

Ruling: Marijuana potential doesn't prevent rezone

Dispute pertains to 33-acre property near Coburg, Ore.

By MATEUSZ PERKOWSKI
Capital Press

A property's capacity to grow marijuana doesn't mean it's suitable for farming and cannot be rezoned for residential purposes, according to Oregon's land use adjudicators.

The Oregon Land Use Board of Appeals has rejected the argument that potential marijuana cultivation on a 33-acre property near Coburg is a profitable farm use that should prevent it from being

split into 10-acre lots.

Lane County approved the designation of the property as "nonresource land" and changed it to a "rural residential" zone, but the decision was challenged last year before LUBA by the Landwatch Lane County farmland preservation group.

Soils on the 33-acre tract are considered Class VI, which the USDA considers to "have severe limitations that make them generally unsuited to cultivation."

Landwatch Lane County argued that marijuana could still be grown on the property regardless of the soil class because it's often planted in "cloth pots or buckets," contra-



Associated Press File

The Oregon Land Use Board of Appeals has ruled that just because marijuana can be grown on property doesn't mean it's farmland.

dicting the county's determination that the land isn't suitable for agriculture.

The landowner, Bill Sproul,

argued that nothing in Oregon's land use goal of preserving farmland would require landowners to "commit a federal

crime and risk forfeiture of their property to the federal government."

LUBA has agreed with Sproul that marijuana production "can occur equally well on a parking lot as it could on 80 acres of high value farmland."

Although marijuana is defined under Oregon law as a crop and can legally be grown on the property under Lane County's code, cultivation of the psychoactive plant is "entirely separate and disconnected from the land" that's meant to be protected, according to LUBA.

The board also rejected Landwatch Lane County's argument that livestock can be raised on the property, which a

previous owner used for alpaca farming until 2004.

While the conservation group pointed to the previous landowner's advertisement that the property can generate up to \$120,000 per year, Sproul said the alpaca farm "totally failed" at being "commercially viable."

Despite these conflicting claim, LUBA ruled that Landwatch hadn't "so undermined" Sproul's evidence as to render the county's decision unreasonable. Finally, LUBA dismissed the argument that adequate water exists on the property for irrigated agriculture since there's no evidence that water rights can be obtained to use seasonal water sources on the property.

PNW sweet cherry forecast down 22.7 percent

By DAN WHEAT
Capital Press

RICHLAND, Wash. — The Pacific Northwest growers expect a 20.4 million-box sweet cherry crop this season. That's down 22.7 percent from last year's record 26.4 million, 20-pound boxes.

If weather allows high quality, it should mean higher prices than the dismal July returns last year when a glut caused wholesale prices to tumble below an unprofitable \$16 per box.

A possible U.S.-China trade deal ending a 15 percent Chinese tariff on U.S. fruit would also be a big help, said B.J. Thurlby, president of Northwest Cherry Growers in Yakima. The PNW shipped 3.2 million boxes of cherries — 13 percent of its crop — to China last season, he said.

The tariff is on top of a 10 percent duty and a 13 percent value-added tax, he said. It's already affected California shipments along with a shorter pest protocol quarantine, he said.

"I heard rumblings all weekend that the U.S. might end its steel and aluminum tariffs on China, and this wasn't just the news but from importers in China," Thurlby said.

The PNW cherry crop was forecast at 203,900 tons at the annual meeting of the Five State Cherry Commission in Richland, Wash., on May 16. Washington is forecast at



Dan Wheat/Capital Press

California cherries are in short supply and selling at high prices in an East Wenatchee, Wash., grocery store on May 21. California and PNW cherry crops are much smaller this year than last.

169,000 tons with 90,000 of that from the Wenatchee District and 79,000 from Yakima. Oregon is expected to produce 32,000 tons, Idaho and Montana 1,400 tons each and Utah 100 tons.

Harvest is expected to start about June 3 in Mattawa, Wash., and end in August in Wenatchee, Wash., or Hood

River, Ore. Peaks are estimated on June 24 and July 16. The forecast is for 8 million boxes of cherries in June, 10 million to 11 million in July and 2 million in August.

Last year, June produced 7.7 million boxes. That followed three previous record-volume Junes of 12.3 million, 11.9 million and 9.9 million.

2017 values are not yet available, but Washington's sweet cherry value of production in 2016 was \$471 million, and the average price per 20-pound box was \$28.10, according to the National Agricultural Statistic Service.

Oregon's sweet cherry value of production in 2016 was \$68.8 million, and its average price per 20-pound box was \$16.70.

This spring cool, wet weather and an extended bloom hampered pollination and led to a lighter fruit set of early varieties in the southern half of Central Washington. Growers are concerned about the extent of fruit drop in early variety Chelan cherries right up to harvest, Thurlby said.

Potential harvest spread between Wapato in the Yakima Valley and Chelan, 150 miles to the north, is the best in 15 years, which should reduce pressure on sales, including during the Fourth of July period, he said.

California, coming off a record 9.6 million 18-pound-box crop last season, may not reach 3 million boxes this year because of insufficient winter chill, freeze damage and poor pollination. Picking began April 20 and may finish about June 8, just as Washington begins picking.

"A little gap is OK but when it's too long will lose shelf space and we don't want that," Thurlby said.



Oregon AgLink has announced it will move its annual Denim and Diamonds auction and dinner from Portland to the Salem Convention Center.

Oregon AgLink auction and dinner moving to Salem

By GEORGE PLAVEN
Capital Press

Oregon Aglink, a non-profit volunteer membership group dedicated to promoting Oregon agriculture through education, will hold its 2018 Denim and Diamonds auction and dinner on Nov. 16 at the Salem Convention Center.

For the last 20 years, the annual event was held in Portland, but this year the organization decided to switch venues to better accommodate travelers from across the state.

"We want guests to have a chance to focus on a delicious dinner and the award ceremony," said Mallory Phelan, Oregon Aglink executive director. "The less time attendees spend navigating traffic, the more they can enjoy an evening of networking and fundraising with other professionals committed to promoting agriculture through education."

About 500 people have attended Denim and Diamonds each of the past three years. Lori Pavlicek, former event organizer and owner of 4B Farms in Mt. Angel, Ore., said pivoting to the Salem Convention Center was an obvious choice, eliminating the concern of Friday rush hour traffic around Portland and providing guests with a more centrally located venue.

Founded in 1966 as the Agribusiness Council of Oregon, Oregon Aglink works to highlight the importance of agriculture statewide and bridge the urban-rural divide. Denim and Diamonds features silent and live auctions presented by Wilco, with proceeds to benefit the Oregon AgLink Foundation and programs.

For more information, contact Leah Rue, Oregon Aglink community engagement coordinator, at leah@aglink.org.

Okanogan flood damage likely to reach millions

By DAN WHEAT
Capital Press

TONASKET, Wash. — Flood damage to homes, buildings and crops in the Okanogan River Valley will likely amount to millions of dollars by the time the waters recede next month, officials say. Damage to two orchards alone could total \$200,000 to \$300,000.

Flood stage from rapid mountain snowmelt was reached at Tonasket May 5 and likely will continue into the third week of June, said Craig T. Nelson, manager of the Okanogan Conservation District.

Flooding is the worst along the 17 miles of the river from Oroville, near the Canadian border, to Tonasket. It extends 55 miles south to where the Okanogan River flows into the Columbia River.

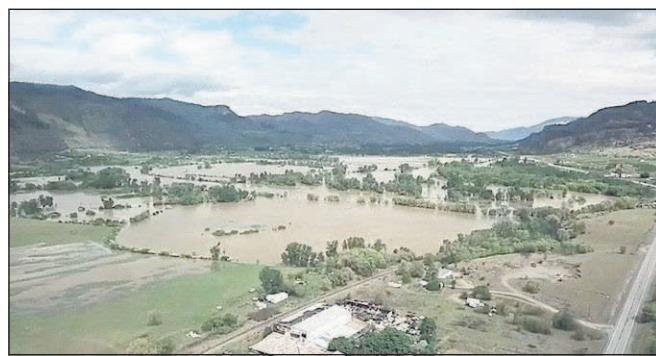
Homes along riverbanks from Oroville to Tonasket get some water most years but have more water in their basements than usual, said Maurice Goodall, Okanogan County Emergency Management director.

No lives have been lost and there have been no injuries, he said.

"Yes, this is the worst flooding since 1972 but a lot of dikes were built around the towns after 1972 and that's what makes the difference," Goodall said.

Residents and state and local government employees filled and laid more than 220,000 sandbags, adding 6,623 feet of protection to levees from Oroville to Okanogan, he said.

The Okanogan River at Tonasket peaked at just under 20 feet on May 11, accord-



Okanogan County Emergency Management

Okanogan River flooding on May 12. Flooding reached a high point May 11 and then receded but is expected to continue into June.

ing to the National Weather Service. It subsided to 18.25 feet on May 14, rose again to 19.75 feet on May 18, was at 17 feet on May 22 but was forecast to exceed 18 feet again on May 27 and 28.

The record high was 22.54 feet on June 2, 1972. Flood stage is 15 feet, and the major flood stage is 18 feet.

"We need to be vigilant on the dikes until the water goes down," Goodall said.

Hay was in danger of spontaneous combustion when water flooded and then receded from an Oroville barn, he said.

As of May 18, Nelson said losses or damage reported to the conservation district and the Okanogan office of the Farm Service Agency totaled 1,072 acres of alfalfa and grass hay and 1,200 acres hay grass or grass. Not all of it was inundated. Some was damaged from loss of irrigation due to flooded irrigation equipment, he said.

Additionally, there were 8 acres of pasture, a quarter-acre of high value garlic, 70 acres of triticale, 129 acres of fruit trees, three private bridges, 2.25 miles of fence, fish screens, irrigation pumps, pipeline and pivots.

Two 18-person H-2A guestworker housing units were damaged and several horses were trapped for a while near Riverside, he said.

Kelly McDonald, 46, a Tonasket orchardist and fieldman for Chelan Fruit Cooperative, said he has 16 acres of pear trees under water. Half are mature trees that will survive but lose their crop. The other half are in their second year and are drowning or will succumb to disease after flooding and need to be replaced, he said, estimating his loss at \$100,000.

He said there are probably 25 growers impacted and a total of 200 acres just in tree fruit damage from Oroville to Tonasket.

"Trees breathe through their leaves and they drown when they can't and their roots get waterlogged," he said.

Jeff Boullioun, 69, Oroville, estimated the loss of his pear crop and Ambrosia apple trees at \$100,000 to \$200,000.

"We have revenue insurance so it depends on the revenue the orchard creates as to meeting the threshold for a claim," he said.

It's the worst flood he's

experienced in 37 years as a grower in Oroville, he said.

"This county has been hard hit for a number of years with wildfires (2014 and 2015) and now flooding," said Celeste Acord, Okanogan FSA executive director.

Growers are doing a good job of reporting losses and should, even if they don't know dollar amounts yet, because it helps agencies, she said. The Tree Assistance Program can help growers replant fruit trees and the Non-insurable Crop Assistance Program also is a help, she said.

Not all losses are fully known because fields are still under water, Acord said.