

CHAPTER 117

WINERIES, CIDER BUSINESSES, and FARM BREWERIES

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117.010. PURPOSE. The purpose of the winery, cider business, and farm brewery Chapter is to provide specific requirements for wineries, cider businesses, and farm breweries that are permitted by administrative review or as conditional uses in the EFU, FF, FFO, and AF-10 zones.

117.020. WINERY – ANY PRODUCTION LEVEL [ORS 215.452]. A winery may be permitted through the administrative review process in the EFU, FF, and FFO zones and through the conditional use review process in the AF-10 zone, if the winery produces wine with a maximum annual production of:

- (A) Less than 50,000 gallons and the winery:
 - (1) Owns an on-site vineyard of at least 15 acres;
 - (2) Owns a contiguous vineyard of at least 15 acres;
 - (3) 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
 - (4) Obtains grapes from any combination of paragraphs (1), (2), or (3) of this subsection; or
- (B) At least 50,000 gallons and the winery:
 - (1) Owns an on-site vineyard of at least 40 acres;
 - (2) Owns a contiguous vineyard of at least 40 acres;
 - (3) 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;
 - (4) 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
 - (5) Obtains grapes from any combination of paragraphs (1), (2), (3) or (4) of this subsection.
- (C) Prior to the issuance of a permit to establish a winery under subsection (A) or (B) of this section, the applicant shall show that the vineyards have been planted or that the contract has been executed, as applicable.
- (D) In addition to producing and distributing wine, a winery established under subsection (A) or (B) of this section may:
 - (1) Market and sell wine produced in conjunction with the winery;
 - (2) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - (a) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - (b) Wine club activities;
 - (c) Winemaker luncheons and dinners;
 - (d) Winery and vineyard tours;
 - (e) Meetings or business activities with winery suppliers, distributors, wholesale customers, and wine-industry members;
 - (f) Winery staff activities;
 - (g) Open house promotions of wine produced in conjunction with the winery; and

- (h) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
 - (3) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:
 - (a) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (b) Served in conjunction with an activity authorized by paragraphs (2), (4), or (5) of this subsection.
 - (4) Subject to subsection (G) of this section, carry out agri-tourism or other commercial events on the tract occupied by the winery.
 - (5) Host charitable activities for which the winery does not charge a facility rental fee.
- (E) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (D)(3) of this section. Food and beverage services authorized under subsection (D)(3) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- (F) The gross income of the winery from the sale of incidental items or services provided pursuant to subsection (D)(3) to (5) of this section 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. At the request of Polk County, the winery shall submit to Polk 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.
- (G) A winery may carry out agri-tourism or other commercial events for up to 18 days per calendar year.
- (1) Events on the first six days of the 18-day limit per calendar year are authorized by Polk County through the issuance of a renewable multi-year license, subject to section 117.090.
 - (2) Events on days seven through 18 of the 18-day limit per calendar year are authorized by Polk County through the issuance of a renewable multi-year permit, subject to section 117.100.
- (H) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established under this section and in association with the winery:
- (1) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - (2) The meals may be served at the bed and breakfast facility or at the winery.
- (I) As used in this section:
- (1) “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.

- (2) “On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club, or over the Internet or telephone. [Amended by Ordinance 20-01]

117.030. WINERY – 150,000 GALLONS OR MORE EACH YEAR [ORS 215.453]. A winery may be permitted through the administrative review process in the EFU, FF, and FFO zones and through the conditional use review process in the AF-10 zone, subject to the following requirements:

- (A) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
- (B) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in subsection (A) of this section; 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 last five calendar years before the winery is established under this section.
- (D) Prior to the issuance of a permit to establish a winery under this section, the applicant shall show that vineyards described in subsection (A) and (B) of this section have been planted.
- (E) In addition to producing and distributing wine, a winery described in subsections (A) through (C) of this section may:
 - (1) Market and sell wine produced in conjunction with the winery;
 - (2) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - (a) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - (b) Wine club activities;
 - (c) Winemaker luncheons and dinners;
 - (d) Winery and vineyard tours;
 - (e) Meetings or business activities with winery suppliers, distributors, wholesale customers, and wine-industry members;
 - (f) Winery staff activities;
 - (g) Open house promotions of wine produced in conjunction with the winery; and
 - (h) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
 - (3) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
 - (a) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (b) Served in conjunction with an activity authorized by subsections (E)(2), (4), or (5) of this section;
 - (4) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

- (a) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - (b) Are incidental to the retail sale of wine on-site; and
 - (c) Are limited to 25 days or fewer in a calendar year.
- (5) Host charitable activities for which the winery does not charge a facility rental fee.
- (F) The gross income of the winery from the sale of incidental items pursuant to subsection (E)(3) of this section and services provided pursuant to subsection (E)(4) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
- (G) At the request of Polk County, the winery shall submit to Polk County a written statement, prepared by a certified public accountant, that certifies compliance with subsection (F) of this section for the previous tax year.
- (H) A winery operating under this section may operate a restaurant, as defined in ORS 624.010, that is open to the public for no more than 25 days in a calendar year, in which food is prepared for consumption on the premises of the winery.
- (I) A person may not have a substantial ownership interest in more than one winery operating a restaurant under this section or Section 117.040.
- (J) Polk County may issue a permit for a winery operating under this section to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if Polk County issued permits to wineries operating under this section in similar circumstances before August 2, 2011.
- (K) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established under this section and in association with the winery:
 - (1) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - (2) The meals may be served at the bed and breakfast facility or at the winery.
- (L) As used in this section:
 - (1) “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.
 - (2) On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club, or over the Internet or telephone. [Amended by Ordinance 20-01]

117.040. WINERY – 150,000 GALLONS OR MORE EACH YEAR AND A FULL-SERVICE RESTAURANT [ORS 215.453]. A winery may be permitted as a conditional use under this section in the EFU, FF, FFO, and AF-10 zones, subject to the requirements of Section 119.070, other applicable standards of the zone, and the following:

- (A) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
- (B) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in subsection (A) of this section; 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 last five calendar years before the winery is established under this section.

- (D) Prior to the issuance of a permit to establish a winery under this section, the applicant shall show that vineyards described in subsection (A) and (B) of this section have been planted.
- (E) In addition to producing and distributing wine, a winery described in subsections (A) through (C) of this section may:
 - (1) Market and sell wine produced in conjunction with the winery;
 - (2) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - (a) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - (b) Wine club activities;
 - (c) Winemaker luncheons and dinners;
 - (d) Winery and vineyard tours;
 - (e) Meetings or business activities with winery suppliers, distributors, wholesale customers, and wine-industry members;
 - (f) Winery staff activities;
 - (g) Open house promotions of wine produced in conjunction with the winery; and
 - (h) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
 - (3) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
 - (a) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (b) Served in conjunction with an activity authorized by subsections (E)(2), (4) or (5) of this section;
 - (4) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
 - (a) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - (b) Are incidental to the retail sale of wine on-site; and
 - (c) Are limited to 25 days or fewer in a calendar year, unless a permit is obtained pursuant to subsection (I) of this section.
 - (5) Host charitable activities for which the winery does not charge a facility rental fee.
- (F) The gross income of the winery from the sale of incidental items pursuant to subsection (E)(3) of this section and services provided pursuant to subsection (E)(4) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
- (G) At the request of Polk County, the winery shall submit to Polk County a written statement, prepared by a certified public accountant, that certifies compliance with subsection (F) of this section for the previous tax year.

- (H) A winery operating under this section may operate a restaurant, as defined in ORS 624.010, which is limited to 25 days or fewer in a calendar year, unless a permit is obtained pursuant to subsection (I) of this section.
- (I) The winery shall obtain a permit from Polk County if the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under subsection (E)(4) of this section occurring more than 25 days in a calendar year.
- (J) In addition to any other requirements, Polk County may approve a permit application under subsection (I) of this section if Polk County finds that the authorized activity:
 - (1) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - (2) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - (3) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and
 - (4) Does not materially alter the stability of the land use pattern in the area.
- (K) If Polk County issues a permit for agri-tourism or other commercial events, Polk County shall review the permit at least once every five years and, if appropriate, may renew the permit.
- (L) A person may not have a substantial ownership interest in more than one winery operating a restaurant under this section or section 117.030.
- (M) Polk County may issue a permit for a winery operating under this section to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if Polk County issued permits to wineries operating under this section in similar circumstances before August 2, 2011.
- (N) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established under this section and in association with the winery:
 - (1) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - (2) The meals may be served at the bed and breakfast facility or at the winery.
- (O) As used in this section:
 - (1) “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.
 - (2) “On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone. [Amended by Ordinance 20-01]

117.050. LAWFUL CONTINUATION OF CERTAIN WINERY-RELATED USES OR STRUCTURES [ORS 215.454]

- (A) A use or structure in an area zoned for exclusive farm use that exists on June 28, 2011, may be lawfully continued, altered, restored, or replaced pursuant to ORS 215.130 if the use or structure is located on the same tract, as defined in ORS 215.010, as a winery established under ORS 215.283(1)(n) that produced more than 250,000 gallons of wine in calendar year 2010.
- (B) Subsection (A) of this section does not affect the lawful continuation, alteration, restoration, or expansion of the winery sited on the same tract.

- (C) A winery established under ORS 215.283(1)(n) that produced more than 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not require a permit under ORS 215.283(2)(a). However, the winery must comply with all provisions of ORS 215.452 except the annual production requirements.
- (D) A use or structure that is lawfully established at a winery located in an exclusive farm use zone and that exists on August 2, 2011, including events and activities that exceed the income limit imposed by ORS 215.452, may be continued, altered, restored, or replaced pursuant to ORS 215.130.
- (E) Subsection (D) of this section does not affect the lawful continuation, alteration, restoration, or replacement of the winery sited on the same tract.
- (F) A use or structure that is lawfully established at a winery located in an exclusive farm use zone and that exists on June 28, 2013, including events and activities that exceed the income limit imposed by ORS 215.452, may be continued, altered, restored, or replaced pursuant to ORS 215.130.
- (G) Subsection (F) of this section does not affect the lawful continuation, alteration, restoration, or replacement of the winery sited on the same tract. [Amended by Ordinance 20-01]

117.060. SITING A WINERY AS A COMMERCIAL ACTIVITY IN CONJUNCTION WITH FARM USE [ORS 215.456 and 215.453(10)].

- (A) Polk County may authorize the siting of a winery in the EFU, FF, and FFO Zoning Districts, pursuant to the standards that apply to a commercial activity in conjunction with farm use under PCZO 136.050(J) or 138.060(H), if the winery:
 - (1) Does not qualify for siting under sections 117.020, 117.030, or 117.040; or
 - (2) Seeks to carry out uses or activities that are not authorized by sections 117.020, 117.030, or 117.040.
- (B) If Polk County authorizes the establishment of a winery on land zoned EFU, FF, or FFO, under provisions other than sections 117.020, 117.030, or 117.040 after June 28, 2013, the gross income of the winery from any activity other than the production or sale of wine 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. [Amended by Ordinance 20-01]

117.070. CIDER BUSINESS – ANY PRODUCTION LEVEL [ORS 215.451]. A cider business may be established as a permitted use through the administrative review process on land zoned EFU, FF or FFO, and through the conditional use review process in the AF-10 zone, if the cider business produces:

- (A) Less than 100,000 gallons of cider annually and the cider business:
 - (1) Owns an on-site orchard of at least 15 acres;
 - (2) Owns a contiguous orchard of at least 15 acres;
 - (3) Has a long-term contract for the purchase of all of the apples or pears from at least 15 acres of an orchard contiguous to the cider business; or
 - (4) Obtains apples or pears from any combination of paragraphs (1), (2) or (3) of this subsection; or
- (B) At least 100,000 gallons of cider annually and the cider business:
 - (1) Owns on on-site orchard of at least 40 acres;

- (2) Owns a contiguous orchard of at least 40 acres;
 - (3) Has a long-term contract for the purchase of all of the apples or pears from at least 40 acres of an orchard contiguous to the cider business;
 - (4) Owns an on-site orchard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of orchard in Oregon that are located within 15 miles of the cider business site; or
 - (5) Obtains apples or pears from any combination of paragraphs (1), (2) (3) or (4) of this paragraph.
- (C) In addition to any other any other activities authorized for a cider business, a cider business established under subsections (A) or (B) may:
- (1) Market cider produced in conjunction with the cider business.
 - (2) Conduct operations that are directly related to the sale or marketing of cider produced in conjunction with the cider business, including:
 - (a) Cider tastings in a tasting room or other location on the premises occupied by the cider business;
 - (b) Cider club activities;
 - (c) Cidermaker luncheons and dinners;
 - (d) Cider business and orchard tours;
 - (e) Meetings or business activities with cider business suppliers, distributors, wholesale customers, and cider industry members;
 - (f) Cider business staff activities;
 - (g) Open house promotions of cider produced in conjunction with the cider business; and
 - (h) Similar activities conducted for the primary purpose of promoting cider produced in conjunction with the cider business.
 - (3) Market and sell items directly related to the sale or promotion of cider produced in conjunction with the cider business, the marketing and sale of which is incidental to on-site retail sale of cider, including food and beverages:
 - (a) Required to be made available in conjunction with the consumption of cider on the premise by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (b) Served in conjunction with an activity authorized by subsection (C)(2), (4) or (5).
 - (4) Subject to subsection (G) of this section, carry out agri-tourism or other commercial events on the tract occupied by the cider business.
 - (5) Host charitable activities for which the cider business does not charge a facility rental fee.
 - (6) Site a bed and breakfast as a home occupation on the same tract, and in association with, the cider business:
 - (a) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - (b) The meals may be served at the bed and breakfast facility or at the cider business.

- (D) A cider business may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (C)(3) of this section. Food and beverage services authorized under subsection (C)(3) of this section may not utilize menu options or meal service that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- (E) The gross income of the cider business from the sale of incidental items or services provided pursuant to subsection (C)(3) to (5) of this section may not exceed 25 percent of the gross income from the on-site retail sale of cider produced in conjunction with the cider business. The gross income of a cider business does not include income received by third parties unaffiliated with the cider business.
- (F) At the request of Polk County with land use jurisdiction over the site of a cider business, the cider business shall submit to Polk County a written statement prepared by a certified public accountant that certifies the compliance of the cider business with subsection (E) for the previous tax year.
- (G) A cider business may carry out agri-tourism or other commercial events for up to 18 days per calendar year.
 - (1) Events on the first six days of the 18-day limit per calendar year are authorized by Polk County through the issuance of a renewable multi-year license, subject to section 117.090.
 - (2) Events on days seven through 18 of the 18-day limit per calendar year are authorized by Polk County through the issuance of a renewable multi-year permit, subject to section 117.100.

117.080. FARM BREWERY [Senate Bill 287 (2019)]. A farm brewery may be established as a permitted use through the administrative review process on land zoned EFU, FF, or FFO; and through the conditional use review process in the AF-10 zone, if the farm brewery produces:

- (A) Less than 150,000 barrels of malt beverages annually, inclusive of malt beverages produced by the farm brewery's owners or operators at the farm brewery or elsewhere, through any entity owned or affiliated with the farm brewery;
- (B) Produces less than 15,000 barrels of malt beverages annually on the farm brewery site; and
 - (1) Owns an on-site hop farm of at least 15 acres;
 - (2) Owns a contiguous hop farm of at least 15 acres;
 - (3) Has a long-term contract for the purchase of all of the hops from at least 15 acres of a hop farm contiguous to the farm brewery; or
 - (4) Obtains hops from any combination of paragraphs (1), (2) or (3) of this section.
 - (5) For purposes of paragraphs (1), (2), (3), or (4) of this subsection, land planted with other ingredients used in malt beverages produced by the farm brewery counts towards the acreage minimums.
- (C) In addition to any other any other activities authorized for a farm brewery, a farm brewery established under subsections (A) or (B) of this section may:
 - (1) Market malt beverages produced in conjunction with the farm brewery.
 - (2) Conduct operations that are directly related to the sale or marketing of malt beverages produced in conjunction with the farm brewery, including:
 - (a) Malt beverage tastings in a tasting room or other location on the premises occupied by the farm brewery;

- (b) Malt beverage club activities;
 - (c) Brewer luncheons and dinners;
 - (d) Farm brewery and hop farm tours;
 - (e) Meetings or business activities with farm brewery suppliers, distributors, wholesale customers, and malt beverage industry members;
 - (f) Farm brewery staff activities;
 - (g) Open house promotions of malt beverages produced in conjunction with the farm brewery; and
 - (h) Similar activities conducted for the primary purpose of promoting malt beverages produced in conjunction with the farm brewery.
- (3) Market and sell items directly related to the sale or promotion of malt beverages produced in conjunction with the farm brewery, the marketing and sale of which is incidental to on-site retail sale of malt beverages, including food and beverages:
- (a) Required to be made available in conjunction with the consumption of malt beverages on the premise by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (b) Served in conjunction with an activity authorized by subsection (C)(2), (4) or (5).
- (4) Subject to the subsection (G) of this section, carry out agri-tourism or other commercial events on the tract occupied by the farm brewery.
- (5) Host charitable activities for which the farm brewery does not charge a facility rental fee.
- (6) Site a bed and breakfast as a home occupation on the same tract, and in association with, the farm brewery:
- (a) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - (b) The meals may be served at the bed and breakfast facility or at the farm brewery.
- (D) A farm brewery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (C)(3) of this section. Food and beverage services authorized under subsection (C)(3) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- (E) The gross income of the farm brewery from the sale of incidental items or services provided pursuant to subsection (C)(3) to (5) of this section may not exceed 25 percent of the gross income from the on-site retail sale of malt beverages produced in conjunction with the farm brewery. The gross income of a farm brewery does not include income received by third parties unaffiliated with the farm brewery.
- (F) At the request of Polk County, the farm brewery shall submit to Polk County a written statement prepared by a certified public accountant that certifies the compliance of the farm brewery with subsection E of this section for the previous tax year.
- (G) A farm brewery may carry out agri-tourism or other commercial events for up to 18 days per calendar year.

- (1) Events on the first six days of the 18-day limit per calendar year are authorized by Polk County through the issuance of a renewable multi-year license, subject to section 117.090.
- (2) Events on days seven through 18 of the 18-day limit per calendar year are authorized by Polk County through the issuance of a renewable multi-year permit, subject to section 117.100.

117.090. AGRI-TOURISM AND OTHER COMMERCIAL EVENTS – LICENSE.

- (A) Events on the first six days of the 18-day limit per calendar year must be authorized by Polk County through the issuance of a renewable multi-year license that:
 - (1) Has a term of five years; and
 - (2) Is subject to an administrative review to determine necessary conditions pursuant to section (C) of this section.
- (B) Polk County’s decision on a license under subsection (A) of this section is not:
 - (1) A land use decision, as defined in ORS 197.015, and is not subject to review by the Land Use Board of Appeals.
 - (2) A permit, as defined in ORS 215.402 or 227.160.
- (C) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery, cider business, or farm brewery are subordinate to the production and sale of wine, cider, or malted beverages and do not create significant adverse impacts to uses on surrounding land, Polk County may impose conditions on a license issued pursuant to this sections related to:
 - (1) The number of event attendees;
 - (2) The hours of event operation;
 - (3) Access and parking;
 - (4) Traffic management;
 - (5) Noise management; and
 - (6) Sanitation and solid waste.

117.100. AGRI-TOURISM AND OTHER COMMERCIAL EVENTS – PERMIT.

- (A) Events on days seven through 18 of the 18-day limit per calendar year must be authorized by the Polk County through the issuance of a renewable multi-year permit that:
 - (1) Has a term of five years;
 - (2) Is subject to an administrative review to determine necessary conditions pursuant to subsection (C) of this section; and
 - (3) Is subject to notice as specified in ORS 215.416 (11) or 227.175 (10).
- (B) Polk County’s decision on a permit under subsection (A) of this section is:
 - (1) A land use decision, as defined in ORS 197.015, and is subject to review by the Land Use Board of Appeals.
 - (2) A permit, as defined in ORS 215.402 or 227.160.
- (C) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery, cider business, or farm brewery are subordinate to the production and sale of wine, cider, or malted beverages and do not create significant

adverse impacts to uses on surrounding land, Polk County may impose conditions on a permit issued pursuant to this sections related to:

- (1) The number of event attendees;
- (2) The hours of event operation;
- (3) Access and parking;
- (4) Traffic management;
- (5) Noise management; and
- (6) Sanitation and solid waste.

117.110. DEVELOPMENT STANDARDS. The following development standards shall be applicable to all wineries, cider businesses, and farm breweries authorized by this Chapter.

- (A) A winery, cider business, or farm brewery shall provide parking for all activities or uses of the lot, parcel or tract on which the winery, cider business, or farm brewery is established.
- (B) An application for a winery, cider business, or farm brewery shall demonstrate compliance with:
 - (1) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway, solar access, and airport safety;
 - (2) Regulations of general applicability for the public health and safety; and
 - (3) Regulations for resource protection acknowledged to comply with any statewide goal regarding open spaces, scenic and historic areas, and natural resources.
- (C) For the purpose of limiting demonstrated conflicts with accepted farm and forest practices on adjacent lands, the proposed winery, cider business, or farm brewery shall:
 - (1) Establish a setback of at least 100 feet from all property lines for the winery, cider business, or farm brewery, and all public gathering places, unless a variance is granted in compliance with Chapter 122 of the Polk County Zoning Ordinance; and
 - (2) Provide direct road access and internal circulation for the winery, cider business, or farm brewery, and for all public gathering places.