

WINERY AMENDMENTS

EFU Review Uses in Chapters 33, 34, 35, and 36

§ 33.2625 REVIEW USES

§ 34.2625 REVIEW USES

§ 35.2625 REVIEW USES

§ 36.2625 REVIEW USES

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(H) A winery, as described and regulated in ORS 215.452, and subject to MCC 33.6800 – 33.6815.

(I) A large winery as described and regulated in ORS 215.453, and subject to MCC 33.6900 – 33.6915.

Everything hereafter is new text and would be added to Chapters 33, 34, 35 and 36.

Underlined text is an addition to the December 5, 2016 work session draft.
~~Strikethrough~~ text is being deleted from the previous work session draft.

WINERY-RELATED AGRI-TOURISM AND OTHER COMMERCIAL EVENTS

33.6800 Purposes

The purposes of these regulations are to limit the area, location, design, and function of winery-related agri-tourism or other commercial events to the extent allowed by law in order to retain a maximum supply of land in agricultural production, to ensure public health and safety, to minimize impacts on nearby farming operations, residents, roads, traffic circulation, wildlife and other natural resources, and to maintain the rural character.

33.6805 Definitions

Winery – A farm that produces wine with a maximum annual production of:

- (a) Less than 50,000 gallons and:
 - (A) Owns an on-site vineyard of at least 15 acres;
 - (B) Owns a contiguous vineyard of at least 15 acres;
 - (C) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - (D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph;
- or
- (b) At least 50,000 gallons and the winery:
 - (A) Owns an on-site vineyard of at least 40 acres;
 - (B) Owns a contiguous vineyard of at least 40 acres;

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

(D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or

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

Winery-Related Agri-Tourism or Other Commercial Events – Events at a winery that promote the contemporaneous sale of wine produced in conjunction with the winery and whose primary purpose is significantly and directly related to the winery operation. “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

33.6810 Winery-Related Agri-tourism or Other Commercial Events

(A) A winery may have up to a maximum 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery.

(B) Days one through six shall be authorized through a five-year permit under a Type I review, subject to the requirements of section 33.6815.

(C) Events on days seven through 18 shall be authorized through a five-year permit under a Type II review, subject to the requirements of section 33.6815.

33.6815 Standards for Winery-Related Agri-Tourism or Other Commercial Events

(A) No more than 18, single-day events may be held in a calendar year. An event may not be split into two or more partial day mini-events that occur on a single day.

~~(B) Maximum Attendance: Attendance shall not exceed XXX attendees and XXX vehicles per day.~~

~~(C)~~ Hours of Operation: Events shall begin no earlier than 7:00 AM and shall conclude no later than 9:00 PM.

~~(D)~~ Parking and Traffic Control: Adequate parking shall be provided to accommodate all activities or uses of the lot, parcel or tract on which the winery is located. A parking and traffic control plan is required with the application. The plan must clearly show how parking for the event will be accommodated on the site and how off-site traffic management will be handled on adjacent roadways, if traffic management for the event is deemed necessary by the County Engineer. The site shall have direct public road access. Internal vehicle circulation shall avoid conflicts with accepted farming or forest practices on adjacent lands.

~~(E)~~ Noise: No artificial amplification of music or voices shall occur before ~~8 AM~~ 9:00 AM or after 8:00 PM. At no time shall the event generate noise above 60 dB(A) (decibels adjusted) at the property lines. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(~~FE~~) Sanitation Facilities: Sufficient restroom facilities meeting County health standards for the expected number of attendees shall be provided.

(~~GF~~) Solid Waste: A plan for handling solid waste generated by the event is required with the application.

(~~HG~~) Lighting: Any outdoor lighting shall comply with MCC 33.4185 and MCC 33.4570 (Dark Sky Compliant).

(~~H~~) Signage: Signage shall comply with the applicable provisions of Sections 34.7400 to 33.7505.

(~~J~~) The winery and any public gathering places shall be setback a minimum of 100 feet from all property lines.

(J) The maximum land area occupied by a winery and its associated permanent parking shall be two acres.

(K) The amount of land used for agri-tourism or other commercial events at wineries shall be the minimum necessary to accomplish the objective of supporting winery operations on the property and retaining farm land in production. The amount of land used for events, including event parking, shall not exceed ~~ten~~ five percent or five acres of the ~~property~~ tract on which the winery is located, whichever is less.

(L) The applicant for agri-tourism or other commercial events in conjunction with a winery shall demonstrate the need for the amount of land area proposed to be removed from agricultural production for the event.

(M) Temporary parking for agri-tourism and other commercial events shall use areas on the property that are not high-value soils if available, but if lacking these soils, temporary parking may use farmed areas of the property that have already been harvested or on areas that were not farmed during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following growing season.

(N) Applications will be evaluated to determine whether there is an alternative site on the property for agri-tourism or other commercial events that use less agricultural land or interfere less with agricultural operations on adjacent land.

(O) The gross income of the winery from the sale of incidental items, services or events may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. On a yearly basis, the winery shall submit to the County a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.

LARGE WINERY-RELATED AGRI-TOURISM AND OTHER COMMERCIAL EVENTS

33.6900 Purposes

The purposes of these regulations are to limit the area, location, design, and function of large winery-related agri-tourism or other commercial events to the extent allowed by law in order to

retain a maximum supply of land in agricultural production, to ensure public health and safety, to minimize impacts on nearby farming operations, residents, roads, traffic circulation, wildlife and other natural resources, and to maintain the rural character.

33.6905 Definitions

Large Winery –

(A) A farm that owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard; and

(B) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in paragraph (A) of this subsection; and

(C) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this section.

Winery-Related Agri-Tourism or Other Commercial Events – Events at a winery that promote the contemporaneous sale of wine produced in conjunction with the winery and whose primary purpose is significantly and directly related to the winery operation. “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event, subject to the provisions of Section 33.6915.

33.6910 Standards for Large Winery-Related Agri-Tourism or Other Commercial Events

(A) A large winery may have up to a maximum 25 days of agri-tourism or other commercial events in a calendar year on the tract occupied by the winery.

~~(B) Maximum Attendance: Attendance shall not exceed XXX attendees and XXX vehicles per day.~~

~~(C)~~ Hours of Operation: Events shall begin no earlier than 7:00 AM and shall conclude no later than 9:00 PM.

~~(D)~~ Parking and Traffic Control: Adequate parking shall be provided to accommodate all activities or uses of the lot, parcel or tract on which the winery is located. A parking and traffic control plan is required with the application. The plan must clearly show how parking for the event will be accommodated on the site and how off-site traffic management will be handled on adjacent roadways, if traffic management for the event is deemed necessary by the County Engineer. The site shall have direct public road access. Internal vehicle circulation shall avoid conflicts with accepted farming or forest practices on adjacent lands.

~~(E)~~ Noise: No artificial amplification of music or voices shall occur before ~~8 AM~~ 9:00 AM or after 8:00 PM. At no time shall the event generate noise above 60 dB(A) (decibels adjusted) at the property lines. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(~~FE~~) Sanitation Facilities: Sufficient restroom facilities meeting County health standards for the expected number of attendees shall be provided.

(~~GF~~) Solid Waste: A plan for handling solid waste generated by the event shall be submitted with the application.

(~~HG~~) Lighting: Any outdoor lighting shall comply with MCC 34.4185 and MCC 34.0570 (Dark Sky Compliant).

(~~H~~) Signage: Signage shall comply with the applicable provisions of Sections 34.7400 to 34.7505.

(~~J~~) The winery and any public gathering places shall be setback a minimum of 100 feet from all property lines.

(J) The maximum land area occupied by a winery and its associated permanent parking shall be two acres.

(K) The amount of land used for agri-tourism or other commercial events at large wineries shall be the minimum necessary to accomplish the objective of supporting winery operations on the property and retaining farm land in production. The amount of land used for promotional events, including event parking, shall not exceed ~~ten~~ five percent or five acres of the ~~property~~ tract on which the winery is located, whichever is less.

(L) The applicant for agri-tourism or other commercial events in conjunction with a large winery shall demonstrate the need for the amount of land area proposed to be removed from agricultural production for the event.

(M) Temporary parking for agri-tourism or other commercial events shall use areas that are not high-valued soils if available, but lacking these soils, temporary parking may use farmed areas of the property that have already been harvested or on areas that were not farmed during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following growing season.

(N) Applications will be evaluated to determine whether there is an alternative site on the property for agri-tourism or other commercial events that use less agricultural land or interfere less with agricultural operations on adjacent land.

(O) The gross income of the winery from the sale of incidental items, services or events may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. On a yearly basis, the winery shall submit to the County a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.

33.6915 Restrictions on Certain Services and Events

A large winery is authorized to host outdoor concerts for which admission is charged and to rent out facilities for celebratory gatherings only if that winery was issued a permit from Multnomah County to provide similar services before August 2, 2011. *[Note: This provision comes from ORS 215.453 (11)]*