

Solar developer challenges project denial

Yamhill County facility would include 12 acres of solar panels

By MATEUSZ PERKOWSKI
Capital Press

A solar developer claims Oregon's Land Use Board of Appeals should order Yamhill County to reconsider its rejection of a solar facility on farmland.

Earlier this year, the county government denied a conditional use permit for the 12-acre solar panel array on land zoned for "exclusive farm use" near Yamhill, Ore.

The developer, Yamhill Creek Solar, appeared before LUBA on Sept. 13 arguing the decision should be remanded to the county because the rejection was based on speculative

concerns that weren't supported by sufficient evidence.

Damien Hall, the company's attorney, said the county's decision demonstrated a "plain case of bias," pointing to one commissioner's remarks supporting stronger restrictions on solar facilities that were later adopted.

The county also effectively required the solar development to have "zero impacts" from soil compaction, which is an excessively high standard that misinterprets Oregon's land use law, Hall said.

Pilings driven into the ground to support solar panels aren't much different from the fence posts that are commonly seen throughout rural areas, he said.

"They do not create compaction in any way that's unfarmable," Hall said, noting that such a high threshold would effectively preclude solar facilities anywhere in Yam-



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Oregon's Land Use Board of Appeals has been asked to reconsider Yamhill County's denial of a 12-acre solar project on farmland.

hill County.

Opponents of the installation have incorrectly indicated the project would "pave over" farmland when it would actually be eventually decommissioned after 30 years, he said.

"There are no impervious surfaces proposed beneath the

panels," Hall said.

The developer argued that solar panels wouldn't adversely affect surrounding farm uses, but the county nonetheless found the facility was a "character-changing use" that would hinder the success of the wine industry, which relies on a pas-

toral landscape.

Not only is this interpretation of state land use law overly broad, but the county had no evidence of wineries or agritourism in the project's near vicinity, Hall said. "There is no agritourism."

Atticus Wine, an opponent of the project that intervened in the case, argued that Yamhill County properly supported the denial of the conditional use permit and wasn't biased in its decision. The statement made by one commissioner about a proposed ordinance for solar facilities was simply a political sentiment that elected officials are allowed to express, said Jennifer Bragar, attorney for the intervenor.

Bragar said findings that the project didn't meet the standards necessary for a conditional use permit were well backed-up with evidence by the county.

For example, the county wasn't compelled to accept the

developer's plan for mitigating soil compaction and erosion as complying with its standards, she said.

"There were open questions that were never responded to," Bragar said.

Driving pilings into the ground every few feet isn't the same as a fenceline, and it's unclear what the long-term impacts would be, she said.

Yamhill County correctly interpreted land use criteria in deciding preserving farmland weighed stronger in this case than expanding renewable energy production, particularly since there's "plenty of other land" for development, she said.

"The county didn't ignore anything the petitioner brought up," Bragar said. "There are many reasons to deny this application."

An opinion in the case is expected to be issued by LUBA by Oct. 3.

Heat, smoke not expected to diminish Oregon potato harvest

Early season yields looking about average

By GEORGE PLAVERN
Capital Press

Months of intense heat and smoky skies are not expected to diminish Oregon's potato crop, with farmers across the state predicting average to above-average yields heading into the bulk of harvest.

Bill Brewer, CEO of the Oregon Potato Commission, said the overall impact of wildfire smoke is yet to be determined in spuds, but he has not heard of any major setbacks or problems with quality.

Hot weather can be hard on certain potato varieties, such as Russet Burbank — the gold standard for french fries — though in general, Brewer said he anticipates a roughly average harvest statewide and good quality potatoes.

"The higher heat during the summertime has been a bit of an issue, only on select varieties," Brewer said. "So far, I have not heard any other negatives about other growing conditions."

About 70 percent of Oregon potatoes are grown in the Columbia Basin around Hermiston and Boardman. Potatoes ranked as the seventh most valuable agricultural commodity in the state in 2017, raking in \$176.9 million.

Marty Myers, general manager of Threemile Canyon Farms near Boardman, said the growing season got off to



Capital Press File

Potato harvest is underway across Oregon. Growers report the crop is in good shape despite a hot summer and smoke from wildfires.

a good start with warm weather early in the spring. Crews began harvesting early season potatoes on July 10, and Myers said yields have generally been very good.

Threemile Canyon Farms grows 9,000 acres of mostly conventional and some organic russets, all for local food processors. Myers said it is still too early to tell if triple-digit heat and smoke in July and August has impacted full season potatoes. Harvest just began Sept. 12, and will likely run through Oct. 20-25.

"Early season was very warm, and things looked pretty good," Myers said. "Then summer heat comes in like it does every year and knocks us back a little bit. ... We always know it's going to get hot over the summer, and at periods we're going to have smoke."

Brewer said he believes the smoke does have an effect on

potato production, blocking sunlight needed by the plants and possibly altering taste, but more research is needed to back up anecdotal evidence.

Dan Chin, who runs Chin Family Farms Organic outside Merrill in the Klamath Basin, said they were soaked in by smoke from wildfires raging in southern Oregon and northern California for a solid month and a half.

"A lot of times, you couldn't see more than a couple of miles, or a mile," Chin said. "It was pretty intense."

However, Chin theorizes the smoke actually helped his potatoes this year by lowering the heat and causing the plants to put more energy into the tubers. He started harvesting Sept. 12, and said both size and quality are looking good.

"Just looking at it last year and this year, we're seeing a little trend that the smoke didn't really hurt our sizing and yield as much as we thought it might," Chin said. "As far as our crop is concerned, we're pretty happy with it."

That being said, Chin said they definitely do not want

smoke every year, which makes it harder for employees to work outside.

Mark Ward, chairman of the Oregon Potato Commission, farms 160 acres of potatoes on the north edge of Baker City. He is targeting Sept. 24 to begin harvest, and like others, expects to see solid yields.

Ward exclusively supplies potatoes to Simplot for making french fries. He said this summer's heat, including five days of triple-digit temperatures, may increase the likelihood of sugar ends, a defect in potatoes that results in unappealing brown ends.

"We won't know that until we deliver some potatoes," Ward said. "If you were managing your water properly, you should be OK."

The Baker Valley also experienced 10 days of smoke so thick the surrounding Elkhorn Mountains couldn't be seen, Ward said, which may affect potato yields, though he does not see it being a tremendous problem.

"Just what I've seen doing our little hand-digs, they look good," Ward said.

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SECRETARY OF STATE NOTICE OF PROPOSED RULEMAKING

Oregon Department of Agriculture, Nursery, Christmas Tree, & Hemp Programs, Administrative Rules Chapter #603, Sean Fornelli, Rules Coordinator, (503) 986-4758. ADOPT: OAR 603-048-0125, 603-048-0150, 603-048-0225, 603-048-0550, 603-048-0625, 603-048-1100, 603-048-1500; AMEND: OAR 603-048-0010, 603-048-0100, 603-048-0200, 603-048-300, 603-048-0400, 603-048-0600, 603-048-0650, 603-048-0700, 603-048-0800, 603-048-0900, 603-048-1000, 603-048-2305.

RULE SUMMARY: The 2018 legislative assembly passed HB 4089 (OL 2018, Ch. 116), which made substantial revisions to industrial hemp statutes, ORS 571.300 to ORS 571.348. It is necessary for the Oregon Department of Agriculture (department) to adopt permanent rules to revise the rules to align the regulatory scheme with HB 4089 revisions. Some of the changes in HB 4089 that make it necessary for the department to revise its rules include: The direction for the department to administer the hemp program for the purpose of carrying studying the growth, cultivation and marketing of industrial hemp in the state; Explicit authority to charge a fee for pre-harvest testing; Permission for registrants to transfer industrial hemp and industrial hemp products and commodities to Oregon Liquor Control (OLCC) licensees under certain circumstances; Expansion of the requirement for testing of commodities and products prior to transfer; The requirement that industrial hemp products containing more than 0.3% THC may only be sold by an OLCC-licensed retailer; Expanded authority for the department to adopt rules establishing public health and safety standards and industry best practices.

The department proposes to adopt these rules to address HB 4089's changes to the hemp program and to otherwise clarify existing rules. To summarize, the proposed permanent rules: Add definitions of grow site, handling site, harvest lot identifier, hemp item, OLCC, process lot, produce, production area, and process lot identifier; Clarify when an individual must be registered, who a registration applies to, and when a new application is required due to change in business structure; Require that products containing more than 0.3% THC may only be sold through the Oregon Liquor Control Commission (OLCC)'s marijuana regulatory system; Clarify who a registrant may transfer or sell industrial hemp to within the state; Restructure the grower registration application process and fees; Restructure handler registration application processes and fees and adds the option for registration by reciprocity for OLCC-licensed processors certified to process industrial hemp; Add requirements for registrants to report certain information to the department for research purposes; Clarify requirements for agricultural hemp seed producer registrations to match that of growers and handlers and increases fee; Clarify and update recordkeeping and reporting requirements including provisions to better identify harvest and production lots; Add requirements for transportation of industrial hemp; Require that when a grower uses a private lab for pre-harvest THC testing, that the laboratory first attended department-provided training; Add the option to remediate through resampling if a harvest lot fails pre-harvest testing; Revise sampling procedures for pre-harvest THC testing; Establish a fee for submission of change form; Add a fee for department-provided pre-harvest THC testing; Clarify circumstances when the department may detain, seize, embargo, and dispose of industrial hemp or industrial hemp products and commodities; Restructure and classify violations for purposes of imposing civil penalties; Require that registrants also certified or licensed by OLCC comply with applicable OLCC rules; Identify requirements for individuals making retail sales of industrial hemp in Oregon; and Clarify purpose of testing rules.

Hearing date: September 25, 2018 at 1:00 p.m. Location: Hearings Room, Oregon Department of Agriculture, 635 Capitol St NE, Salem, OR. Last day for public comment is October 5, 2018 at 5:00 p.m.

38-4/999

Oneonta Starr Ranch more than doubles organic apples

By DAN WHEAT
Capital Press

WENATCHEE, Wash. — Oneonta Starr Ranch Growers, of Wenatchee, is more than doubling its offerings of organic apples this season with the addition of Apple King to its program and more fruit from Gilbert Orchards, both of Yakima.

Oneonta Starr Ranch will

increase from about 600,000, 40-pound boxes of organic apples last season to 1.5 million boxes this season, said Dan Davis, the company's import and organic manager.

"It not only increases our volume but our flexibility because we now have two dedicated organic lines packing apples every day, Apple King's and Gilbert's," Davis said. "We can do multiple varieties on the same day or increased volume of one on the same day to meet retail needs more quickly."

Oneonta Starr Ranch's organic apple manifest by order of volume is now Gala, Fuji, Honeycrisp, Pink Lady and Granny Smith, he said.

"We've only transitioned

our best blocks to organic and so our volume consists of the best varietal makeup of the most current strains," he said.

The 107-year-old Apple King is headquartered in Yakima with conventional packing in Gled and organic packing in Union Gap. It has had an "excellent relationship" marketing its organics with the Chilean company, Viva Tierra, but with production increasing decided it was time to switch, said Ray Keller, Apple King general manager.

Davis said he's known Apple King for 20 years and did business with it last year.

Apple King's conventional fruit will still be marketed by L&M Northwest, based in Raleigh, N.C.

Apple King joined with

Oneonta Starr Ranch in June, Davis said. The agreement is for all of Apple King's organic fruit but it just has apples right now, Keller said.

Gilbert Orchards was in organics "before organics was defined," Davis said, and provided Oneonta Starr Ranch with its first organic cherries this year.

While the gap in profit margins between organic and conventional has been narrowing as organics increase in volume, organics "are still a premium above conventional and allows us to craft a more hearty retail program with all our retailers," Davis said.

With consumer demand for organics still climbing, Oneonta Starr Ranch has become more proactive in finding ways to highlight the product.

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PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 10/10/2018. The sale will be held at 10:00am by

MARK DOWN

1915 COMMERCIAL SE SALEM, OR

2008 GMC YUKON UT

VIN=1GKFK6687B174355

Amount due on lien = \$4,255.00

Reputed owner(s)

Luis Alberto Gonzalez Rodriguez

Westlake Financial Services

38-2-3/999

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CHERRY AVENUE STORAGE

2680 Cherry Ave. NE

Salem, OR 97301

(503) 399-7454

AUCTION

SAT., OCTOBER 6, 2018

at 10A.M.

Unit AS-26 Jamie Zepeda

Unit AS-189 Kevin Krantz

Unit 78 Sam Tablanza

Unit AS-54 Jesus Silva

Unit AS-80 Anna Arosila

Unit AS-101 Jessica Snegirev

Unit 124 Cynthia Mendoza

Unit 134 Mercedes Perez-Sandoval

Unit 162 Erik Vincent

Unit AS-68 Stephani Steeley

Unit AS-11 Kevin Keller

Cherry Avenue Storage

reserves the right to

refuse any and all bids.

38-2-3/999

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OREGON TECHNICAL ADVISORY COMMITTEE MEETING (OTAC)

WHEN: October 18, 2018

@12:30pm-4:00pm

WHERE: Oregon Department of Fish and Wildlife

4034 Fairview Industrial Dr. SE Salem, OR 97310

For more information, or to arrange special accommodations for meeting attendees, please contact Julie MacSwain at 503-414-3250 or julie.macswain@or.usda.gov.

38-4/999

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PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 10/11/2018. The sale will be held at 10:00am by

COPART OF WASHINGTON INC

2885 NATIONAL WAY WOODBURN, OR

2015 HYUNDAI TRLR

VIN = 3H3V532CAFT658063

Amount due on lien \$2,295.00

Reputed owner(s)

NEW LEGEND INC

38-2-3/999