

House Bill 3234

Sponsored by Representative SPRENGER; Representatives BENTZ, ESQUIVEL, GARRARD, HUFFMAN, OLSON, THATCHER, THOMPSON, Senator GIROD

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 requirement for establishing winery on land zoned for exclusive farm use. Allows establishment of winery in conjunction with farm operation that produces agricultural products for winemaking other than grapes.

A BILL FOR AN ACT

1
2 Relating to wineries sited in exclusive farm use zones; amending ORS 215.452.

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

4 **SECTION 1.** ORS 215.452, as amended by section 1, chapter 97, Oregon Laws 2010, is amended
5 to read:

6 215.452. (1) A winery may be established as an outright permitted use in an area zoned for ex-
7 clusive farm use under ORS 215.213 (1)(p) and 215.283 (1)(n) if the winery produces wine with a
8 maximum annual production of:

9 (a) Less than 50,000 gallons and *[that]* **the winery:**

10 (A) Owns *[an on-site vineyard of]* at least 15 acres **on-site that are currently employed for**
11 **the production of fruits, including grapes, or the production of honey or other agricultural**
12 **products for winemaking;**

13 (B) Owns *[a contiguous vineyard of]* at least 15 acres **of contiguous land that is currently**
14 **employed for the production of fruits, including grapes, or the production of honey or other**
15 **agricultural products for winemaking;**

16 (C) Has a long-term contract for the purchase of all of the *[grapes from at least 15 acres of a*
17 *vineyard]* **fruits, including grapes, or the purchase of all of the honey or other agricultural**
18 **products for winemaking from a farm operation that is** contiguous to the winery; or

19 (D) Obtains *[grapes]* **fruits, including grapes, or obtains honey or other agricultural pro-**
20 **ducts for winemaking** from any combination of subparagraph (A), (B) or (C) of this paragraph; or

21 (b) At least 50,000 gallons and no more than 100,000 gallons and *[that]* **the winery:**

22 (A) Owns *[an on-site vineyard of]* at least 40 acres **on-site that are currently employed for**
23 **the production of fruits, including grapes, or the production of honey or other agricultural**
24 **products for winemaking;**

25 (B) Owns *[a contiguous vineyard of]* at least 40 acres **of contiguous land that is currently**
26 **employed for the production of fruits, including grapes, or the production of honey or other**
27 **agricultural products for winemaking;**

28 (C) Has a long-term contract for the purchase of all of the *[grapes from at least 40 acres of a*
29 *vineyard]* **fruits, including grapes, or the purchase of all of the honey or other agricultural**
30 **products for winemaking from a farm operation that is** contiguous to the winery; or

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 (D) Obtains [*grapes*] **fruits, including grapes, or obtains honey or other agricultural pro-**
 2 **ducts for winemaking** from any combination of subparagraph (A), (B) or (C) of this paragraph.

3 (2) A winery described in subsection (1) of this section may sell only:

4 (a) Wines produced in conjunction with the winery;

5 (b) Items directly related to the sale and promotion of wine produced in conjunction with the
 6 winery, the sale of which is incidental to retail sale of wine on-site, including food and beverages
 7 served by a limited service restaurant, as defined in ORS 624.010, wine not produced in conjunction
 8 with the winery and gifts; and

9 (c) Services directly related to the sale and promotion of wine produced in conjunction with the
 10 winery, the sale and delivery of which are incidental to retail sale of wine on-site, including private
 11 events hosted by the winery or by patrons of the winery, at which wine produced in conjunction
 12 with the winery is featured.

13 (3) The gross income from the sale of incidental items and services under subsection (2)(b) and
 14 (c) of this section may not exceed 25 percent of the gross income from the retail sale on-site of wine
 15 produced in conjunction with the winery.

16 (4) Prior to the issuance of a permit to establish a winery under this section, the applicant shall
 17 show, **as applicable**, that:

18 (a) Vineyards [*described in subsection (1) of this section have been planted or that*], **orchards or**
 19 **other cultivated crops for winemaking have been planted or, for the production of honey, a**
 20 **hive has been made or prepared and bees have occupied the hive; or**

21 (b) The contract has been executed[, *as applicable*].

22 (5) A local government shall adopt findings for each of the standards described in paragraphs
 23 (a) and (b) of this subsection. Standards imposed on the siting of a winery shall be limited solely
 24 to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farm-
 25 ing or forest practices on adjacent lands:

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

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

29 (6) A local government shall also apply local criteria regarding floodplains, geologic hazards, the
 30 Willamette River Greenway, solar access, airport safety or other regulations for resource protection
 31 acknowledged to comply with any statewide goal respecting open spaces, scenic and historic areas
 32 and natural resources.

33 (7) **As used in this section, “bees” and “hive” have the meanings given those terms in**
 34 **ORS 602.010.**

35 **SECTION 2.** ORS 215.452, as amended by sections 1 and 2, chapter 97, Oregon Laws 2010, is
 36 amended to read:

37 215.452. (1) A winery may be established as an outright permitted use in an area zoned for ex-
 38 clusive farm use under ORS 215.213 (1)(p) and 215.283 (1)(n) if the winery produces wine with a
 39 maximum annual production of:

40 (a) Less than 50,000 gallons and [*that*] **the winery:**

41 (A) Owns [*an on-site vineyard of*] at least 15 acres **on-site that are currently employed for**
 42 **the production of fruits, including grapes, or the production of honey or other agricultural**
 43 **products for winemaking;**

44 (B) Owns [*a contiguous vineyard of*] at least 15 acres **of contiguous land that is currently**
 45 **employed for the production of fruits, including grapes, or the production of honey or other**

1 **agricultural products for winemaking;**

2 (C) Has a long-term contract for the purchase of all of the [*grapes from at least 15 acres of a*
 3 *vineyard*] **fruits, including grapes, or the purchase of all of the honey or other agricultural**
 4 **products for winemaking from a farm operation that is** contiguous to the winery; or

5 (D) Obtains [*grapes*] **fruits, including grapes, or obtains honey or other produce for**
 6 **winemaking** from any combination of subparagraph (A), (B) or (C) of this paragraph; or

7 (b) At least 50,000 gallons and no more than 100,000 gallons and [*that*] **the winery:**

8 (A) Owns [*an on-site vineyard of*] at least 40 acres **on-site that are currently employed for**
 9 **the production of fruits, including grapes, or the production of honey or other agricultural**
 10 **products for winemaking;**

11 (B) Owns [*a contiguous vineyard of*] at least 40 acres **of contiguous land that is currently**
 12 **employed for the production of fruits, including grapes, or the production of honey or other**
 13 **agricultural products for winemaking;**

14 (C) Has a long-term contract for the purchase of all of the [*grapes from at least 40 acres of a*
 15 *vineyard*] **fruits, including grapes, or the purchase of all of the honey or other agricultural**
 16 **products for winemaking from a farm operation that is** contiguous to the winery; or

17 (D) Obtains [*grapes*] **fruits, including grapes, or obtains honey or other agricultural pro-**
 18 **ducts for winemaking** from any combination of subparagraph (A), (B) or (C) of this paragraph.

19 (2) A winery described in subsection (1) of this section may sell only:

20 (a) Wines produced in conjunction with the winery; and

21 (b) Items directly related to the sale and promotion of wine produced in conjunction with the
 22 winery, the sale of which is incidental to retail sale of wine on-site, including food and beverages
 23 served by a limited service restaurant, as defined in ORS 624.010.

24 (3) Prior to the issuance of a permit to establish a winery under this section, the applicant shall
 25 show, **as applicable**, that:

26 (a) Vineyards [*described in subsection (1) of this section have been planted or that*], **orchards or**
 27 **other cultivated crops for winemaking have been planted or, for the production of honey, a**
 28 **hive has been made or prepared and bees have occupied the hive; or**

29 (b) The contract has been executed[, *as applicable*].

30 (4) A local government shall adopt findings for each of the standards described in paragraphs
 31 (a) and (b) of this subsection. Standards imposed on the siting of a winery shall be limited solely
 32 to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farm-
 33 ing or forest practices on adjacent lands:

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

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

37 (5) A local government shall also apply local criteria regarding floodplains, geologic hazards, the
 38 Willamette River Greenway, solar access, airport safety or other regulations for resource protection
 39 acknowledged to comply with any statewide goal respecting open spaces, scenic and historic areas
 40 and natural resources.

41 (6) **As used in this section, “bees” and “hive” have the meanings given those terms in**
 42 **ORS 602.010.**