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Senate amends winery legislation

By Pat Kane, Capital News Service
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RICHMOND -- The General Assembly has decided to freeze the hostilities between Virginia's farm wineries and local governments. A bill by Republican Delegate David Albo of Springfield was overhauled in the Senate to maintain existing local regulations until July 2007.

"The main theme of the compromise is that we keep everything status quo for a year, and then we put these issues into a study," Albo said.

House Bill 1435, passed 75-25 by the House of Delegates, originally exempted farm wineries from many local regulations in the name of promoting their goods.

However, last week the Senate unanimously approved a substitute bill that says:

"No locality may adopt any requirements for special exceptions or special use permits relating to licensed farm wineries that would be more restrictive than its requirements in effect as of Jan. 1, 2006. Further, any special exception or special use permit in effect as of Jan. 1, 2006, shall remain in effect until July 1, 2007, unless such exception or permit is either no longer required by the locality or is amended to be less restrictive."

"It's so entirely different," Albo said of the Senate version. "The bill that came out of the House is a bill that I like much better."

Elements of the original bill remain, such as allowing wineries to host private dinners.

Tareq Salahi, owner of Oasis Winery, brought to Albo's attention a Fauquier County ordinance that required special-use permits for gatherings. Albo said the regulation would have mandated a permit to have a large family dinner on the 110-acre winery.

"Fauquier County started down a path of such egregious zoning regulations," the delegate said. "That's why I put this bill in."

Local government officials objected to the loss of regulatory power in the original bill, while wineries looked forward to more discretion to host events to market wines.

Albo said event sales are a major money-maker. Localities shouldn't regulate wine tastings but should have powers over huge, potentially disruptive events, he said.

"We couldn't come up with an agreement in the course of the session," Albo said. "For a year, we'll try to figure out what the proper balance is between wine-tasting and Woodstock II."

The Office of the Secretary of Agriculture and Forestry will conduct a study on the viability of Virginia's farm wineries and the effects of regulations. Agencies and groups, including the Department of Alcoholic Beverage Control and the Virginia Vineyards Association, will be included in the process.

The Virginia Farm Bureau had concerns about the definition of agribusiness, Albo said.

"Farms have pumpkin patches and strawberry-picking and stuff -- that's not really farming, that's more tourism," Albo said.

The bill will return to the House of Delegates for review. If passed there, it will go to Gov. Tim Kaine, who may sign it into law.

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Added: Wednesday March 08, 2006 at 10:57 AM EST

I frequently buy corn from a vendor with a road side stand: not in Fauquier, where such things are discouraged, but in Maryland, where they are common and popular. When the corn guy gives me my change he peels off the bills from an enormous wad in his pocket. Call it tourism if you like, it looks like real ag money to me. Fauquier is making an enormous mistake in discouraging business of all types, including wineries.

We have laws concerning noise, nuisance, and drunken driving, and we should enforce those. But it is time



The Bill Thomas Team



GREATER RESTON CHAMBER of COMMERCE



for the government to tell the professional naysayers to mind their own business, to live and let live. We need less government in order to be happy, not more. And, by the way, part of the reason for your enormous assessment and tax increases is the huge increase of salaries, bodies, and other costs at the office that mainly opposes development of any sort. When it takes 16 or 20 months to restrict, delay, reduce, and maybe approve a project, we all pay the costs. Conservation is far from free, as your next tax bill will show. \$2.4 million dollars of your money is going to be used to pay people for land they get to keep, and keep at low tax rates, through the PDR program. Think about it.

Ray Hyde, Delaplane, VA

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