

Senate Bill 829

Sponsored by Senator EDWARDS

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**.

Changes type of restaurant allowed at winery located in exclusive farm use zone. Continues current law allowing winery located in exclusive farm use zone to provide services related to sale and promotion of wine, including private events hosted by winery or winery patrons.

A BILL FOR AN ACT

1
2 Relating to wineries; 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:

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

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

23 (b) Items directly related to the sale and promotion of wine produced in conjunction with the
24 winery, the sale of which is incidental to retail sale of wine on-site, including food and beverages
25 served by a [*limited service*] restaurant, as defined in ORS 624.010, wine not produced in conjunction
26 with the winery and gifts; and

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

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

3 (4) Prior to the issuance of a permit to establish a winery under this section, the applicant shall
4 show that vineyards described in subsection (1) of this section have been planted or that the con-
5 tract has been executed, as applicable.

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

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

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

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

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

19 215.452. (1) A winery may be established as an outright permitted use in an area zoned for ex-
20 clusive farm use under ORS 215.213 (1)(p) and 215.283 (1)(n) if the winery produces wine with a
21 maximum annual production of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (3) Prior to the issuance of a permit to establish a winery under this section, the applicant shall
44 show that vineyards described in subsection (1) of this section have been planted or that the con-
45 tract has been executed, as applicable.

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

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

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

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

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