TALL FESCUE COMMISSION BUDGET HEARING

Notice is hereby given that a public hearing will be held pursuant to ORS 576.416 (5), on Thursday, May 24, 2018, at 6:00 p.m., at the Cascade Grill Restaurant, 110 Opal St. NE, Albany, Oregon, upon a proposed budget for operation of the Oregon Tall Fescue Commission during the fiscal year July 1, 2018 through June 30, 2019. At this hearing any producer of Oregon-grown Tall Fescue seed has a right to be heard with respect to the proposed budget, a copy of which is available for public inspection, under reasonable circumstances, in the office of each County Extension Agent in Oregon. For further information, contact the Tall Fescue Commission business office, P.O. Box 3366, Salem, Oregon 97302, telephone 503-364-2944. The meeting location is accessible to persons with disabilities. Please make any requests for an interpreter for the hearing impaired or for other accommodations for persons with disabilities at least 48 hours before the meeting by contacting the Commission office at 503-364-2944.

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