

Senate Bill 1055

Sponsored by Senator WINTERS; Senators ATKINSON, FERRIOLI, KRUSE, TELFER, WHITSETT (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies authority for establishment of winery and for winery sales and services in exclusive farm use zone.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to wineries in exclusive farm use zones; amending ORS 215.452; and declaring an emer-
3 gency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 215.452 is amended to read:

6 215.452. (1) A winery[, *authorized*] **may be established as an outright permitted use in an**
7 **area zoned for exclusive farm use** under ORS 215.213 (1)(p) and 215.283 (1)(n)[, *is a facility that*]
8 **if the winery** produces wine with a maximum annual production of:

9 (a) Less than 50,000 gallons and that:

10 (A) Owns an on-site vineyard of at least 15 acres;

11 (B) Owns a contiguous vineyard of at least 15 acres;

12 (C) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a
13 vineyard contiguous to the winery; or

14 (D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph; or

15 (b) At least 50,000 gallons and no more than 100,000 gallons and that:

16 (A) Owns an on-site vineyard of at least 40 acres;

17 (B) Owns a contiguous vineyard of at least 40 acres;

18 (C) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a
19 vineyard contiguous to the winery; or

20 (D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph.

21 (2) [*The*] **A winery** described in subsection (1)[*(a) or (b)*] of this section [*shall allow only the sale*
22 *of*] **may sell only:**

23 [*(a) Wines produced in conjunction with the winery; and*]

24 [*(b) Items directly related to wine, the sales of which are incidental to retail sale of wine on-site.*

25 *Such items include those served by a limited service restaurant, as defined in ORS 624.010.]*

26 (a) **Wines produced by the winery;**

27 (b) **Items directly related to the sale and promotion of wine produced by the winery, the**
28 **sale of which is incidental to retail sale of wine on-site, including food and beverages served**
29 **by a limited service restaurant, as defined in ORS 624.010, wine not produced by the winery**
30 **and gifts; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) **Services directly related to the sale and promotion of wine produced by the winery,**
 2 **the sale and delivery of which is incidental to retail sale of wine on-site, including catered**
 3 **dinner, weddings, charitable or political fundraisers and other private events, hosted by the**
 4 **winery or by patrons of the winery, at which wine produced by the winery is featured.**

5 **(3) The gross income from the sale of incidental items and services under subsection**
 6 **(2)(b) and (c) of this section may not exceed 25 percent of the gross income from the sale**
 7 **of wine produced by the winery.**

8 [(3)] (4) Prior to the issuance of a permit to establish a winery under this section, the applicant
 9 shall show that vineyards[,] described in subsection (1)[(a) and (b)] of this section[,] have been
 10 planted or that the contract has been executed, as applicable.

11 [(4)] (5) A local government shall adopt findings for each of the standards described in para-
 12 graphs (a) and (b) of this subsection. Standards imposed on the siting of a winery shall be limited
 13 solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted
 14 farming or forest practices on adjacent lands:

15 (a) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and
 16 all public gathering places; and

17 (b) Provision of direct road access, internal circulation and parking.

18 [(5)] (6) A local government shall also apply local criteria regarding floodplains, geologic haz-
 19 ards, the Willamette River Greenway, solar access, airport safety or other regulations for resource
 20 protection acknowledged to comply with any statewide goal respecting open spaces, scenic and his-
 21 toric areas and natural resources.

22 **(7) When a winery meets the criteria described in subsection (1) of this section for es-**
 23 **tab-lishment as an outright permitted use in an area zoned for exclusive farm use under ORS**
 24 **215.213 (1)(p) or 215.283 (1)(n), a local government may authorize the winery to sell or deliver**
 25 **items or services not described in subsection (2)(b) or (c) of this section under the criteria**
 26 **for commercial activity in conjunction with farm use under ORS 215.213 (2)(c) or 215.283**
 27 **(2)(a).**

28 **(8) When a winery does not meet the criteria in subsection (1) of this section for estab-**
 29 **lishment as an outright permitted use in an area zoned for exclusive farm use under ORS**
 30 **215.213 (1)(p) or 215.283 (1)(n), a local government may authorize establishment of the winery**
 31 **in an area zoned for exclusive farm use under the criteria for commercial activity in con-**
 32 **junction with farm use under ORS 215.213 (2)(c) or 215.283 (2)(a).**

33 **SECTION 2. This 2010 Act being necessary for the immediate preservation of the public**
 34 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
 35 **on its passage.**