

SENATE AMENDMENTS TO SENATE BILL 841

By COMMITTEE ON RURAL COMMUNITIES AND ECONOMIC DEVELOPMENT

April 23

1 On page 1 of the printed bill, line 3, delete “and 215.453 and section 6, chapter 679, Oregon Laws
2 2011” and insert “, 215.453, 624.010 and 624.046”.

3 On page 3, delete lines 41 through 43.

4 In line 44, delete “(11)” and insert “(10)”.

5 On page 4, line 2, delete “(12)” and insert “(11)”.

6 In line 10, delete “(13)” and insert “(12)”.

7 After line 23, insert:

8 “(13) When a bed and breakfast facility, as defined in ORS 624.010, is sited as a home occupation
9 on the same tract as a winery established under this section and is in association with the winery:

10 “(a) The bed and breakfast facility may prepare and serve any meals for a maximum of 18 pa-
11 trons; and

12 “(b) Meals prepared at the bed and breakfast facility for a maximum of 18 patrons may be served
13 at the winery.”.

14 Delete lines 31 through 34 and insert:

15 “**SECTION 3.** (1) A local government may authorize the siting of a winery, on land zoned for
16 exclusive farm use, as a commercial activity in conjunction with farm use under ORS 215.213 (2)(c)
17 or 215.283 (2)(a) or other law if the winery:

18 “(a) Does not qualify for siting under ORS 215.452 or 215.453; or

19 “(b) Seeks to carry out uses or activities that are not authorized by ORS 215.452 or 215.453.”.

20 On page 5, delete lines 5 through 15 and insert:

21 “**SECTION 5. (1) A use or structure that is lawfully established at a winery located in**
22 **an exclusive farm use zone and that exists on the effective date of this 2013 Act, including**
23 **events and activities that exceed the income limit imposed by ORS 215.452, may be continued,**
24 **altered, restored or replaced pursuant to ORS 215.130.**

25 “**(2) Subsection (1) of this section does not affect the lawful continuation, alteration,**
26 **restoration or replacement of the winery sited on the same tract.”.**

27 In line 38, delete the period and insert a semicolon.

28 On page 6, line 6, delete the period and insert a semicolon.

29 Delete lines 9 and 10 and insert “on-site, including food and beverages:

30 “(A) Required to be made available in conjunction with the consumption of wine on the premises
31 by the Liquor Control Act or rules adopted under the Liquor Control Act; or

32 “(B) Served in conjunction with an activity authorized by paragraph (b) or (d) of this
33 subsection;”.

34 In line 11, delete “private” and insert “agri-tourism or other commercial”.

35 On page 7, delete lines 23 and 24 and insert:

1 “(12) When a bed and breakfast facility, as defined in ORS 624.010, is sited as a home occupation
2 on the same tract as a winery established under this section and is in association with the winery:

3 “(a) The bed and breakfast facility may prepare and serve any meals for a maximum of 18 pa-
4 trons; and

5 “(b) Meals prepared at the bed and breakfast facility for a maximum of 18 patrons may be served
6 at the winery.

7 “(13) As used in this section:

8 “(a) ‘Agri-tourism or other commercial events’ includes outdoor concerts for which admission is
9 charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and
10 other events at which the promotion of wine produced in conjunction with the winery is a secondary
11 purpose of the event.

12 “(b) ‘On-site retail sale’ includes the retail sale of wine in person at the winery site, through a
13 wine club or over the Internet or telephone.

14 “**SECTION 7.** ORS 624.010 is amended to read:

15 “624.010. As used in ORS 624.010 to 624.121, unless the context requires otherwise:

16 “(1) ‘Authority’ means the Oregon Health Authority.

17 “(2) ‘Bed and breakfast facility’ means any establishment located in a structure designed for a
18 single family residence and structures appurtenant thereto, regardless of whether the owner or op-
19 erator of the establishment resides in any of the structures, that:

20 “(a) Has more than two rooms for rent on a daily basis to the public; and

21 “(b) Offers [*a breakfast*] meal **service as provided in ORS 624.046** as part of the cost of the
22 room.

23 “(3) ‘Director’ means the Director of the Oregon Health Authority.

24 “(4) ‘Intermittent temporary restaurant’ means an establishment:

25 “(a) That operates temporarily at a specific location in connection with multiple public gath-
26 erings, entertainment events, food product promotions or other events, at least two of which are
27 arranged for by different oversight organizations; and

28 “(b) Where food is prepared or served for consumption by the public.

29 “(5) ‘Limited service restaurant’ means a restaurant serving only individually portioned pre-
30 packaged foods prepared from an approved source by a commercial processor and nonperishable
31 beverages.

32 “(6) ‘Operational review’ means the examination of a plan of operation for an establishment in
33 order to ensure that the proposed operation conforms with applicable sanitation standards.

34 “(7) ‘Oversight organization’ means an entity responsible for organizing, managing or otherwise
35 arranging for a public gathering, entertainment event, food product promotion or other event, in-
36 cluding but not limited to ensuring the availability of water, sewer and sanitation services.

37 “(8) ‘Restaurant,’ except as provided in subsection (9) of this section, means an establishment:

38 “(a) Where food or drink is prepared for consumption by the public;

39 “(b) Where the public obtains food or drink so prepared in form or quantity consumable then
40 and there, whether or not it is consumed within the confines of the premises where prepared; or

41 “(c) That prepares food or drink in consumable form for service outside the premises where
42 prepared.

43 “(9) ‘Restaurant’ does not mean a railroad dining car, bed and breakfast facility, intermittent
44 temporary restaurant, seasonal temporary restaurant or single-event temporary restaurant.

45 “(10) ‘Seasonal temporary restaurant’ means an establishment:

1 “(a) That operates at a specific location in connection with multiple public gatherings, enter-
2 tainment events, food product promotions or other events that are arranged for by the same over-
3 sight organization; and

4 “(b) Where food is prepared or served for consumption by the public.

5 “(11) ‘Single-event temporary restaurant’ means an establishment:

6 “(a) That operates in connection with a single public gathering, entertainment event, food
7 product promotion or other event; and

8 “(b) Where food is prepared or served for consumption by the public.

9 “**SECTION 8.** ORS 624.046 is amended to read:

10 “624.046. (1) The Oregon Health Authority shall allow a bed and breakfast facility to conduct
11 food service operations for its patrons in rooms used by the owner or operator[, *provided that:*]

12 “[(1) *Such rooms are not used as sleeping quarters; and*]

13 “[(2) *Persons not employed by the facility shall be excluded from such rooms during breakfast meal*
14 *hours.*] **if the rooms in which food service operations are conducted:**

15 “(a) **Are not used as sleeping quarters; and**

16 “(b) **Are off-limits during meal hours to individuals not employed by the bed and break-
17 fast facility.**

18 “(2) **Except as provided in ORS 215.452 or 215.453, meal service in a bed and breakfast
19 facility is limited to the preparation and service of breakfast.”.**

20 In line 25, delete “7” and insert “9”.

21