

LAND USE PERMIT MATRIX

A legal resource for the Oregon Winegrowers Association



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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.

WINE-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
HB 3280 Permitted Use Winery (ORS 215.452)	15/40-acre onsite vineyard (see production)	50,000 gallons/year maximum if <40 vineyard acres. No limit if ≥40 acres	No specific restrictions, but kitchens unclear and event and income limits relevant	Wine retail, tastings, tours, wine club functions and similar marketing activities allowed without limit	25/year, subject to income limit. Must feature wine and be related to wine promotion	Unclear	Income from non-marketing events and sale of incidental items limited to 25 percent of winery income from on-site wine sales. Must report income to county.	Parking, setbacks, health & safety, other miscellaneous. Counties may not impose additional limits
HB 3280 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.	No specific restrictions	Same as above	Same as above	Full restaurant allowed	Similar to above; no income limit on food service	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 and 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	None 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 likely allowed, but subject to income limit	Income from incidental items and promotional activity limited to 25 percent of total annual sales	Counties may not impose additional limits
Commercial Activity in Conjunction with Farm Use (CUP)	No limit in state law, but county may impose a limit	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	No limit in state law, but county may impose limit	Use must not impact surrounding farmland (ORS 215.296). County may impose additional limits to address criteria.
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/marketing privileges, only specified number of events allowed	Three basic options: single-event/year, 6/year or 18/year. Must be incidental and 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. Unclear limits on combining 960 with other permits

* Counties may allow land use permits to be "stacked" to allow activities that are available under another permit.

