

Land Use Permit Matrix

A Legal Resource Provided by Davis Wright Tremaine
and the Oregon Winegrowers Association

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2022

Davis Wright Tremaine LLP is a full service law firm providing services to the wine industry in the areas of mergers and acquisitions and other business transactions, land use and real estate, alcohol regulatory and licensing, intellectual property, employment, and litigation.

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Winery Related Land Use Permits Available in EFU Zones

| Permit Type | Minimum Acreage | Wine Production | Facilities | Wine Tasting, Retail & Basic Marketing | Other Events | Food Service | Income Limit | Other Requirements/Limits |
|--|--|---|---|---|--|--|---|---|
| SB 841 Permitted Use Winery (ORS 215.452) | 15/40-acre on-site vineyard (see production) | 50,000 gallons/year maximum if <40 vineyard acres. No limit if ≥40 acres | Tasting room & kitchen permitted; see event & income limits | Wine retail, tastings, tours, wine club functions and other wine marketing activities allowed without limit | 18/year if wine marketing a secondary purpose (e.g. weddings, facility rentals); subject to income limit. Additional permitting required in Willamette Valley only | Food and wine pairings permitted but may not operate a restaurant | Income from non-marketing events and sale of food/other items limited to 25 percent of winery income from on-site wine sales. May need to report event income to county | Parking, setbacks, health & safety, other miscellaneous. Counties may not impose additional limits, except for special events in the Willamette Valley |
| Large Winery (ORS 215.453) | 80 acre site with 50 acre vineyard + 80 total additional vineyard acres in Oregon AVAs | Minimum of 150,000 gallons/year in 3 of 5 years prior to seeking permit. No maximum limit | Tasting room and restaurant facilities permitted; see event & income limits | Same as above | 25/year if wine marketing a secondary purpose (e.g. weddings, facility rentals); subject to income limit. No additional permitting required | Full restaurant | Similar to above | Similar to above, plus additional requirements. If restaurant open >25 days/year, must show restaurant does not impact surrounding farm land (ORS 215.296), won't alter local land use pattern, and is incidental & subordinate to wine sales |
| Crop Processing Facility | See other requirements | See other requirements | 10,000 square foot limit on wine processing area | None allowed* | None allowed* | None allowed* | None | At least ¼ of crops processed must be grown on-site. Counties may not impose additional limits |
| Farm Stand | None | No production allowed* | Structure may not be designed for other uses, including residence, and no structures designed for banquets or public gatherings/entertainment | No limit on wine retail or tasting; other marketing limited by structure rules and income limit | Must be related to promotion of farm crop; see income and structure rules | Food generally allowed, but subject to income and structure limits | Income from incidental items and promotional activity limited to 25 percent of total annual sales | Limits on physical structures are becoming more strict due to recent court decisions |

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|--|---|--|---|---|---|--|--|--|
| Commercial Activity in Conjunction with Farm Use | None | No limit in state law, but county may impose limit | No limit in state law, but county may impose limit | No limit in state law, but county may impose limit | State law requires connection and benefit to local vineyards; county may impose further limits | No limit in state law, but county may impose limit | Subject to 25 percent income limit under SB 841 | Use must not impact surrounding farmland (ORS 215.296). County may impose additional limits |
| SB 960 Agri-tourism/ Commercial Events Permits | Counties may impose minimums (see, e.g., Deschutes) | No production allowed* | Generally, permit may not be used to authorize new permanent structures | No general tasting/market ing privileges, only specified number of events allowed | Three basic options: single-event/year, 6/year or 18/year. Must be incidental & subordinate to farm use; see other limits | No limit | No specific limit, but incidental & subordinate standard applies | Many requirements, depending on number of events. Generally, must show use will not impact surrounding farmland (ORS 215.296). For 6 events, must also show that events, in combo with other local events, won't alter local land use pattern. For 18 events, must show events "necessary" to support local farms. |

* Indicates that permit may be combined with another permit to allow use.



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