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February 25, 2019

To: **Senators:** Dembrow; Olsen; Bentz, Prozanski; Roblan; Thatcher; **Representative** Noble

**Re: [SB 287-1] and [DeBenedetti: Wolves & People Farmhouse Brewery]**

**[SET 1]**

To assist you in your deliberations from issues raised during the February 14, 2019 Public Hearing regarding **[SB 287-1]**, additional information concerning "Wolves & People Farmhouse Brewery (herein "Wolves")" is hereby tendered.

I am genuinely concerned that **[SB 287-1]** is well intentioned but is materially flawed. Whereas, there are some Farmhouse Breweries that have the land to grow the main ingredients of Beer, many others do not, "Wolves" is one of them.

Reduction of the requirement of **[25 acres to 10 acres]** is not warranted, ill-advised and serves to give "Wolves" and other Farmhouse Breweries like "Wolves" an equal footing to those Farmhouse Breweries, cider-houses and wineries who are actually producing the main ingredients required for making beer, cider and wine. By allowing the **[25 acres to 10 acres-reduction]** to stimulate Farmhouse Breweries is paramount to "opening the flood-gates" to the creation of unlimited "road-house bars," which increases public safety dangers in rural areas. In Yamhill County, "road-house bars" in rural areas, are devoid of Police coverage and therefore subjects the Public to foreseeable DUI drivers. And, in conjunction with additional commercial activities on these affected properties will permanently consume priceless and irreplaceable farmlands.

The fundamental issue of equating Farm Breweries to Cider-Houses and Wineries rests on the "Farm Products" grown on the "Farm Brewery" and the material and or significant use of said "Farm Products" used to brew Beer.

**What are the main ingredients of Beer?** Malted barley, yeast and water are the main ingredients of Beer. Under **[SB 287-1]**, do "ten(10) acre Farm Breweries" grow enough of these products to support their commercial enterprise? "Wolves" does not grow any of the cereal grains like barley, to make "Malted barley" to make even one (1) "batch" of Beer despite the glamorous heralding of "growing barley" to assist OSU researchers.

**"Flavorings versus "Farm Products"** used to brew beer.

Hazelnuts (Filberts), Hops, herbs, vegetables and or fruits are not main ingredients of Beer, they are mere "Flavorings" used by the Brewer to concoct the desired "taste" of the Beer. *The "number" and or "varieties" of "Flavorings" is practically limitless.* Is the intent of **[SB 287-1]** to permit "unlimited Farmhouse Breweries" predicated on one(1) plant used in making beer?

Are the following criteria met for Farmhouse Breweries?

- (1) **"Intent to Make a Profit:"** Are the following **[ORS 308A.050 - 308A.128]** statutes satisfied?
- (2) **"Yearly Income:"** Is Schedule F of the Federal Tax return available to substantiate the success of the "farm?"
- (3) Are **"Farm Products"** used in a commercial enterprise located on the Farm Brewery property materially and or significantly associated with crops grown on the "Farm?"

Mr. DeBenedetti's written testimony states, the "Family farm is [21.5 acres]." Charles and Ellen McClure, the owners of the "family farm" **[Yamhill County Tax lot (3215-500)]**, contracts to a third party; to farm only ten (10) acres of aged, dilapidated and or dying hazelnut trees- *Hardly a "substantial orchard" by any measure.* The remaining [(11.5) acres are as follows: (9.41) acres of buildings; the "Farm Brewery" is located in the "Barn," defined lands and approximately one (1) acre for a "pond" are documented by the National Registry. The remaining (1.09) acres are consumed by; a tennis court, large swimming pool, large parking lot and a portion of land which appears to be used to dump "aqueous-sludge-wastes" from the brewery operations.]

Is "Wolves" a desired and representative candidate for **[SB 287-1]** consideration? I do not think so.

**Respectfully submitted,**  
/s/ David S. Wall

...to be continued.