

Landowners pay a stiff price

Couple fined for violations committed on their land by illegal pot growers

By SIERRA DAWN McCLAIN
Capital Press

EAGLE POINT — Jackson County Code Enforcement is fining a Southern Oregon cattle and hay ranching couple \$150,000 for land use violations committed on their farm by an illegal marijuana grower who allegedly posed as an industrial hemp grower when he leased their land.

The couple, Jerry Wetzel, 78, and Gloria Wetzel, 76, plan to appeal, saying they did not know the tenant lacked licenses and that the tenant claimed to be growing legal hemp.

Land use experts say cases like this are common statewide, especially in Southern Oregon.

According to Jackson County Sheriff Nate Sickler, the county is “finding many land leasers have been less than honest with the property owners about what they are cultivating, as well as what permitting and licensing have been obtained.”

“Sometimes landowners know exactly what they were doing and then try to put all the blame on the growers. Other times, it’s clear the landowners are clueless,” said Roger Pearce, land use attorney and Jackson County hear-



Sierra Dawn McClain/Capital Press

Jerry and Gloria Wetzel, longtime cattle ranchers, drive to a piece of acreage they own that they leased out last year, about a 10-minute utility vehicle drive from their house.



Wetzel

ings officer.

Whether landowners knew they were leasing to an illegal operation or not, Pearce and Sickler say they may be liable for violations under state and county law.

In the Wetzel case, according to Jackson County public records, on June 10, 2021, Oregon State Police raided the Wetzels’ home after obtaining a search warrant.

Officers entered the house with guns drawn, searched for evidence and seized property. The Wetzels say they were frightened while handcuffed for about four hours.

“They searched this place from top to bottom,” said Gloria Wetzel, her eyes watering.

During the raid, the tenant and his workers fled the approximately 2-acre grow site leased from the Wetzels far from the couple’s residence.

Using equipment designed to detect THC levels, Oregon State Police determined the operation was growing marijuana.

Mark Taylor, founding board member of the Southern Oregon Hemp Co-Op, said he knows the Wetzels to be “honorable people” and said he feels it was inappropriate for officers to raid the home of the landowners rather than targeting the tenant’s grow site.

Taylor said he is also upset that the couple is being fined for violations committed by the lessee.

“The whole case smells of government overreach,” he said.



Sierra Dawn McClain/Capital Press

Jerry and Gloria Wetzel take a walk on their farm property.

Jerry Wetzel said that when he and Gloria started leasing acreage to someone they thought was a hemp grower in 2020, they knew hemp was legal in Oregon but did not know operations required permitting. Thus, they didn’t ask to see permits.

The illegal grower, at his own expense, constructed 54 greenhouses and installed electricity, also without permits. The lessee, Jerry Wetzel said, told him the structures were temporary.

“We weren’t told to ask for a license to prove it’s legal hemp or legal greenhouse(s),” he said.

When the growers fled, the Wetzels were stuck with the fine.

The Wetzels say they believe laws that punish landowners regardless of intent for the actions of their lessees are unjust.

Annick Goldsmith, the hemp co-op’s small farms adviser, said she believes the county shouldn’t “cast such a wide net that (it) victimize(s) people like Jerry and Gloria.”

Land use experts, however, say liability laws placing the burden on the property owner are standard.

“It’s pretty straightforward. In most cases, ultimately the person who owns land is responsible for compliance with all laws that deal with the use of that land,” said Jim Johnson, land use and water planning coordinator for the Oregon Department of Agriculture.

Pearce, the attorney, said landowners may be held liable for state and county violations, potentially for pollution, illegal water uses, construction of unpermitted structures and failure to register farm labor camps.

Sickler, the sheriff, said landowners should verify an operation is legitimate “to prevent a criminal organization from setting up shop in our county.”

The Wetzels, who received \$150,000 in rent between March 2020 and April 2021, say they thought they had taken sufficient precautions because they were not business partners of the tenant and had worked with an attorney to create an agreement in 2020 to protect the farm’s interests.

Now, the Wetzels say they wish they had also known to ask for permits. They, along with Taylor of the co-op, advise landowners to check permits, conduct a background check, ask for an up-front security deposit and engage a seasoned real estate attorney before leasing to hemp growers.

Omicron wave may be close to cresting in Oregon

By GARY A. WARNER
Oregon Capital Bureau

SALEM — The omicron variant wave of COVID-19 will peak over the next two weeks and begin a steep decline, according to a new Oregon state forecast.

The Oregon Health & Science University late Thursday, Jan. 20, projected hospitalizations will likely peak on Tuesday, Feb. 1, at 1,553 COVID-19 patients.

“Oregon appears to be flattening the curve of hospitalized patients,” the report said. “Infections are likely to peak in the next week and hospitalizations the week after.”

The forecast came as the state continues to see key numbers climb. The number of people in Oregon hospitals with COVID-19 was 981 as of Jan. 20 — 204 more than the week before.

Protective measures against COVID-19 continue to suppress seasonal flu cases. There were 38 cases reported last week, compared with 1,461 in a similar week in 2020, just before the pandemic reached Oregon.

Other findings:

- Case counts and test positivity remain at record levels. The proportion of cases reported as positive was 27% on Thursday, Jan. 20.

- While new infections were still rising quickly, the percentage of the most severe cases held steady. As of Jan 18, 25% of Oregon’s occupied ICU beds had COVID-19 patients, similar to the week before.

- The number of children in Oregon hospitals remains “volatile and high,” with 23 as of Jan. 18. Oregon has a low rate of pediatric cases compared to the majority of states.

The New York Times said Thursday, Jan. 20, that state and local health agencies reported 753,990 new cases, up 29% from two weeks ago. Hospitals had 158,638 COVID-19 positive patients, up 48% from two weeks ago, the newspaper reported.

Oregon ranked 11th lowest in cases per 100,000 residents among the 50 states.

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