COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
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PLANNING SERVICES DIVISION

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HEARING DATE: July 24, 2014
ITEM NO.: 1
TIME: 10:05 am

TO: Placer County Planning Commission

FROM: George Rosasco, Supervising Planner

DATE: July 17, 2015

SUBJECT: WORKSHOP – PROPOSED UPDATE TO THE COUNTY WINERY ORDINANCE (PCPT 20130151)

GENERAL PLAN/COMMUNITY PLAN: Placer County General Plan and all Community Plans

ZONING: Commercial Planned Development (CPD), Neighborhood Commercial (C1), General Commercial (C2), Heavy Commercial (C3), Highway Service (HS), Resort (RES), Airport (AP), Business Park (BP), Industrial (IN), Industrial Park (INP), Residential Agriculture (RA), Residential Forestry (RF), Agricultural Exclusive (AE), Farm (F), Forestry (FOR), and Timberland Production (TPZ) zone districts.

STAFF PLANNER: George Rosasco, Supervising Planner

LOCATION: Countywide

PURPOSE OF THE WORKSHOP: Conduct a third Public Workshop with the Planning Commission to obtain direction on the Vintner's Association requested amendments to Section 17.56.330 of the Placer Zoning Ordinance (Winery Ordinance) and to discuss a change to the Temporary Outdoor Event section of the Zoning ordinance (section 17.56.300).

BACKGROUND

In 2006, at the direction of the Board of Supervisors, staff began working on the creation of a Winery Ordinance for Placer County. At that time, it was determined that the wine industry was burgeoning and that County's Zoning Ordinance needed to address the unique land use issues associated with wineries, such as access requirements, wine tasting rooms, and private functions in predominantly rural areas. Based upon these concerns, staff began preparing a winery-specific ordinance that clarified issues associated with the development of wineries, and their accessory uses. One of the primary goals of the proposed winery ordinance was to provide certainty in what can and cannot be allowed in conjunction with winery uses, as well as to streamline the permit process. In order to ensure adequate opportunity for public involvement, staff conducted multiple public meetings and workshops to

introduce and discuss the Ordinance. As a result of input received through the workshops, the initial document was re-written multiple times to incorporate comments received from the public and winery owners.

During the review of the initial Winery Ordinance, a recurring concern raised by the public centered around increased vehicle traffic on private roadways, which provide access to some of the wineries in Placer County. Other concerns discussed during the initial workshops included:

- Possible liability issues associated with the added traffic from wineries on private roads;
- Determining whether or not there were limitations on how (and in what manner) these private roads could be used by a business; and
- Responsibility for the maintenance of the private roads.

At the same time, some winery owners expressed concern that the long-term viability of agricultural uses in zone districts that specifically allow for the development of agricultural uses (Agricultural Zoning District, Farm Zoning District, Residential Agricultural Zoning District), including wineries and their associated uses, could be negatively impacted by the following restrictions contained in the proposed Winery Ordinance:

- That many wineries, based on their zone district, are required to obtain an Administrative Review Permit or a Minor Use Permit, depending on the amount of wine produced for wholesale and retail sale, in order to have an on premise wine tasting room;
- That all wineries, based on their zone district, are required to have either an Administrative Review Permit or a Minor Use Permit for up to six promotional events per year;
- That the minimum parcel size for the establishment of a winery is 4.6 acres;
- That all wineries are required to meet minimum access standards that comply with local fire safe standards.

When Board adopted the Winery Ordinance on August 26, 2008, the Board concluded that the proposed Ordinance was the result of an extensive public outreach program, and that the proposed ordinance appropriately balanced streamlining of permits with protecting the health and safety of residents living in proximity to wineries. On this basis, the Board took action to approve the proposed ordinance.

In the five years since the Winery Ordinance was approved, some concerns have been raised by the Winery Task Force (which is comprised of members of the Placer County Vintners Association) regarding the County's current ordinance. Specifically, the Winery Task Force believes that the ordinance needs to re-define "Promotional Event" and that the requirements regarding tasting rooms and the numbers of events wineries are permitted to host are too restrictive. Based upon these concerns, staff has determined that it is appropriate to re-examine the existing Winery Ordinance to determine if an amendment is warranted in order to meet the needs of the public and winery owners.

In addition to the concerns raised by members of the Winery Task Force staff has received numerous complaints, usually in the form of an after-the-fact phone call, from members of the public stating that wineries are not complying with requirements set forth in the Winery Ordinance. The most common

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concern is that wineries are holding events without the benefit of an Administrative Review Permit (or Minor Use Permit as may be required), and that the events being held are commonly weddings or other private celebrations that are not strictly for the promotion of the winery's products. Additionally, staff receives complaints about excessive noise at wineries, specifically that amplified outdoor music associated with the tasting room or an event is disruptive. Staff is rarely ever able to verify these complaints because the events almost always occur on weekends when no staff is available to investigate the complaint.

DIRECTION FROM THE PLANNING COMMISSION:
On June 27, 2013, the Planning Commission conducted a second workshop on "Community Centers". As a result of public testimony and Planning Commission discussion, the Commission directed staff to craft an ordinance that would promote winery Agro-Tourism and be consistent and compliment the proposed draft Event Center Ordinance.

OVERVIEW OF GENERAL PLAN POLCIES
The majority of the wineries within the County are located within the F (Farm) or RA (Residential Agricultural) zone districts. The County's General Plan has numerous programs and policies that specifically address furthering agricultural and economic development, and the preservation of agricultural resources, including:

Land Use - Agricultural Land Use Policies
Policy 1.H.1.
The County shall maintain agriculturally-designated areas for agricultural uses and direct urban uses to designated urban growth areas and/or cities.

Policy 1.H.5.
The County shall require development within or adjacent to designated agricultural areas to incorporate design, construction, and maintenance techniques that protect agriculture and minimize conflicts with adjacent agricultural uses, except as may be determined to be necessary or inappropriate within a Specific Plan as part of the Specific Plan approval.

Policy 1.H.6.
The County shall require new non-agricultural development immediately adjacent to agricultural lands to be designed to provide a buffer in the form of a setback of sufficient distance to avoid land use conflicts between the agricultural uses and the non-agricultural uses, except as it may be determined to be unnecessary or inappropriate within a Specific Plan as part of the Specific Plan approval. Such setback or buffer areas shall be established by recorded easement or other instrument, subject to the approval of County Counsel. A method and mechanism (e.g., a homeowners association or easement dedication to a non-profit organization or public entity) for guaranteeing the maintenance of this land in a safe and orderly manner shall be also established at the time of development approval.

Land Use - Foothills Policies
Policy 1.N.14
The County shall support development of tourist and recreational facilities that extend the Foothill area's tourist season.

Agricultural and Forestry Resources – Agricultural Land Use
Policy 7.A.1.
The County shall protect agriculturally-designated areas from conversion to non-agricultural uses.

Policy 7.A.3.
The County shall encourage continued and, where possible, increased agricultural activities on lands suited to agricultural uses.

Policy 7.A.l0
The County shall facilitate agricultural production by allowing agricultural services uses (i.e., commercial and industrial uses) to locate in agriculturally-designated areas if they relate to the primary agricultural activity in the area.

Policy 7.A.13
The County shall encourage multi-seasonal use such as private recreational development.

Policy 7.C.4
The County shall permit a wide variety of promotional and marketing activities for County grown products in all agricultural zone districts.

Policy 7.C.6
The County shall ensure that land use regulations do not arbitrarily restrict potential agricultural related enterprises which could provide supplemental sources of income for farm operators.

REVIEW OF OTHER AGENCIES
In an effort to better understand how other agencies address issues associated with wineries, especially with regard to the three issues raised by the Winery Task Force, staff contacted a multitude of jurisdictions to see how each of these jurisdictions address similar issues; However, Amador, Sacramento, and Santa Barbara Counties are discussed below because staff concluded that they have similar characteristics to those in Placer County, including size and proximity of wineries to other non-agricultural uses, and their history and/or experience with wineries offers valuable information for Placer County's growing winery industry. For example, Santa Barbara has an established agricultural and winery industry that Placer County can refer to identify areas of success and areas of needed improvement. Amador County was analyzed because, like Placer County, it has an emerging winery industry, and is encountering similar land use issues regarding wineries as Placer County. Finally, Sacramento County was selected because it has recently (2011) adopted an Agro-tourism Ordinance that includes regulation on Wineries. A discussion of staff's review of other agencies follows:

<u>Amador County</u>
Amador County's Winery Ordinance (Ex.), permits an unlimited number of events per year of less than 125 people, and social gatherings or weddings for up to and including 450 persons, with a maximum of twelve events per year with no more than four such events per month, and does not require that the event promote the winery or its products. If the 125-person per event limit is exceeded or the social gathering/wedding threshold described above is exceeded, the winery is required to obtain a Use Permit. The minimum parcel size for a winery in Amador County is 40 acres. The Amador County Winery Ordinance allows wineries to have tasting rooms in accordance with state law, i.e. wine can be purchased by the glass or bottle for consumption on the winery premises. Additionally, tasting rooms located on private roadways shall have entered into a road maintenance agreement with a majority of the owners of the road; or in the event a road maintenance agreement already exists, the applicant shall provide the county with proof they have renegotiated the terms of the agreement to include the new tasting room. If the majority of the owners of the road do not enter into the new or renegotiated agreement, the applicant must obtain a use permit prior to opening a tasting room. The primary use of the tasting room shall be the marketing and sale of wine produced in Amador County.

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Sacramento County

Sacramento County has an Agro-Tourism Ordinance (Ex.) that allows events at wineries based on parcel size, as shown in the following chart, and does not require that the event promote the winery or its products:

Total Parcel Size (Acres)	Maximum Number of Attendees (Peak)
1.0-2.5	50 people (1) (2) (3)
2.51-5.0	100 people (1) (2) (3)
5.01-10.0	200 people (1) (2) (3)
10.01-20.0	300 people (1) (2) (3)
Over 20.0	350 people (1) (2) (3)

1. Permitted as an accessory use; the primary use of the parcel must be agricultural (if located in the AR or AG zones).
2. Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday,
3. Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restrictions as to day and time.
4. All events are subject to the Sacramento County noise ordinance

If the above thresholds are crossed, a Use Permit is required. The Sacramento County Ordinance allows wineries to have tasting rooms in accordance with state law, which means wine can be purchased by the glass or bottle for consumption on the winery premises. Additionally, the primary focus of the tasting area shall be for the marketing and sale of wine and grape products produced on site. However, if a winery is accessed via a private road shared by others, a use permit from the Zoning Administrator shall be required, and the use permit shall require the applicant to pay their fair share of the road maintenance costs. The Director of the Community Planning and Development Department may waive the requirement for a use permit if written approval is received from all property owners along the private road is submitted.

Santa Barbara County

The Santa Barbra County Winery Ordinance allows events on the winery premises based on the following criteria and does not require that the event promote the winery or its products:

1. Wineries that comply with all of the following criteria may be allowed subject to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

a. For every 1,000 cases of wine produced per year there shall be a minimum two acres of vineyard planted on the winery premises.

b. The production capacity of the winery shall not exceed 20,000 cases per year.

c. The winery premises shall not contain a tasting room.

d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.

e. Winery special events occurring on the winery premises shall not exceed four per year and the attendance at each event shall not exceed 150 attendees. Otherwise, the winery shall not be open to the public and shall not offer tours and retail wine sales to the public.

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2. Wineries that comply with all of the following criteria may be allowed subject to a Development Plan approved by the Zoning Administrator in compliance with Section 35.82.080 (Development Plans).

a. For every 1,000 cases of wine produced there shall be a minimum one-acre of vineyard planted on the winery premises.

b. The production capacity of the winery shall not exceed 50,000 cases per year.

c. The winery may include a tasting room. However, the floor area of the tasting room shall not exceed 400 square feet or 10 percent of the winery structural development area located on the winery premises, whichever is greater.

d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.

e. Winery special events occurring on the winery premises shall not exceed eight per year and the attendance at each event shall not exceed 150 attendees.

3. Wineries that comply with all of the following development standards may be allowed subject to a Development Plan approved by the Commission in compliance with Section 35.82.080 (Development Plans). The production capacity of the winery is not limited and the winery may contain a tasting room.

a. For every 1,000 cases of wine produced there shall be at a minimum one-half acre of vineyard planted on the winery premises.

b. Winery special events occurring on the winery premises shall not exceed 12 per year and the attendance at each event may not exceed 200 attendees.

(1) Winery special events in excess of 12 per year or where the attendance at one or more events exceeds 200 may be allowed in compliance with a Conditional Use Permit approved by the Commission in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

(2) The number of special events allowed by a Conditional Use Permit shall not exceed 40 days per year.

The Santa Barbara Ordinance allows tasting rooms only on wineries that produce 20,000 cases or more per year, and in accordance with state law, and wine can be purchased by the glass or bottle for consumption on the winery premises.

Based on staff's research on winery regulations in the above three counties, Placer County's current Winery Ordinance is more restrictive with regard to the number of events that wineries can have, and, with the exception of Santa Barbara County, is more restrictive with regard to tasting room regulations. Additionally none of Counties have a requirement that onsite events promote the winery or its products.

DISCUSSION OF ISSUES

The current Winery Ordinance is contained in the Placer Zoning Ordinance in Section 17.56.330 (Ex.). Wineries are allowed in the Commercial Planned Development (CPD), Neighborhood Commercial (C1), General Commercial (C2), Heavy Commercial (C3), Highway Service (HS), Resort (RES), Airport (AP), Business Park (BP), Industrial (IN), Industrial Park (INP), Residential Agriculture (RA), Residential Forestry (RF), Agricultural Exclusive (AE), Farm (F), Forestry (FOR), and Timberland Production (TPZ)

zone districts. As stated in the Zoning Code, any retail sales of wine fruit products are to be limited to those produced, vinted, cellared, or bottled by the winery operator, or grown on the winery premises and custom crushed at another facility for the winery operator. Wineries are allowed to have a maximum of six promotional events per year, subject to the approval of either an Administrative Review Permit or a Conditional Use Permit. In addition, wineries are also allowed to have a tasting room with zoning clearance, an Administrative Review Permit, or a Use Permit, depending on which zone district they are located in.

The following are the Vintner's Association Winery Task Force's three requested amendments to the Winery Ordinance and staff's recommendations on those requests. Staff's recommendations are based on the Planning Commissions recent recommendation of approval to the Board of Supervisors on the draft Event Center Ordinance that has provisions for Agricultural Event Centers. Those provisions have clarified for staff how the Planning Commission's believes event type land uses should be conducted in Agricultural Zone Districts:

1. **Winery Task Force Request:** Amend the sections in the Winery Ordinance that pertain to a winery's tasting room to conform to the current State law, which allows wine to be sold by the glass and by the bottle for consumption on the winery premises. Currently, the Winery Ordinance only allows a winery tasting room to provide samples of wine for on premise consumption.

Staff recommendation: This is consistent with most of the winery regulations for other jurisdictions that staff has reviewed. Consequently, staff believes that the tasting room regulations in the winery ordinance should be changed to be consistent with state regulations as requested the Winery Task Force.

2. **Winery Task Force Request**: Re-define "Promotional Event". A Promotional Event is currently defined as follows:

"Promotional Event" means an event sponsored by the property owner, an association of agricultural property owners, or similar organizations formed to assist the agricultural industry in the area, to promote the sale of Placer County wines, and which is intended to allow for the sampling and direct marketing and sales of wines produced on the premises or produced elsewhere. Such events include "winemaker's dinners."

The Winery Task Force has asked that promotional events be re-defined in the Winery Ordinance in the following manner:

"Promotional Event" means an event, sponsored by the property owner, an association of agricultural property or winery owners, or similar organizations formed to assist the agricultural industry in the area, to promote the sale of Placer County wines, and which is intended to allow for the sampling and direct marketing and sales of wines produced on the premises or produced elsewhere from grapes grown on site. Such events may include "winemaker's dinners" or events that feature wine and food pairings. Promotional events include "Small Events", "Large Events", and "Temporary Events".

A "Small Event" is a promotional event that is attended by less than fifty people at one time on a winery located on less than five acres, or a promotional event that is attended by less than one hundred people at one time on a winery located on five acres or more.

A "Large Event" is a promotional event that is attended by more than fifty people at one time on a winery located on less than five acres, or a promotional event that is attended by less than one hundred people or more at one time on a winery located on five acres or more.

A "Temporary Event" is a large or small event of limited duration that may include meetings fundraisers or weddings and that incidental to the main purpose of producing wine at the facility. If any buildings are used for the event, such use shall not exceed the occupancy load.

This change in the definition of "Promotional Event" would allow a winery the ability to have many types of events with the only requirement being that they are required to have food and wine pairings.

Staff recommendation: An "Event" should be modified as discussed above to be consistent with the Planning Commissions recent recommendation of approval to the Board of Supervisors on the draft Event Center Ordinance that defines an event as follows:

A gathering of more than 5 people for 1-12 hours where the purpose is for fundraising, profit or is political, public, social, or educational in nature. A gathering which consists of friends or family of a winery owner that is not for the purpose of fundraising, profit, or is political, public, or educational in nature and no donation or compensation of any kind is exchanged in relationship to the gathering, is not considered an event. Tasting Room Gatherings are not considered to be events. No single event shall exceed more than three consecutive days.

A definition of "Tasting Room Gathering" should be added to the winery ordinance as follows:

A gathering of fifty or less people contained entirely within the tasting room and its associated outdoor decks and hardscapes. Such gatherings shall comply with the Placer County Noise Ordinance and shall not have outdoor music or amplified sound. In no instance shall a Tasting Room Gathering exceed the occupancy load of the tasting room. Tasting Room Gatherings shall conform to time standards set forth in section 17.56.300 (5).

To address the Winery Task Force's request for more events staff recommends that the Planning Commission consider the following. The Temporary Outdoor Event section of the Zoning ordinance (section 17.56.300) could be amended to allow 6 days of Temporary Outdoor Events instead of the currently permitted maximum of two events with each allowed to be up to three days in length. A winery could also be allowed to have an unlimited amount of Tasting Room Gatherings. Additionally the current ordinance should still allow a winery to have six additional events if an Administrative Review Permit is obtained. If a winery wishes to exceed these limits than it shall become subject to the "Event Center Ordinance" contained in the section 17.56.305 of the Zoning Ordinance.

3. **Winery Task Force Request:** In addition to re-defining "Promotional Event" a winery should be allowed an unlimited amount of "Small Events" and up to 12 "Large Events" as matter of right. If a winery owner would like to have more than 12 "Large Events" approval of an Administrative Review Permit would be required.

Staff recommendation: See response to #2.

In closing, it is anticipated by staff that as the Winery Ordinance Zoning Text Amendment moves through the approval process, additional proposed amendments will be incorporated into the Winery

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Ordinance as a result of input and direction from the Planning Commission, and comments from the general public and the MAC's.

NEXT STEPS

Similar to the public outreach proposed for Community Centers, staff recommends an expansive and robust public review process on any proposed amendments to Winery Ordinance. Listed below is a tentative schedule for the public review of the Winery Ordinance:

- Presentation to Municipal Advisory Committees (August-October 2014)
- Present comments from MAC's to Planning Commission (October 2014)
- Staff preparation of revised draft Zoning Text Amendments (October-November 2014)
- Planning Commission review of draft Zoning Text Amendments (November 2014)
- Board Consideration of draft Zoning Text Amendments (December 2014)

As can be seen from this tentative schedule, there will be multiple opportunities for members of the public to participate and provide comments on the proposed Zoning Text Amendments associated with Winery Ordinance. Because there are many stakeholders interested in the update to the Winery Ordinance, staff has concluded that, instead of creating similar focus groups (which may exclude the participation of some stakeholders), there is merit to conducting public workshops with the Planning Commission, where all interested stakeholders can be present and participate. Through this type of inclusive process, the Planning Commission will hear first-hand the full breadth of comments, and any direction provided by the Planning Commission will take into consideration comments presented by all interested stakeholders.

ACTION REQUESTED:

Staff requests that the Planning Commission receive public comment on the revisions to the Winery Ordinance as outlined above, and provide direction to staff on potential modifications to the Winery Ordinance and Temporary Outdoor Event Ordinance then direct staff to present one or both proposals to the MACs as an action item.

Respectfully submitted,

George Rosasco 11/20

George Rosasco
Supervising Planner

ATTACHMENTS:

Attachment A – Placer County Winery Ordinance
Attachment B – Amador County Winery Ordinance
Attachment C – Sacramento County Winery Ordinance
Attachment D – Santa Barbara County Winery Ordinance
Attachment E - Correspondence

cc: Engineering and Surveying Division
Environmental Health Services
Air Pollution Control District
Andy Fisher - Parks Department
Gerry Cardin - County Counsel
Karin Schwab – County Counsel
Michael Johnson - CDRA Director
Paul Thompson – Deputy Director
EJ Ivaldi – Deputy Director
Holly Heinzen – CEO Office
Subject/chrono files

17.56.330 Wineries

A. **Purpose.** The purpose of this section is to provide for the orderly development of wineries within agricultural zoning districts and certain commercial, industrial and residential zoning districts; to encourage the economic development of the local agricultural industry; provide for the sampling and sales of value-added products; and protect the agricultural character and long-term agricultural production of agricultural lands.

B. **Definitions.**

"**Administrative Review Permit**" - See Zoning Ordinance Section 17.58.100.

"**Conditional Use Permit**" - See Zoning Ordinance Section 17.58.130.

"**Large Winery**" refers to a winery with annual production of 20,000 cases or greater.

"**Minor Use Permit**" - See Zoning Ordinance Section 17.58.120.

"**Promotional Event**" means an event sponsored by the property owner, an association of agricultural property owners, or similar organizations formed to assist the agricultural industry in the area, to promote the sale of Placer County wines, and which is intended to allow for the sampling and direct marketing and sales of wines produced on the premises or produced elsewhere from grapes grown on site. Such events include "winemaker's dinners."

"**Public Tasting**" refers to wine sampling by the general public.

"**Small Winery**" refers to a winery with annual production less than 20,000 cases.

"**Temporary Outdoor Events**" are events that are of limited duration and located primarily outdoors. If any buildings are used for the event, such use shall not exceed the occupancy load. Two events per year can be authorized on any given site through the Temporary Outdoor Event Permit process as described in Section 17.56.300(B)(1)(b). Any such authorization would be in addition to the promotional events authorized by this Section.

"**Wine Case**" contains 12 standard wine bottles (750 milliliters each).

"**Winery**" means a bonded winery facility comprising the building or buildings used to convert fruit juices (all or part of which are produced on the property) to wine, and to age, bottle, store, distribute and sell said wine. A winery, for the purposes of this section, includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and promotional events.

C. **Wineries.** The permit requirements for wineries are set forth below. If a proposal includes more than one of the elements listed below, the highest applicable permit process shall apply.

Wineries **17.56.330**

	Zone Districts									
	Commercial					Industrial				
	CPD	C2	C3	HS	C1	RES	AP	BP	IN	INP
Winery Production <20,000 Cases	CUP	MUP	C					C	C	C
Winery Production >20,000 Cases			MUP					MUP	MUP	MUP
Wholesale and Retail Sales of Wine and Grape Products	CUP	C	C	C	C	C	MUP	C	C	C
Wine Tasting and Retail Sales of Wine-related Merchandise	CUP	C	C	C	C	C	MUP	C	C	C
Promotional Events Up to 6/year	CUP	ARP	ARP	ARP	ARP	ARP	ARP	ARP	ARP	ARP

Residential Zoning Districts (Residential Agriculture and Residential Forest only)	
Winery Production <20,000 Cases	ARP
Winery Production >20,000 Cases	MUP
Wholesale and Retail Sales of Wine	ARP
Wine Tasting and Retail Sales of Wine-related Merchandise	ARP
Promotional Events Up to 6/year	ARP

Agricultural and Resource Districts (Agricultural Exclusive, Farm, Forestry, Timberland Production only)	
Winery Production <20,000 Cases	C
Winery Production >20,000 Cases	MUP
Wholesale and Retail Sales of Wine Grown or Produced on Premises	C
Wine Tasting and Retail Sales of Wine-related Merchandise	C
Promotional Events Up to 6/year	ARP

KEY TO PERMIT REQUIREMENTS	
Zoning Clearance required (Section 17.06.050)	C
Administrative Review Permit required (Section 17.06.050)	ARP
Minor Use Permit required (Section 17.06.050)	MUP
Conditional Use Permit required (Section 17.06.050)	CUP
Use not allowed	

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D. **Development and Operational Standards**. The following development and operational standards shall apply to all wineries. These standards will be applied with flexibility to encourage wine grape growing, consistent with the agricultural use of the property. For wineries on commercially and industrially-zoned parcels, commercial standards will apply. Wineries established prior to the adoption date of this ordinance will be afforded maximum flexibility in establishing reasonable standards when adding new uses.

1. **General**

a. The primary purpose of the winery shall be to process wine grapes grown on the winery property or on other local agricultural lands as delineated in the Food and Agriculture Code as grape pricing District 10. District 10 encompasses Placer, Nevada, El Dorado, Amadore, Tuolumne and Mariposa Counties. In the Residential, Resource and Agricultural zoning districts where wineries are allowed, at least one acre of planted vineyard on site is required, unless the Agricultural Commissioner makes a determination that a functional equivalent occurs (i.e. winery is contracted to receive a substantial portion of the winery production capacity from locally produced vineyards).

b. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared or bottled by the winery operator or grown on the winery premises, and custom crushed at another facility for the winery operator.

c. The minimum parcel size for establishment of a winery is 4.6 acres in the Residential, Resource and Agricultural zoning districts where wineries are allowed.

2. **Parking**. The following parking standards shall apply to wineries:

a. **Small Wineries** - If public tasting is proposed, a minimum of five permanent parking spaces shall be provided.

b. **Large Wineries** - The minimum number of required parking spaces as indicated below shall be provided.

Areas for use by or for patrons, including tasting rooms and reception areas	One space per 300 square feet
Offices, or administration areas	One space per 300 square feet
Production, storage or warehousing areas	One space per 1,500 square feet
Promotional event parking	One space per 2.5 persons

3. **Access Standards**

a. Access roads to winery structures shall meet State and local Fire Safe Standards as determined by the serving fire agency. Alternative design allowances and/or requirements may be determined on a case-by-case basis for modification to the standards, dependent upon anticipated level of use, site constraints, turnout opportunities, road length, slope, and other site-specific issues.

b. **Access – County-Maintained Roads**

i. If a winery is accessed from a County-Maintained Highway, an encroachment permit may be required to address ingress, egress and sight-distance requirements.

c. **Access – Non-County Maintained Roads**

i. If a winery is accessed by a private road, the applicant shall provide reasonable proof of access rights as determined by the Engineering and Surveying Department.

4. **Potable Water**

a. If the winery is served by well water and there are more than 25 people on-site in a 60-day period, employees and guests shall be provided with bottled water for consumption, unless otherwise approved by the County Environmental Health Division. Well water shall meet potable water standards for the purposes of dishwashing and hand washing.

5. **Waste Disposal**

a. **Solid Waste**. All solid waste shall be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions. Pomace, culls, lees, and stems may be recycled onsite in accordance with the Report of Waste Discharge approved for each individual winery by the Regional Water Quality Control Board.

b. **Winery Production Waste**. Standards for waste disposal shall be set, where applicable, by the Regional Water Quality Control Board and shall be stipulated in the Report of Waste Discharge.

c. **On-site Sewage Disposal**. If public sanitary sewer is not available, then the on-site sewage disposal system shall be designed in compliance with County Code Chapter 8.24 and sized to accommodate employee, tasting room and commercial sewage flows. Portable toilets may be approved by the County Environmental Health Division for temporary and promotional events.

6. **Tasting Facilities**

a. The primary focus of the tasting area shall be the marketing and sale of the wine and grape products produced at the winery. Incidental sales of wine-related merchandise and food shall be allowed subject to the requirements of the California Retail Food Code.

7. **Promotional Events**

a. Application Requirements. The application shall include the following information:
   i. number of annual events;
   ii. estimated number of participants,
   iii. description of parking and circulation, and
   iv. sanitation provisions.

b. **Standards**

i. **Duration**. No single promotional event shall exceed more than two consecutive days.

ii. **Parking Requirements**. Temporary, overflow parking may be utilized. The applicant shall demonstrate to the Development Review Committee the ability to provide safe access and parking, including providing attendants to monitor proper parking and access road clearance for emergency vehicles.

iii. **Noise Standards**. Any promotional event proposing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

E. **Continuing Applicability of Minor Use Permits**. To the extent a Minor Use Permit was approved for uses on a parcel or parcels as required under the provisions of this Zoning Ordinance in effect as of September 23, 2008, and to the extent that use would be required to obtain a Minor Use Permit or an Administrative Review Permit under the provisions of this Zoning Ordinance in effect after October 22, 2008, the conditions of the Minor Use Permit shall continue to apply in full force and effect. Any proposed new or additional use shall be subject to compliance with the provisions of this Zoning Ordinance in accordance with Section 17.02.030 herein and all other applicable provisions of the Placer County Code.

F. **Special Notice Requirements**. For all applications for a winery activity that is requested for property which is accessed by a private road and which requires the issuance of an Administrative Review Permit pursuant this section (17.56.330), in addition to any other notice required by Section 17.58.100(A), notice shall be provided to all property owners identified pursuant to Section 17.58.030(F). Failure of a property owner who shares access rights with an applicant to a private road to receive notice shall not invalidate the issuance of the permit.

G. **Notice of Decision**. A copy of any decision on an application for a winery activity that is requested for property which is accessed by a private road and which involves the issuance of an Administrative Review Permit pursuant to this section (17.56.330) shall be provided to all property owners identified pursuant to Section 17.58.030(F), in addition to any other person who may otherwise be entitled to notice of the decision. Failure of a property owner who shares access rights with an applicant to a private road to receive a copy of the decision shall not invalidate the issuance of the permit.

H. **Waiver of Appeal Fee**. Notwithstanding Subsection (C)(1) of Section 17.60.110, the requirement of the submission of an appeal fee shall be waived for a property owner who appeals the determination of the Zoning Administrator to approve an Administrative Review Permit and who owns property that shares access rights to a private road with the applicant who has received a permit. This waiver shall not apply to any appeal of a decision of the Planning Commission to the Board of Supervisors.

AMADOR COUNTY

19.24.036 AG district--Use regulations.

****

32. Wineries as defined in Section 19.08.687 and the following incidental uses subject to providing off-street parking and meeting all necessary clearances from the health and building departments. Additionally, wineries located on private roads shall have entered into a road maintenance agreement with a majority of the owners of the road, or obtained a use permit pursuant to Chapter 19.56 of this code before commencing any of the following uses:

a. Wine tasting,

b. Winery tours,

c. Wholesale and retail sales of wine and grape products,

d. Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year,

e. Picnic area(s) for winery-related activities,

f. Art galleries with sales and framing,

g. A food preparation facility for catering on-premises indoor or outdoor functions,

h. Agricultural-related museums,

i. Gift display not to exceed a total of five hundred square feet in interior footprint area for the retail sale of winery-related promotional items, gift items, and/or prepackaged foods,

j. Social gatherings or weddings for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month,

k. Indoor or outdoor amplified music until ten p.m.

H. Uses described in this subsection may be granted by the planning department, without public hearing, following public notice of the application.

1. Wine tasting may be conducted under a duplicate 02 license only if the winery with the master 02 license is located in Amador County and the following standards are met:

2. a. A bona fide agricultural operation must be the primary use on the property;

b. The parcel shall be a minimum of forty acres in size;

c. The applicant shall provide the planning department with copies of their bond from the Alcohol and Tobacco Tax and Trade Bureau and their California Alcohol Beverage Control license. These licenses and bonds shall be maintained in full compliance at all times;

d. Tasting rooms located on private roadways shall have entered into a road maintenance agreement with a majority of the owners of the road; or in the event a road maintenance agreement already exists, the applicant shall provide the county with proof they have renegotiated the terms of the agreement to include the new tasting room. If the majority of the owners of the road do not enter into the new or renegotiated agreement, the applicant must obtain a use permit pursuant to Chapter 19.56 of this code before commencing any of the uses allowed by this section;

e. The tasting room building shall be located a minimum of fifty feet from all property lines;

f. The primary use of the tasting room shall be the marketing and sale of wine produced in Amador County. Additional allowed uses are as follows:

i. Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year;

ii. Picnic area(s) for wine tasting-related activities;

iii. Art galleries with sales and framing;

iv. A food preparation facility for catering on-premises indoor or outdoor functions;

v. Agricultural-related museums;

vi. Gift display area not to exceed a total of five hundred square feet in interior footprint area for the retail sale of wine-related promotional items, gift items, and/or prepackaged foods;

vii. Social gatherings or weddings for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month;

viii. Indoor or outdoor amplified music until ten p.m.

g. The applicant must obtain all applicable permits from the environmental health department, building department, and department of transportation and public works.

h. Public notice of such application shall be given in the manner described in Chapter 19.56 of this code, Use Permits. Such notice shall indicate the intent of the planning department to

grant the use permit without a hearing unless sufficient reasons are provided not to grant the use permit. A description of the appeals process (Chapter 19.64 of this code) shall be contained within the notice. The planning department shall decide upon the use permit application within ten days after the notice is mailed. If the planning department finds sufficient cause to approve the application and the application meets the standards outlined in this subsection, the planning department shall approve the use permit and the use permit shall become valid following the ten-day appeal period if no appeals are filed.

I. The following uses are permitted in AG districts upon obtaining a use permit as provided for in Chapter 19.56 of this code:

1. Turkey farms, provided there is a cover crop or other dust control;

2. Any garbage, sewage, refuse, or offal feeding;

3. Commercial small animal and fowl specialty farms, including but not limited to chinchillas, minks, foxes, rodents, aviaries, rabbits, frogs, pigeons, ducks, and geese;

4. Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl;

5. Rendering plants and fertilizer plants;

6. Commercial recreation, dude ranches, and boarding and guest facilities when carried on as a clearly secondary use in conjunction with a primary agricultural use;

7. Oil and gas wells, including the drilling and installation, and use of such equipment, structures, and facilities as are necessary or convenient for oil-drilling and oil-producing operations customarily required or incidental to usual oil field practice, including but not limited to the initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of such oil, gas, and water to and from the premises; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation;

8. Development of natural resources including mines, open pits for extraction of minerals, borrow pits, and quarries, with necessary buildings, apparatus, or appurtenances thereto; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation;

9. Any use determined by the planning commission after recommendations by the agricultural advisory committee to be compatible with the purposes of the California

Land Conservation Act and which do not significantly adversely affect agricultural operations;

10. Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit;

11. Farm-labor camps and farm-labor quarters as defined in this title;

12. Social gatherings or weddings at winery facilities which exceed either of the limits set forth in subsection G(32)(j) of this section. (Ord. 1708 §3, 2011; Ord. 1320 §§3,4, 1993; Ord. 1262 §§1--6, 1991; Ord. 1208 §2, 1989; Ord. 1139 §§3, 4, 1987; Ord. 934 §3, 1983; Ord. 883 §3, 1982: Ord. 773 §12, 1981; Ord. 743 §1, 1981; Ord. 600 §2, 1977).

ORDINANCE NO. SZC-2011-0028

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF SACRAMENTO COUNTY TO AMEND THE ZONING CODE OF SACRAMENTO
COUNTY PERTAINING TO AGRICULTURAL TOURISM

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1: TITLE I, Chapter 25, Article 1, is hereby amended with the following definitions:

130-04.4. Agricultural Market

A market located within a permanent building, which sells shell eggs, locally grown crops, a limited amount of non-potentially hazardous prepackaged food, and agricultural and food preparation related items.

130-47.01.a. Community Event (Field Retail Stand, Farm Stand, Produce Stand and Agricultural Market)
A community event that is of a civic, political, public or educational nature, that is held on the premises of a field retail stand, farm stand, produce stand or agricultural market and that may include additional booths.

130-47.08. Community Stand
A retail stand operated by a nonprofit organization, which sells shell eggs, locally grown crops, a limited amount of non-potentially hazardous prepackaged food and food preparation related items.

130-52.2.a. Crops
Any whole edible portion of a plant in its raw and natural state and non-edible crops such as flowers.

130-69.3. Farm
A place where agricultural production is the primary use.

130-69.5. Farm Stand
A field retail stand that sells shell eggs, crops grown by the producer on premises controlled by the producer, a limited amount of non-potentially hazardous prepackaged food and food preparation related items.

130-69.6 Farm Stay Operation
A working farm on which bedrooms are made available for rent in a farm house or in a detached structure, and where lodging and overnight sleeping accommodations are provided for a stay of no more than 14 days, either with or without meals.

ATTACHMENT C

130-70.4. Field Retail Stand
A retail stand that sells only shell eggs, crops grown by the producer on premises controlled by the producer and food preparation related items.

130-105.3. Large Winery
A winery with more than 15,000 cases annual production.

130-107.2 Locally Grown Crops
Crops grown within the following Counties: Sacramento, Yolo, Solano, Contra Costa, San Joaquin, Amador, El Dorado, Placer, Sutter and Yuba.

130-126.7. Non-Locally Grown Crops
Crops grown outside of the ten counties defined in the Locally Grown Crops definition.

130-126.8. Non-Potentially Hazardous Food
A food that does not require time or temperature control to limit pathogenic micro-organism growth or toxin formation.

130-137.1 Prepackaged Food
Any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, food facility or other approved source.

130-137.7. Produce Stand

A retail stand, located within a permanent building, which sells shell eggs, locally grown crops and food preparation related items.

130-170.7. Small Winery

A winery with up to 15,000 cases annual production, and a maximum size tasting room facility of 1,500 square feet.

130-181.5.a. Tasting Room

A room where the general public can sample wine and where wine and grape products produced on site are for sale. A tasting room may not be used as an office or for wine production.

130-198.9.a.b. Wine Case

Twelve (12) standard wine bottles (750 milliliters each).

130-198.9.b Winery

A bonded winery facility consisting of the building or buildings used to convert fruit juices into wine, and to age, bottle, store, distribute and sell. A winery shall include any or all of the following activities and facilities; crushing, fermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, tasting room, laboratory equipment, maintenance facilities,

conference room space, sales and administrative offices. A bonded winery is entitled to all privileges afforded to ABC Type02 winegrowers unless specifically restricted by this ordinance.

SECTION 2: TITLE II, Chapter 1, Article 1, Section 201-02 (Permitted Uses Within the Buildable Area of Residential-Open Space Lots) and Section 201-04 (Special Conditions) are hereby amended as follows:

Land Use Zone	AG-160	AG-80	AG-40	AG-20	UR	IR	AR-10	AR-5	AR-2	AR-1	RD-1	RD-2	RD-3
A.13 Farm Stay	X	X	X	X	X	X	46	46					
B.6 Field Retail Stand	43	43	43	43	43	43	43	43	43	13	13	13	
B.7 Farm Stand	43	43	43	43	43	43	43	43	43	13	13	13	13
B.7.2 Produce Stand	43	43	43	43	43	43	43	43	43				
B.7.3 Community Stand	45	45	45	45	45	45	45	45	45	45	45	45	45
B.7.4 Agricultural Market	43	43	43	43	43	43	43	43	43				
C.38 Small Wineries	X	X	X	X			X	X					
C.39 Large Wineries	12	12	12	12									

Land Use Zone	RD-4	RD-5	RD-6	RD-7	RD-10	RD-15/20	RD-25/30	RD-40	(MHP)	RM-2	RR	O
B.7 Farm Stand											13	13
B.7.2 Produce Stand											13	13
B.7.3 Community Stand	45	45	45	45	45	45	45	45	45	45	44	44

(12) Permitted subject to the issuance of a conditional use permit by the appropriate authority.

(13) Permitted subject to issuance of a conditional use permit by the Zoning Administrator...

(43) Permitted if the development standards in TITLE III, Chapter 15, Article 1.5 are met.

(44) Permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (There shall be no annual limit to the number of occurrences and the temporary use permit shall be valid for up to three years.)

(45) Permitted if under the supervision of a public agency or non-profit organization, subject to the issuance of a temporary use permit by the Zoning Administrator. (There shall be no annual limit to the number of occurrences and the temporary use permit shall be issued for up to three years.)

(46) Permitted subject to the issuance of a use permit by the Zoning Administrator and the development standards in TITLE III, Chapter 15, Article 8.

SECTION 3: TITLE II, Chapter 25, Article 2, Section 225-11 (Permitted Uses Within the Buildable Area of Commercial Lots) and Section 225-14 (Special Conditions) are hereby amended as follows:

Land Use Zone	SC	LC	GC	AC	TC	CO
I.6 Certified Farmers Market or Community Stand	64	64	64	64	64	64

(64) Permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (There shall be no annual limit to the number of occurrences and the temporary use permit shall be valid for up to three years.)

SECTION 4: TITLE II, Chapter 30, Article 2, Section 230-11 (Permitted Uses Within the Buildable Area of Industrial Lots) and Section 230-13 (Special Conditions) are hereby amended as follows:

Zone	MP	M-1	M-2
K.21 Certified Farmers Market and Community Stand	30	30	30
K.30 Small Wineries		X	X
K.31 Large Wineries		31	31

(30) Permitted subject to the issuance of a temporary use permit by the Zoning Administrator. (There shall be no annual limit to the number of occurrences and the temporary use permit shall be valid for up three years.)

(31) Large wineries shall be allowed if the tasting facilities are limited to a maximum of 15% of the square footage of the indoor portion of the winery.

SECTION 5: TITLE III, Chapter 15, Article 1.5 is hereby replaced by a new Article 1.5 (Development Standards for Field Retail Stands, Farm Stands, Produce Stands, Community Stands and Agricultural Markets) as follows:

Section 315-03. Application

The provision of this Article shall apply to Field Retail Stands as defined in Section 130-70.4, Farm Stands as defined in Section 130-69.5, Produce Stands as defined in Section 130-137.7, Community Stands as defined in Section 130-47.08 and Agricultural Markets as defined in Section 130-04.4.

315-04. Purpose

The purpose of this article is to provide for sales locations (field retail stands, farm stands, produce stands, community stands and agricultural markets) where food products are grown and to set forth the permitting requirements and development standards to be applied to field retail stands, farm stands, produce stands, community stands and agricultural markets for the sale of crops.

315-05 . Development Standards for Field Retail Stands

(1) Field Retail Stands shall be operated by the producer and on premises controlled by the producer.

(2) Products sold shall be limited to shell eggs and crops that are grown by the producer; and agricultural and food preparation related items. Local crops not grown by the producer may be sold at events subject to a community event permit from the Environmental Management Department (EMD).
(3) Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the Field Retail Stand.
(4) No activities related to the sale of products from Field Retail Stands shall take place on public property right-of-way.
(5) There shall be no more than one (1) Field Retail Stand per parcel.
(6) Field Retail Stands shall meet the setback standards of the zone in which they are located.
(7) No building shall have more than 1,500 square feet of indoor sales area and shall have a total enclosed area of no more than 3,000 square feet.
(8) No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.
(9) Signs shall be allowed provided that:
   a. There is no more than one (1) sign at each entrance.
   b. The sign is not over fifty (50) square feet in area.
   c. The sign is not more than six (6) feet above road grade.
   d. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
   e. Illumination of the sign, if any, is indirect.
   f. The sign is stationary.

315-06. Development Standards for Farm Stands

(1) Farm Stands shall be operated by the producer and on premises controlled by the producer.
(2) Products sold shall be limited to shell eggs and crops that are grown by the producer, as regulated by State law; non-potentially hazardous prepackaged food products from an approved source that were grown or produced in close proximity to the Farm Stand; non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been grown or produced in close proximity to the Farm Stand; and agricultural and food preparation related items. Local crops not grown by the producer may be sold at events subject to a community event permit from the Environmental Management Department (EMD).
(3) Non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been grown or

produced in close proximity to the Farm Stand shall be limited to a 50-square-foot storage and sales area.

(4) Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the Farm Stand.

(5) No activities related to the sale of products from Farm Stands shall take place on public property right-of-way.

(6) There shall be no more than one (1) Farm Stand per parcel.

(7) Farm Stands shall meet the setback standards of the zone in which they are located.

(8) No building shall have more than 1,500 square feet of indoor sales area and shall have a total enclosed area of no more than 3,000 square feet.

(9) No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.

(10) Signs shall be allowed provided that:

a. There is no more than one (1) sign at each entrance.
b. The sign is not over fifty (50) square feet in area.
c. The sign is not more than six (6) feet above road grade.
d. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
e. Illumination of the sign, if any, is indirect.
f. The sign is stationary.

315-07. Development Standards for Produce Stands

(1) Produce Stands shall be operated by the property owner or lessee of the agricultural property.

(2) Products sold shall be limited to shell eggs and crops that are locally grown; and agricultural and food preparation related items.

(3) Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the produce stand.

(4) Produce Stands shall be located within fully enclosed structures with potable hot and cold running water, and shall have septic systems or be hooked up to the sewer system.

(5) No activities related the sale of products from Produce Stands shall take place on public property right-of-way.

(6) There shall be no more than one (1) Produce Stand per parcel.

(7) Produce Stands shall meet the setback standards of the zone in which they are located.

(8) No building shall have more than 1,500 square feet of indoor sales area and shall have a total enclosed area of no more than 3,000 square feet, including storage area.

(9) No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.

(10) Signs shall be allowed provided that:

a. There is no more than one (1) sign at each entrance.
b. The sign is not over fifty (50) square feet in area.
c. The sign is not more than six (6) feet above road grade.
d. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
e. Illumination of the sign, if any, is indirect.
f. The sign is stationary.

315-08. Development Standards for Community Stands:

(1) Community Stands shall be operated by nonprofit organizations.

(2) Community Stands shall obtain a license from the State of California Department of Food and Agriculture (CDFA) and a permit from the Sacramento County Environmental Management Department (EMD) before operating.

(3) Products sold shall be limited to shell eggs and crops that are locally grown; non-potentially hazardous prepackaged food products from an approved source that were locally grown or produced; non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been locally grown or produced; and agricultural and food preparation related items.

(4) Non-potentially hazardous prepackaged food products, including bottled water and soft drinks, from an approved source that have not been locally grown or produced shall be limited to a 50-square-foot storage and sales area.

(5) Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the farm stand.

(6) No activities related to the sale of products from Community Stands shall take place on public property right-of-way.

(7) No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.

(8) Hours of operation, stand size (up to a maximum of 1,500 square feet of indoor sales area and 3,000 square feet of total enclosed area), setbacks, signs

and parking requirements shall be regulated by the temporary use permit for the Community Stand.

315-09. Development Standards for Agricultural Markets:

(1) Agricultural Markets shall be operated by the property owner or lessee of the agricultural property.

(2) Products sold shall be limited to shell eggs and crops that are locally grown; non-potentially hazardous prepackaged food products from an approved source that were grown or produced in close proximity to the agricultural market; non-potentially hazardous prepackaged food products from an approved source, including bottled water and soft drinks, that have not been grown or produced in close proximity to the agricultural market; and agricultural and food preparation related items.

(3) Non- potentially hazardous prepackaged food products that have not been grown or produced in close proximity to the agricultural market shall be limited to 25% of the total storage and sales area of the Agricultural Market.

(4) Agricultural and food preparation related items shall be limited to 25% of the total storage and sales area of the agricultural market.

(5) Agricultural markets shall be located within fully enclosed structures with potable hot and cold running water, and shall have septic systems or be hooked up to the sewer system.

(6) No activities related to the sale of products from Agricultural Markets shall take place on public property right-of-way.

(7) There shall be no more than one (1) Agricultural Market per parcel.

(8) Agricultural markets shall meet the setback standards of the zone in which they are located.

(9) No building shall have more than 1,500 square feet of indoor sales area and shall have a total enclosed area of no more than 3,000 square feet, including storage area.

(10) No part of this use, including merchandise and parking area, shall be located within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Sacramento County Code.

(11) Signs shall be allowed provided that:

a. There is no more than one (1) sign at each entrance.
b. The sign is not over fifty (50) square feet in area.
c. The sign is not more than six (6) feet above road grade.
d. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.
e. Illumination of the sign, if any, is indirect.
f. The sign is stationary.

315-09.1. Events at Field Retail Stands, Farm Stands, Produce Stands, and Agricultural

Events shall be allowed at Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets pursuant to the chart below. Larger events may be allowed pursuant to the issuance of a use permit from the Zoning Administrator:

Total Parcel Size (Acres)	Maximum Number of Attendees (Peak)
1.0-2.5	50 people (1)(2)(3)
2.51- 5.0	100 people (1)(2)(3)
5.01-10.0	200 people (1)(2)(3)
10.01-20.0	300 people (1)(2)(3)
Over 20.0	350 people (1)(2)(3)

Notes:

1. Permitted as an accessory use; the primary use of the parcel must be agricultural.
2. Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday, Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restrictions as to day and time.
3. All events are subject to the Sacramento County noise ordinance.

315-09.2. Parking Requirements for Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets

1. Field Retail Stands, Farm Stands, Produce Stands, and Agricultural Markets shall not be subject to the development standards for off-street parking outlined in the Zoning Code (Title III, Chapter 30).

2. The following ratio off-street parking shall be required:

Parking

Field Retail Stands/ Farm Stands/ Produce Stands/ Agricultural Markets	1 space/ 400 square feet of floor area (gross) dedicated to sales

3. All access roads must meet the standards of the Fire Marshal. All parking areas must have an active dust control program.
4. Parking lot lighting as defined in the zoning code will be required if the field retail stand, farm stand, produce stand, or agricultural market is open to the public after sunset.

315-09.3 Advisory For Other Permitting Requirements (Add to the new TITLE III, Chapter 15, Article 1.5 (Development Standards for Field Retail Stands, Farm Stands,

Produce Stands, and Agricultural Markets):

1. All waste, both solid and liquid, shall be managed in accordance with local, state, and federal rules, regulations, and ordinances pertaining to such waste.
2. Environmental Management Department approval/permit for a water system is required unless documentation that the regulations are not applicable is provided.
3. Environmental Management Department approval is required for farm stands, produce stands, community stands and agricultural markets (EMD regulations for agricultural markets are similar to those for convenience stores).
4. Environmental Management Department (EMD) approval/permit is required for events at field retail stands, farm stands, produce stands and agricultural markets. Community event permits from EMD that allow the sale of locally grown crops not grown on premises controlled by the producer at field retail stands and farms stands must adhere to the definition of community event in the California Retail Food Code 113755.
5. Mitigation Measure A: Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Division of Environmental Review and Assessment shall be immediately notified at (916) 874-7914.

   At that time, the Division of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.
6. Mitigation Measure B: In order to mitigate impacts to potentially historic buildings (buildings 100 years old and older), perform one of the following:

   i. Structures that have not been subject to a previous architectural evaluation and are at least 100 years or older and are subject to renovation shall have a historic architectural study performed by a qualified, professional architectural historian. A significance determination shall be prepared for review by the staff of the Community Planning and Development Department (CPDD). If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

   OR,

ii. Property owners proposing to renovate an existing structure shall submit photographs of the structure to the Community Planning and Development Department (CPDD). CPDD staff shall determine whether a historical evaluation is warranted. If CPDD staff determines that an historic evaluation is warranted, the applicant shall have a historic architectural study performed by a qualified, professional architectural historian for review by CPDD staff. If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

iii. Comply with Mitigation Measure C and forego the need to submit photographs or an historical architectural evaluation.

7. Mitigation Measure C: Structures deemed to be significant historical architectural resources shall be preserved in situ with all proposed modifications carried out to *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

	Sells Shell Eggs and Crops Grown on Premises controlled by Producer	Sells Locally Grown Crops not Grown on the Premises	Sells Non-Potentially Hazardous Pre-packaged Food	Sells Agricultural and Food Preparation Related Items	Holds Events	Maximum Size: 1,500 s.f. of indoor sales area and 3,000 s.f. of total enclosed area	Requires EMD Approval
Field Retail Stand	X	1		X	X	X	
Farm Stand	X	1	X	X	X	X	X
Produce Stand	X	X		X	X	X	X
Community Stand	X	X	X	X		X	X
Agricultural Market	X	X	X	X	X	X	X

1. Subject to a community event permit from EMD.

SECTION 6: TITLE III, Chapter 15, Article 7 (Development Standards for Wineries) is hereby added as follows:

315-60. Application

The provisions of this article shall apply to Small Wineries and Large Wineries as defined by Section 130-170.7 and Section 130-105.3.

315-61. Purpose

The purpose of this article is to provide for the orderly development of wineries and associated activities within Agricultural and Industrial zones to promote economic development opportunities for the agricultural industry and to preserve agricultural lands within Sacramento County.

315-62. Development Standards for Small Wineries

(1) The parcel shall be licensed by the State of California Department of Alcohol Beverage Control, license Type 02 "Winegrower."
(2) If located in the AG or AR zones, the premises shall have a minimum size of three (3) acres.
(3) If the winery is accessed only via a private road shared by others, a use permit from the Zoning Administrator shall be required, and the use permit shall require the applicant to pay their fair share of the road maintenance costs. The Director of the Community Planning and Development Department may waive the requirement for a use permit if written verification from all property owners along the private road is submitted.

(4) If the winery is located in an AG (agricultural) or AR (agricultural residential) zone and it is located less than half a mile away from a RD (residential) zone, a use permit from the Zoning Administrator shall be required to exceed 2,500 cases annual production.

(5) All waste, both solid and liquid, shall be managed, treated, stored, and/or disposed of in accordance with local, state and federal rules, regulations, and ordinances pertaining to such waste.

(6) The primary focus of the tasting area shall be for the marketing and sale of wine and grape products produced on site. The sale of wine related merchandise and food shall be incidental to the tasting and limited to 15% of the square footage of the tasting area. Food facilities as defined in the California Retail Food Code, Section 113789, must meet all applicable codes. If no other beverage except bottles of wine and prepackaged non-potentially hazardous beverages is offered for sale for on-site consumption and no food except for crackers are served, the facility is not subject to the California Retail Food Code regulations. If other foods are sold, the facility shall be subject to the California Retail Food Code regulations and shall require permitting by the Environmental Management Department.

(7) All buildings shall meet the general agricultural building standards of the zone in which they are located.

315-63. Allowed Uses for Small Wineries

(1) Growing and harvesting grapes and other products suitable for wine processing and bottling of grapes and grape products produced on the premises.

(2) Processing and bottling of grapes and grape products produced off the winery premises.

(3) Sale of wine for consumption off premises whether grown or produced on premises or off.

(4) Wine tasting involving serving wine to the public for the purpose of sampling the wine, subject to the following restrictions:

   a. Wine tasting shall be limited to five (5) days per week unless a use permit is obtained from the Zoning Administrator.

   b. Use of outdoor amplified sound shall be regulated per the Sacramento County noise ordinance.

   c. Sanitary facilities and potable water shall be provided pursuant to applicable codes.

(5) Events shall be allowed pursuant to the chart below. Larger events may be allowed pursuant to the issuance of a use permit from the Zoning Administrator:

Total Parcel Size (Acres)	Maximum Number of Attendees (Peak)
1.0-2.5	50 people (1)(2)(3)
2.51- 5.0	100 people (1)(2)(3)
5.01-10.0	200 people (1)(2)(3)
10.01-20.0	300 people (1)(2)(3)
Over 20.0	350 people (1)(2)(3)

Notes:

1. Permitted as an accessory use; the primary use of the parcel must be agricultural (if located in the AR or AG zones).
2. Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday, Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restrictions as to day and time.
3. All events are subject to the Sacramento County noise ordinance.

315-64. Development Standards for Large Wineries

Landowner shall comply with all the development standards of small wineries.

315-65. Allowed Uses for Large Wineries

(1) Growing and harvesting grapes and other products suitable for wine processing and bottling of grapes and grape products produced on the premises.

(2) Processing and bottling of grapes and grape product produced off the winery premises.

(3) Sale of wine for consumption off premises whether grown or produced on premises or off.

(4) Wine tasting involving serving wine to the public for the purpose of sampling the wine, subject to the following restrictions:

a. Use of outdoor amplified sound shall be regulated per the Sacramento County noise ordinance.

b. Sanitary facilities and potable water shall be provided pursuant to applicable codes.

(5) Events

a. Events shall be allowed in the AG-20, AG-40, AG-80 and AG-160 zones subject to the winery's conditional use permit.

b. Events shall be allowed in the M-1 and M-2 zones pursuant to the chart below. Larger events may be allowed pursuant to the issuance of a use permit from the Zoning Administrator:

Total Parcel Size (Acres)	Maximum Number of Attendees (Peak)
1.0-2.5	50 people (1)(2)

2.51- 5.0	100 people (1)(2)
5.01-10.0	200 people (1)(2)
10.01-20.0	300 people (1)(2)
Over 20.0	350 people (1)(2)

Notes:

1. Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday, Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restrictions as to day and time.
2. All events are subject to the Sacramento County noise ordinance.

315-66. Parking Requirements for Wineries:

(1) Wineries shall not be subject to the development standards for off-street parking outlined in the Zoning Code (Title III, Chapter 30).

(2) The following ratios of off-street parking shall be required for all wineries:

Parking

Office area	4.5 spaces/ 1,000 square feet
Production and storage area	1 space/ 2,000 square feet (gross)
Tasting room facilities	1 space/300 square feet
Events	1 space for every 3 attendees

(3) All access roads must meet the standards of the Fire Marshal. All parking areas must have an active dust control program.

(4) Parking lot lighting as defined in the zoning code will be required if the tasting room is open to the public after sunset.

315-67. Signage for Wineries

Identification signs shall be allowed provided that:

(1) There is no more than one (1) sign at each major entrance.
(2) Signs are not over fifty (50) square feet in area.
(3) Signs are limited to monument signs not exceeding six (6) feet above road grade, or signs attached flat against the main building, or signage applied to a conforming wall or fence (in such a case, area shall be computed by circumscribing the lettering and counting 100%).
(4) Monument signs are set back at least sixteen (16) feet from the right-of-way of public streets unless a lesser setback is approved by the Planning Division.
(5) Illumination of the sign, if any, shall be indirect.
(6) Signs are stationary.

(7) Signs exceeding the size and height limits are permitted subject to the issuance of a use permit by the Zoning Administrator.

315-68. Advisory for Other Permitting Requirements for Wineries

(1) All waste, both solid and liquid, shall be managed in accordance with local, state, and federal rules, regulations, and ordinances pertaining to such waste.
(2) Environment Management Department approval/permit for a water system is required unless documentation that the regulations are not applicable is provided.
(3) Environmental Management Department approval/permit is required for events that involve food that is sold or given away to the public.
(4) Approval from the Building Inspection Division and the Fire Marshal may be required prior to the use of existing building for events.
(5) Mitigation Measure A: Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Division of Environmental Review and Assessment shall be immediately notified at (916) 874-7914.
At that time, the Division of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.
(6) Mitigation Measure B: In order to mitigate impacts to potentially historic buildings (buildings 100 years old and older), perform one of the following:

i. Structures that have not been subject to a previous architectural evaluation and are at least 100 years or older and are subject to renovation shall have a historic architectural study performed by a qualified, professional architectural historian. A significance determination shall be prepared for review by the staff of the Community Planning and Development Department (CPDD). If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

ii. Property owners proposing to renovate an existing structure shall submit photographs of the structure to the Community Planning and Development Department (CPDD). CPDD staff shall determine whether a historical evaluation is warranted. If CPDD staff determines that an historic evaluation is warranted, the applicant shall have a historic architectural

study performed by a qualified, professional architectural historian for review by CPDD staff. If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

iii. Comply with Mitigation Measure C and forego the need to submit photographs or an historical architectural evaluation.

(7) Mitigation Measure C: Structures deemed to be significant historical architectural resources shall be preserved in situ with all proposed modifications carried out to *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

SECTION 7: TITLE III, Chapter 15, Article 8 (Development Standards for Farm Stay Operations), is hereby added as follows:

Development Standards for Farm Stay Operations

315-75. Application

The provision of this article shall apply to farm stay operations as defined in Section 130-69.6.

315-76. Purpose

The purpose of this article is to facilitate the operation of Farm Stays in Sacramento County, in order to expand the understanding of the role of agriculture in the County, provide farmers with an opportunity to diversify income potential, and boost tourism to the County.

315-77. Development Standards for Farm Stay Operations

(1) No more than five (5) guest rooms shall be allowed.
(2) Accommodations for no more than fifteen (15) total guests shall be allowed.
(3) Food shall be served only to registered guests, and the price of meals shall be included in the price of the overnight accommodations.
(4) Lodging and meals shall be incidental and not the primary function of the agricultural home stay establishment.
(5) Identification signs shall be allowed provided that:
    a. There is no more than one (1) sign at each entrance.
    b. The sign is not over fifty (50) square feet in area.
    c. The sign is not more than six (6) feet above road grade.
    d. The sign is setback at least sixteen (16) feet from the street right-of-way unless a lesser setback is approved by the Planning Division.

e. Illumination of the sign, if any, is indirect.

f. The sign is stationary.

(6) Farm Stay operations that do not meet the development standards shall be permitted subject to the issuance of a conditional use permit from the Planning Commission.

315-78. Parking Requirements for Farm Stay Operations

(1) Farm stay operations shall not be subject to the development standards for off-street parking outlined in the Zoning Code (Title III, Chapter 30).

(2) Farm stay operations shall provide one parking space per bedroom.

(3) All access roads must meet the standards of the Fire Marshal. All parking areas must have an active dust control program.

315-79. Advisory For Other Permitting Requirements for Farm Stay Operations

(1) Environmental Management Department approval/permit is required unless documentation that the regulations are not applicable is provided.

(2) Building permits from the Building Inspection Division may be required.

(3) Mitigation Measure A: Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Division of Environmental Review and Assessment shall be immediately notified at (916) 874-7914. At that time, the Division of Environmental Review and Assessment will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

(4) Mitigation Measure B: In order to mitigate impacts to potentially historic buildings (buildings 100 years old and older), perform one of the following:

i. Structures that have not been subject to a previous architectural evaluation and are at least 100 years or older and are subject to renovation shall have a historic architectural study performed by a qualified, professional architectural historian. A significance determination shall be prepared for review by the staff of the Community Planning and Development Department (CPDD). If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

ii. Property owners proposing to renovate an existing structure shall submit photographs of the structure to the Community Planning and Development Department (CPDD). CPDD staff shall determine whether a historical evaluation is warranted. If CPDD staff determines that an historic evaluation is warranted, the applicant shall have a historic architectural study performed by a qualified, professional architectural historian for review by CPDD staff. If the structure is deemed a significant historic resource, the applicant shall comply with Mitigation Measure C.

OR,

iii. Comply with Mitigation Measure C and forego the need to submit photographs or an historical architectural evaluation.

(5) Mitigation Measure C: Structures deemed to be significant historical architectural resources shall be preserved in situ with all proposed modifications carried out to *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

35.42.280 - Wineries

A. Purpose and applicability. This Section provides regulations for the development and operation of wineries, where allowed by Article 35.2 (Zones and Allowable Land Uses). The intent is to promote the orderly development of wineries within the County and ensure their compatibility with surrounding land uses in order to protect the public health, safety, natural, and visual resources.

B. Coastal Zone permit requirements and development criteria.

1. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises that comply with all of the following criteria may be allowed subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

   a. The winery is located on premises used for vineyard purposes.

   b. The winery is operated in connection with the processing of wine grapes grown on the premises.

   c. Retail sales of wine grape products shall be limited to those grown on the premises.

C. Inland area permit requirements and development criteria.

1. Wineries that comply with all of the following criteria may be allowed subject to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

   a. For every 1,000 cases of wine produced per year there shall be a minimum two acres of vineyard planted on the winery premises.

   b. The production capacity of the winery shall not exceed 20,000 cases per year.

   c. The winery premises shall not contain a tasting room.

   d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.

   e. Winery special events occurring on the winery premises shall not exceed four per year and the attendance at each event shall not exceed 150 attendees. Otherwise, the winery shall not be open to the public and shall not offer tours and retail wine sales to the public.

2. Wineries that comply with all of the following criteria may be allowed subject to a Development Plan approved by the Zoning Administrator in compliance with Section 35.82.080 (Development Plans).

   a. For every 1,000 cases of wine produced there shall be a minimum one-acre of vineyard planted on the winery premises.

b. The production capacity of the winery shall not exceed 50,000 cases per year.

c. The winery may include a tasting room. However, the floor area of the tasting room shall not exceed 400 square feet or 10 percent of the winery structural development area located on the winery premises, whichever is greater.

d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.

e. Winery special events occurring on the winery premises shall not exceed eight per year and the attendance at each event shall not exceed 150 attendees.

3. Wineries that comply with all of the following development standards may be allowed subject to a Development Plan approved by the Commission in compliance with Section 35.82.080 (Development Plans). The production capacity of the winery is not limited and the winery may contain a tasting room.

a. For every 1,000 cases of wine produced there shall be at a minimum one-half acre of vineyard planted on the winery premises.

b. Winery special events occurring on the winery premises shall not exceed 12 per year and the attendance at each event may not exceed 200 attendees.

(1) Winery special events in excess of 12 per year or where the attendance at one or more events exceeds 200 may be allowed in compliance with a Conditional Use Permit approved by the Commission in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

(2) The number of special events allowed by a Conditional Use Permit shall not exceed 40 days per year.

4. The Department shall refer winery applications to the Subdivision/Development Review Committee and the Board of Architectural Review for review and recommendation to the review authority.

D. Development standards for winery facilities located in the Inland area. Wineries shall also comply with the following development standards, unless otherwise indicated. The standards contained in this Subsection shall supersede other regulations contained in this Development Code in the case of a conflict. However, other portions of the Santa Barbara County Code, as well as permitting requirements of other County Departments may contain standards and regulations that apply to winery development.

1. In general:

a. The primary purpose of the winery shall be to process wine grapes grown on the winery premises or on other local agricultural lands located within Santa Barbara County and San Luis Obispo County. No more than 50 percent of the grapes processed over a five year period shall be imported from outside of Santa Barbara County and San Luis Obispo County.

b. Retail sales of wine grape products shall be limited to those produced by the winery operator or bottled or grown on the winery premises.

2. Setbacks:

a. Structures and outdoor use areas associated with a winery shall provide a minimum setback of 100 feet from adjacent lots. This setback shall be increased to 200 feet if the winery includes public tours, public wine tasting, retail sales, or special events.

b. Structures and outdoor use areas associated with a winery shall provide a minimum setback of 200 feet from an existing residence located on an adjacent lot. The setback shall be increased to 400 feet if the winery includes public tours, public wine tasting, retail sales, or special events. A winery shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the approval for the winery is granted (either by an

approved Development Plan or issued Land Use Permit), a residence is constructed on property that is either not owned by the owner of the property on which the winery is located or is not part of the winery premises, and the location of the residence is within the setback distances specified above.

c. The setbacks may be reduced by the review authority provided any of the following findings are made. However, the setbacks shall not be reduced to below that which is normally required by the applicable zones or Article 35.2 (Zones and Allowable Land Uses).

(1) There is not a feasible way to meet the required setbacks without creating a significant environmental impact or impacting prime agricultural land (i.e., Soil Conservation Service Class I and II).

(2) The setback distances are not practical or feasible due to existing topographic conditions or onsite vegetation.

(3) The setback reduction is proposed for a legally constructed existing structure, and as indicated below.

(a) It can be clearly demonstrated that the structure was intended to be used for a legitimate agricultural or residential use, and

(b) The use of the structure as part of a winery operation shall not adversely affect neighboring properties.

(4) The setback reduction is proposed for a structure that is part of an existing nonconforming winery operation and proposed additions to the structure are located no closer to the closest property line than the existing structure is located.

d. The minimum setback distances required under Subsections 2.a. and 2.b. above do not apply if the adjoining property is under the same ownership as the lot that the winery is located on or is included within the winery premises.

3. Access/street addressing:

a. Access to the winery premises and access ways within the winery premises, shall be designed to the satisfaction of the County Traffic Engineer and County Fire Department and shall comply with the applicable County private road and driveway standards and requirements. Ingress and egress shall be clearly marked and visible, and turning movements into the winery premises shall not create congestion or unnecessary slowing at access points. Structure address numbers shall be posted at the driveway/access road winery premises entrances and on winery structures in compliance with County Fire Department requirements.

b. Existing roads shall be utilized to the maximum extent feasible in order to minimize grading, site disturbance, and the loss of agricultural land.

4. Design standards. New structures associated with the winery including production facilities shall be subject to review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review). Exterior changes to existing structures associated with the winery shall be subject to review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review) unless the exterior changes are determined to be minor by the Director. In addition, the following design standards shall also apply.

a. Exterior. The design, scale, and character of the winery shall be compatible with existing development in the vicinity. Structures associated with the winery including production facilities shall have an exterior design style that is agricultural or residential in nature using earth tones and non-reflective paints, siding, and roofing materials. Structures shall not use an exterior design style typically associated with large industrial facilities.

b. Screening. The visibility of winery structures from public roads shall be minimized through

the use of landscaping and other screening devices to ensure that the character of the area is retained. Tanks not located within a structure shall be completely screened from public roads.

c. **Height.** The height of a structure associated with a winery facility shall be limited to 35 feet. The height limit may be increased to 45 feet where a pitched roof of greater than four in 12 (rise to run) is proposed and at least 50 percent of the structure is limited to a height of 35 feet or less.

d. **Lighting.** Exterior lighting fixtures shall be of a low intensity, low glare design and shall be shielded with full cutoff design and directed downward to ensure that neither the lamp nor the related reflector interior surface is visible from a location off of the winery premises in order to prevent spill over onto adjacent lots under separate ownership. Pole lighting fixtures shall be used only for special events and seasonal agricultural activities. Exterior lighting shall not be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.

5. **Parking.**

a. The number, size, location, and design of required parking spaces shall comply with the standards of Chapter 35.36 (Parking and Loading Standards) unless there is a conflict with the standards of this Section, in which case the standards of this Section shall apply.

b. The visibility of parking areas associated with the winery from public roads shall be minimized through the use of landscaping and other devices.

c. The number of parking spaces shall be permanently maintained on the winery premises. The review authority may modify the number of required spaces based on site-specific considerations. Oversize parking spaces to accommodate bus/limousine parking is only required for wineries that are open to the public.

d. Parking shall not be allowed within an adjoining road right-of-way or trail easement.

e. Parking areas shall be surfaced with a minimum of asphalt, concrete, brick, or other masonry paving units, chip seal, or crushed rock surface. Parking spaces on paved surfaces shall be marked with paint striping a minimum of two inches in width. Parking spaces on other types of surfaces shall be marked by the use of concrete wheel stop barriers, timber, or other durable material, that is securely installed and fastened to the parking surface. These standards shall not apply to temporary parking provided in open field areas for special events.

f. Parking for special events, group events, or winemaker dinners may be provided in open field areas with a slope of 10 percent or less, free of combustible materials, at a ratio of 400 square feet per required space (including parking space and traffic aisles).

6. **Waste disposal.**

a. **Solid waste disposal.** A winery solid waste management plan shall be submitted for review and approval by the Public Health Department. The plan shall include a green waste reduction program that includes the disposal of stems, leaves, and skins of grapes by drying, spreading, and disking the waste into the soil on the winery premises or other agriculturally zoned property. Pomace may be used as fertilizer or as a soil amendment provided that the use or other disposal shall occur in compliance with applicable County standards.

b. **Liquid waste disposal.** Liquid waste (process wastewater) from the winery operation shall be handled separately from domestic liquid waste and shall be in compliance with applicable Regional Water Quality Control Board and County of Santa Barbara discharge requirements.

7. **Tasting rooms.**

a. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility.

b. The location of the tasting room shall take into consideration site constraints, onsite access, visual concerns, grading and other environmental issues.

c. The primary focus of the tasting room shall be the marketing and sale of the wine produced on the winery premises. Sales of souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery may also be offered for sale in the tasting room.

d. If more than one winemaker shares production facilities or more than one winery is located on a winery premises, only one tasting room is allowed. More than one winemaker or winery facility may share a tasting room.

8. Special events.

a. Site area. The minimum winery premises area on which a special event shall occur is 20 acres. However, this requirement may be reduced by the review authority upon a determination that the character of the area and the type of special event makes a 20 acre winery premises site area unnecessary.

b. Use limitations.

(1) Amplified music associated with special events shall not exceed 65 dBA at the exterior boundary of the winery premises. For wineries located in Inner-Rural Areas as designated on the Comprehensive Plan, a special event proposing outdoor amplified music shall only be allowed from 10 a.m. to 8 p.m. and the amplified music shall cease by 7 p.m. For wineries located within Rural Areas as designated on the Comprehensive Plan, a special event proposing outdoor amplified music shall only be allowed from 10 a.m. to 11 p.m., and the amplified music shall cease by 10 p.m. unless the Director determines that the sound at the properly line shall not exceed 65 dBA.

(2) The site of a special event shall be located a minimum of 1,000 feet from a residential one-family zone that has a minimum lot area requirement of one acre or less.

(3) County Fire Department requirements shall be met.

(4) Water supply and sanitation facilities shall be provided as required by the County Public Health Department.

c. Parking plan. A parking plan shall be implemented for special events. The plan shall include:

(1) The use of a parking coordinator who shall be present at all times during special events attended by 100 or more persons to manage and direct vehicular movement and parking.

(2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.

(3) Appropriate signage placed onsite directing visitors to and indicating the location of parking areas, including open field overflow areas. Signs shall be in place before the commencement of each special event.

9. Hazardous Materials Business Plan. A Hazardous Materials Business Plan shall be reviewed and approved, or waiver granted, by the County Fire Department or fire district with jurisdiction in the event that storage, handling, or the use of hazardous materials occurs on the winery premises.

10. Noise. Noise-generating construction activities associated with winery structural development occurring within 1,600 feet of a noise-sensitive land use as defined in the County Noise Element shall be limited to the hours between 8 a.m. and 5 p.m., Monday through Friday, and shall not occur on State holidays. Non-noise generating construction activities (e.g., painting without the use of a compressor) are not subject to these restrictions.

E. Application requirements. The Director shall establish and maintain a list of information that shall accompany every application for a winery facility. The information shall be in addition to the information required in Section 35.82.110 (Land Use Permits) and Section 35.82.080 (Development Plans), as appropriate, and shall include, but shall not be limited to:

1. The range of activities occurring onsite directly related to wine production (e.g., crushing, fermentation, barrel aging, bottling, bottle storage) accompanied by a site plan that provides a description of where the different winery processes will occur on the site.
2. Production capacity, existing, and proposed.
3. The type of cooperage used in fermentation.
4. Origin of grapes used in the wine production (e.g., percent of grapes produced onsite, percent of grapes imported from off-site).
5. The area (existing and proposed) of structures, parking, roads, and driveways, uncovered processing areas, vineyard, and other planted areas.
6. A description of measures proposed to minimize the off-site effects of dust, odor, or noise generated by the proposed winery operation.
7. Information regarding proposed public tours and wine tasting, retail wine sales, other retail sales including food service, and picnic areas available to the public.

The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submittal application.

Winery. The following terms are defined for the purposes of Section 35.42.280 (Wineries).

1. **Tasting Room.** A room or rooms, open to the general public, primarily used for the retail marketing of winery products. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery. A room or rooms where wine tasting occurs, where wine tasting is part of the normal business practice in the wholesale marketing of winery products and not open to the public is not considered a tasting room.

2. **Winery.** A bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the refermenting of still wine into sparking wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing. Retail sales and tasting of wine and retail sales of related promotional items may be allowed as part of the winery operation.

3. **Winery Premises.** A lot or group of contiguous lots that has an approved Development Plan, Conditional Use Permit, or Land Use Permit that allows for the development and operation of a winery. Lots shall be considered to be contiguous even if separated by roads, streets, utility easements, or railroad rights-of-way.

4. **Winery Special Event.** An event of less than one day and occurring on a winery premises attended by 80 or more people including concerts with or without amplified sound, such as weddings, and advertised events, fund raising events, winemaker dinners open to the general public, etc. Winery special events do not include wine industry-wide events (e.g., Vintner's Festival, Harvest Festival) including associated events held at individual wineries, the normal patronage of a tasting room, and private gatherings of the owner or employees where the general public does not attend.

5. **Winery Structural Development.** Anything constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof. The footprint area of uncovered storage tanks and wine caves is also included as winery structural development. Winery structural development is restricted to development associated with the winery operation and does not include residential development including employee housing, development that is solely accessory to vineyards, and other agricultural activities not directly associated with the winery.

Kathi Heckert

From:	Carol Rubin <c_rubin@sbcglobal.net>
Sent:	Friday, February 28, 2014 1:20 PM
To:	Michael Johnson; George Rosasco; Kathi Heckert; Placer County Board of Supervisors
Attachments:	SNR article 02_28_14.pdf

Please see the attached article regarding the Goathouse Brewery that appeared today (02/28/2014) on the Sacramento News and Review website.

Note that the Goathouse owners state that Goathouse "brews and serves its beer... on the property" and that they "have no plans to bottle or distribute" their beer. This is a bar. Brewing beer fits within the definition of a commercial agricultural activity. Selling unlimited beer for consumption on-site is a brewpub. Bars and brewpubs are not permitted uses in agricultural zoning.

Placer County Planning used a "zoning clearance" dodge to permit this tavern as a "winery" and to allow it to operate on a shared private road in Farm zoning despite the continuing objections of nearby residents. These flagrant and obvious violations of the zoning code set a frightening precedent. The message to the rural citizens of Placer County is that CDRA does not value the character and agricultural focus of rural Placer County and will not uphold the Placer General Plan or the Zoning Ordinances.

Carol Rubin
Save Placer Farmlands

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This article was printed from the Local Stories section of the *Sacramento News & Review*, originally published February 27, 2014.
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Goathouse Brewing Co. is farm to pint

A husband-wife duo gets goose bumps, starts countryside farmhouse brewery in Lincoln

By Daniel Barnes

It doesn't take long after turning off a narrow country road in Lincoln to realize that Goathouse Brewing Co. is a special place. Beyond the parking spaces drawn on a patch of manicured gravel, there is a lovingly kept garden to the left, hop vines growing to the right, a cluster of beehives in the distance, and straight ahead a small pond populated by cantankerous geese named Oompa and Loompa.

Catherine Johnson (center) founded Goathouse Brewing Co. with husband Michael. The Lincoln-based company specializes in brews using fresh ingredients from the Johnson's own agricultural bounty.
PHOTO BY STEVEN CHEA

Most importantly, there is a beautiful red barn where Goathouse [redacted] most [redacted]. A farmhouse brewery located in a part of Lincoln untouched by chain stores and condos. Goathouse is unlike any other area brewing operation. It's a testament to the variety of the Sacramento beer scene, and also a tantalizing vision of what it could become.

Goathouse Brewing Co., 600 Wise Road in Lincoln; (916) 740-9100; www.goathousebrewing.com. Tasting room hours are Thursday through Friday, 2-6pm; and Saturday through Sunday, 11am-4pm. Please call or email for tasting-room reservations.

Owners Michael and Catherine Johnson were just as charmed by the Lincoln property when they first spotted it two years ago. "It was love at first sight," says Catherine, an ex-marketing exec who tends the farm while husband Michael handles the beer. "We got goose bumps." Although they have been open for five months, Goathouse Brewing is a project more than seven years in the making, originating as the exhausted dream of overworked

Alameda parents.

The couple's prebrewery life consisted of long commutes, impossible hours, and the often futile hope of connecting with their kids and each other on the weekends. Catherine says, "We asked ourselves, 'Can we switch up that model?' If we're going to work those kinds of hours, let's do something that we love."

After years of living in Alameda, they knew they wanted land. Michael had been brewing beer since he was legally able to drink it, and Catherine was a longtime gardening enthusiast. They were already growing some of their own food, and the connection between growing hops, brewing beer and getting back to the land led to the idea of starting a nanobrewery.

It took five years to settle on a location for their dream project, as they combed through overpriced plots in Napa and Sonoma and nearly closed on a more traditionally industrial brewing space in Alameda. After discovering the farm in Lincoln, they snapped it up, and then spent two years renovating the space and working with Placer County on licenses.

The process was drawn out in part by the uniqueness of the Goathouse concept, which combines brewing and agriculture (as well as a home for the Johnsons and their two children) in a fashion more common to the Belgian countryside than the Sacramento Valley. "There had really been nothing else like it before," says Catherine, "so it's a little confusing for some people."

Currently, Goathouse brews on a three-barrel system, a[redacted] "We wanted to change up the typical volume business of a brewery," says Catherine. "We're not trying to take over the world right away." Even though she comes from advertising, they've done zero marketing so far. "It's all been word of mouth. Our model is the experience, not just the beer."

That's not to say the beer isn't fantastic. Michael's brews display the same care and investment evident in the beauty of the farm and the quaint charm of the tasting room.

Ménage is a refreshing Belgian tripel brewed with citrus grown in the Goathouse orchard, and the creamy Honeyweizen features honey from their own hives. Best of all is the Jagged Little Pils, a peppery pilsner brewed with kölsch yeast, which gives the beer a blue-cheeselike bite.

Even better, there are no blaring widescreen TVs in the tasting room, only a vintage jukebox and a couple of picnic tables with a history of their own. Michael crafted the tables out of repurposed wood from the renovated barn's old horse stalls, and that wood turned out to have been salvaged bench seats from Kezar Stadium, where the San Francisco 49ers used to play home games.

It's an almost ridiculously apt metaphor for the Goathouse Brewing pilgrimage, which began in the bustle of the Bay Area but found an identity in the Lincoln countryside.

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Kathi Heckert

From: Paul Thompson
Sent: Friday, December 13, 2013 9:39 AM
To: Kathi Heckert
Subject: FW: Nice progress today

Kathi – FYI.
Paul

From: Carol Rubin [mailto:c_rubin@sbcglobal.net]
Sent: Thursday, December 12, 2013 6:00 PM
To: don@rockhillwine.com; George Rosasco
Cc: Marilyn Jasper; Paul Thompson; Michael Johnson
Subject: Re: Nice progress today

There will be two reasonable stumbling blocks to the Ordinance Draft. The word **unlimited** anything and the concern with **enforcement.** Out of pure duty to regulate the Planning Commission will undoubtedly
modify the draft to show they are responsible to people like Laurie Louis who spoke today about her three
complaints that fell on deaf ears.

Don, thank you for your emphasis on reconciliation and willingness to work through the major issues in the proposed winery ordinance with all the parties. I agree that the word "unlimited" (and I'd also add "flexibility," to which the Grand Jury objected) and enforcement are two big sticking points; two others for many of our members are the "functional equivalent" provision and the approval by Zoning Clearance.

After speaking to both Carol Rubin and Marilyn Jasper we all agree if we could tie events to TOE's it may simply solve both issues. Here is a basic suggestion that may not be initially popular with
the PCVA however it may become an acceptable alternative to a Draft that will not be granted as is.

Why not charge an annual fee for a series of TOE's. The Planning Department can categorize the various wineries based on the standard requirements and capacity of, Environmental Health, Parking, Land size, and other items used to determine the patron capacity.

For example, categories 1, 2, 3

1. A small winery with limited parking with shared roads and limited set backs may qualify for a one time annual fee for 4 events per year.

2. A medium winery with larger parking, larger facility and greater set backs may qualify with a one time annual fee for 12 events per year.

3. A large facility with ample parking, zero impact set back may qualify with a one time annual fee for 24 events.

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Just a couple quibbles here, Don: these TOE adjustments should apply to everyone, not just wineries. A cattle rancher or a walnut grower or a shoe salesman shouldn't have to be a winery to benefit from a relaxed TOE ordinance. The second issue I'd have is that 24 events/year is awful close to the 26 events/year proposed under the Event Center ordinance. I'd suggest 4, 8 and 12 events annually for the TOEs. Anyone who wants more events needs to apply to be an event center.

In all cases each winery should apply for a ARP and be allowed to have up to 100 events of 50 people or
less in a calendar year. If reports of violations are submitted than the winery may loose a number of events
or be restricted in the number of event allowed in proceeding years.

One hundred events/year is an awful lot (realistically 4/week in the April - October tourist season), and again in excess of what is proposed for the event center ordinance (essentially making it worthless, as I tried to say today) and while Rock Hill can probably handle this kind of traffic, venues in more rural settings would be seriously impacted, especially along secondary roads with several wineries/event centers/community centers in proximity (e.g., the Gold Hill/Wise Road area).

I agree with the speakers who wanted some sort of *de minimus* provision for events, but at 100 events of 50 persons, the bar is a little high for my comfort. I'd certainly be agreeable to the stipulation that any gathering of fewer than 25 persons does not constitute an event (e.g., any rural business allowed by the zoning code could have 25 or fewer persons at one time without it being an "event").

Certainly more complicated to implement, however it generates revenue that will offset the administration expense and

Don, you do yourself an injustice! Your suggestion would be much EASIER to implement, both for the county and for the applicants. An applicant would file *one* application, pay *one* fee and undergo *one* review per year (unless there are substantiated complaints). And as much as possible should be done by phone or on line. Many fewer headaches all around!

why adopt the policies from other Counties experiencing similar problems.

The policies of other counties are all over the place; there isn't any real consensus on what works.

We may as well thing outside the box to develop a way to protect property owners rights.

IMO, these details are the kinds of things that we all should have hashed out in a sit-down meeting before this ordinance was ever proposed. Instead, what is put forward is what the wineries requested, and we (meaning everybody else in the county!) only get three minutes to respond. I know that we (the rural residents) and the winery owners and county staff have major differences of opinion about land use policies and practices, but there have to be some things (and your experiences with TOE applications are an excellent example) that we can agree upon that may lead to further cooperation. There are at least a few of us in all three camps who want to look for rational, equitable solutions that respect everyone's property rights as much as possible. We're willing to make the good faith effort.

Best wishes for the holidays and a happy 2014.

51

Kathi Heckert

From: Paul Thompson
Sent: Friday, December 13, 2013 9:39 AM
To: Kathi Heckert
Subject: FW: Nice progress today

Kathi – FYI.
Paul

From: don@rockhillwine.com [mailto:don@rockhillwine.com]
Sent: Thursday, December 12, 2013 4:39 PM
To: George Rosasco
Cc: Marilyn Jasper; Carol Rubin; Paul Thompson; Michael Johnson
Subject: Nice progress today

Hello George:

The workshop meeting was productive, nice job. As you know I have a very good working relationship
with All the Winery/Ag Event Center opponents. They commented to me the tone of the meeting by both sides was substantially better than in the past, in particular when the original ordinance was first created in 2008.

There will be two reasonable stumbling blocks to the Ordinance Draft. The word **unlimited** anything and the concern with **enforcement.** Out of pure duty to regulate the Planning Commission will undoubtedly
modify the draft to show they are responsible to people like Laurie Louis who spoke today about her three
complaints that fell on deaf ears.

After speaking to both Carol Rubin and Marilyn Jasper we all agree if we could tie events to TOE's it may simply solve both issues. Here is a basic suggestion that may not be initially popular with
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In all cases each winery should apply for a ARP and be allowed to have up to 100 events of 50 people or
less in a calendar year. If reports of violations are submitted than the winery may loose a number of events
or be restricted in the number of event allowed in proceeding years.

Certainly more complicated to implement, however it generates revenue that will offset the administration expense and why adopt the policies from other Counties experiencing similar problems.
We may as well thing outside the box to develop a way to protect property owners rights.

Best regards,

Donald F. DuPont Jr.

Rock Hill Winery and
DuPont Estate Vineyards
2970 Del Mar Ave.
Loomis CA. 95650
(916) 410-7105

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COMMENTS ON PROPOSED UPDATE TO COUNTY WINERY ORDINANCE

Peter Stafford, Foresthill

(Supplemental to December 12, 2013 workshop/hearing)

I support letting Placer County wineries sell wine by the glass or bottle for consumption on the premises. Many wineries my wife and I have visited throughout the Sierra Foothills, Napa, Sonoma, and Mendocino areas have picnic facilities. Over the past few years we have picnicked at more than twenty of these wineries. Some require (others merely prefer) that you buy a bottle of their wine if you wish to use their picnic facilities; all that we have visited forbid opening and pouring a bottle of wine that is NOT from the winery. We have not encountered any problems in vehicle traffic or customer rowdiness or littering at any of these wineries because of people enjoying a glass of wine or sharing a bottle of wine at an on-site picnic area. Moreover, people who buy wine by the glass or share a bottle purchased at the winery generally spend a longer time socializing or sharing a meal, than customers who consume (in aggregate) a similar amount of wine going through a winery's tasting menu. These facts, and the fact that many other wine producing counties have allowed these policies to stay in effect, shows that glass/bottle consumption on the premises does not significantly increase DUI or accident incidence.

In regard to the Draft 17.56.330 ordinance, I have several comments:

1. Winery size distinctions.

Since Placer County's agricultural ordinance specifies 4.6 acres as the minimum size for a farm/vineyard, there shouldn't be one standard for the minimum size and then a substantially more generous (in terms of # of attendees) standard for vineyards of 4.7 acres and above. Appropriate vineyard area categories might be 4.6-6.5 acres for the smaller # of event attendees, and wineries of greater than 6.5 acres having the larger permissible # of event attendees. One proviso: If a smaller area winery can show through appropriate documentation that due to its unique location, road access, nature of adjacent lots and adjacent land uses, topography, boundary vegetation, complaint history (or lack thereof), and any other relevant factors, that it can meet all of the requirements (parking, restroom/other facilities, setbacks, noise abatement, etc.) a larger sized (>6.5 acres) winery has to meet in order to host larger permissible #s of event attendees, then on that basis, the county would have a defensible reason for granting that winery a special permit to host larger #s of attendees.

2. Tasting Room Gathering (TRG)

The proposed ordinance's definition of a TRG should be amended to read, in relevant part, "A social gathering of fifty or fewer people *but in no event exceeding such tasting room's occupancy load . . .*"

In one sense, a Tasting Room Gathering (TRG) occurs whenever a winery tasting room is open for "normal" drop-in wine-tasting, inasmuch as these are "social gatherings" related to the tasting and direct sale and marketing of the winery's wine and grape products. The 2008 winery ordinance authorizes winemaker dinners as a promotional event; hence, that too would be a normal TRG, albeit held in the evening over the course of several hours. Although not mentioned explicitly in either the original or proposed winery ordinance, "release parties"—typically done between two and four times a year—are another ordinary, after-tasting hours promotional event constituting a TRG. Other types of TRGs are when a winery hosts tasting room musical performances during or after normal tasting hours, or offers "small bites" to accompany wine tasting/wine sales. Lastly, some wineries pair art showings or art workshops with tasting/wine sales events; these are another TRG.

During public comment at the December 12, 2013 workshop, some allusion was made comparing unlimited TRGs to operating a bar or tavern. Given the constraints Alcoholic Beverage Control regulations and general California law place on wineries, any winery attempting to operate in such a manner would soon risk potential suspension of its ABC license—which effectively puts it out of business (temporarily or permanently). Also, for most wineries, the costs of staying open from 10 a.m. until 8 or 10 p.m. on a daily basis, week-in, week-out, would probably not be economic, given overhead, employee costs, additional insurance required, etc. Furthermore, the proposed ordinance contemplates more restricted hours when required under the terms of a CUP, MUP, or ARP for a given winery. For these reasons, winery operations are not comparable to taverns and bars.

3. Number of Events

Because most (but not all) winery TRGs involve patrons paying $15-25 each for release parties (or wine and food pairings), and $40-75 each for winemaker dinners, the economic demographics of Placer County would not support a winery attempting to host these **after-hours** events on a daily or weekly basis. Wine and food pairings **during** normal tasting hours may or may not be economically feasible depending on the winery and what it is offering. Selling of food at wineries is contemplated under paragraph 6a. of the 2008 ordinance; it is clarified in paragraph 8a. of the proposed revision, which states: "Restaurants are not allowed as part of a winery," and which further recognizes that the terms of particular winery's CUP, MUP, or ARP may have more restrictive food regulations.

Given these considerations, proposed ordinance paragraph 4a. should be revised to read

"All wineries shall be allowed *an* unlimited *number of* Tasting Room *Gatherings* ~~Events~~ ***during the haurs of 10a.m. through 5 p.m., and not more than one hundred and four (104) Tasting Room Gatherings after hours (as defined in paragraph 5a. of this ordinance) per year.*** *All wineries shall be allowed* a maximum of 12 Small Events or Large Events per year, with no more than six being Large Events as defined in this ordinance, ***provided that all such Small or Large Events, together with up to two Temporary Outdoor Events, shall be included in the total allowable number of after hours Tasting Room Gatherings, so that the overall annual total of any winery's Small Events, Large Events, Temporary Outdoor Events, and after hours Tasting Room Gatherings shall not exceed one hundred and four (104).*** If a winery is required to have a Conditional . . . [remainder unchanged]."

This prevents wineries from having Gatherings until 8p.m. or 10 p.m. every day of the week, and limits after hours Gatherings and after hours Events to no more than two every week—most likely on Friday and Saturday nights. It keeps in place more restrictive MUP, CUP, or ARP requirements.

4. Wine and food pairings

Wine and food are essential complements and I am in agreement with the proposed ordinance's food regulations (paragraph 8a.). All wineries with Health and Safety Code and local ordinance compliant commercial kitchens **or** all wineries who secure properly licensed off-site food vendors (food trucks or restaurants delivering to the winery) should be permitted to give rein to their creativity in pairing charcuterie and small bites with their wine offerings during normal tasting hours, and in providing full winemaker dinners after hours. Wineries without compliant commercial kitchens should nonetheless be permitted to offer traditional cheese, crackers, or chocolate products so long as compliant food storage/refrigeration and food handling procedures are followed. Paragraph 8a. would be violated by a winery <u>requiring</u> patrons to purchase a **full restaurant-style meal during normal tasting hours** (as distinct from after hours winemaker dinners, which is permissible). In contrast, a winery using its kitchen facilities to provide only charcuterie or small bites during normal tasting hours would be permissible, even if it required purchase of the charcuterie tray/small bites as part of its wine tasting fee. A winery utilizing a food truck or delivery service as an **incidental adjunct** during normal tasting hours and giving patrons the <u>option</u> of buying a full meal rather than requiring them to do so would also be permissible.)

5. Miscellaneous

There are a number of typographical and usage errors in the proposed ordinance.

A. The "Small Event" definition should refer to "fifty or ***fewer***" and "one hundred or ***fewer***" rather than "less". The same change should be made in the first line of the "Tasting Room Gathering" definition.

B. The "Large Event" definition, at the end of the second line, should read "is attended by ***more than*** one hundred and ~~one~~ ***up*** to two hundred people . . ." This maintains parallel structure with the wording on the first line of the definition.

C. The "Tasting Room Gathering" definition, second line needs an additional definite article and additional punctuation, as follows:

"the tasting room of ***the*** winery. Such gatherings may include . . ." or

"the tasting room of ***the*** winery; such gatherings may include . . ."

The definition refers to "limited duration" but doesn't elaborate on how much less than the normal range of operating hours it would constitute. Some clarification would probably be helpful.

D. Paragraph 5 "Hours of Operation", the latter half of the second-to-last line should read "more restrictive, but in ***no*** case less restrictive, than the . . ."

E. Paragraph 6 "Noise Regulations", the end of the second-to-last line should read "more restrictive, but in ***no*** case less restrictive . . ."

Thank you for considering my comments and suggestions.

e-mail in GP/PT/MC

PLACER COUNTY VINTNERS ASSOCIATION RECOMMENDATIONS FOR REVISIONS TO PLACER COUNTY WINERY ORDINANCE (PLACER COUNTY CODE § 17.56.330 et. seq.)

The Placer County Vintners Association recommends the following revisions and amendments to the Placer County Winery Ordinance, based primarily on the recently enacted Sacramento County Winery Ordinance, to better achieve the stated purpose of the ordinance " … to provide for the orderly development of wineries, within agricultural zoning districts and certain commercial, industrial and residential zoning districts, to encourage the economic development of the local agricultural industry, provide for the sampling and sales of value-added products, and protect the agricultural character and long-term agricultural production of agricultural lands.":

Section 17.56.330 B. "Promotional Event"

Present Language:

"Promotional event" means an event, sponsored by the property owner, an association of agricultural property owners, or similar organizations formed to assist the agricultural industry in the area, to promote the sale of Placer County wines, and which is intended to allow for the sampling and direct marketing and sales of wines produced on the premises or produced elsewhere from grapes grown on site. Such events include "winemaker's dinners."

Proposed Revision:

""Promotional event" means an event, sponsored by the property or winery owner, an association of agricultural property or winery owners, or similar organizations formed to assist the agricultural industry in the area, to promote the sale of Placer County wines, and which is intended to allow for the sampling and direct marketing and sales of wines produced on the premises or produced elsewhere from grapes grown on site. Such events may include "winemaker's dinners" or events that feature wine and food pairings. Promotional events include "Small Events, Large Events and Temporary Events".

A "Small Event" is a promotional event that is attended by less than fifty (50) people at one time on a winery located on less than 5 acres, or a promotional event that is attended by less than one hundred (100) people at one time on a winery located on 5 acres or more.

A "Large Event" is a promotional event that is attended by fifty or more (50) people at one time on a winery located on less than 5 acres, or a promotional event that is attended by one hundred (100) people or more at one time on a winery located on 5 acres or more.

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Phil Maddox
submitted

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A "Temporary event" is a large or small event of limited duration that may include meetings, fundraisers or weddings and that are incidental to the main purpose of producing wine at the facility. If any buildings are used for the event, such use shall not exceed the occupancy load.

Section 17.56.330 B. "Public Tasting"

Present Language:

"Public Tasting" refers to wine sampling by the general public.

Proposed Revision:

"Public Tasting" means wine sampling by the general public. It does not include sale of wine by the glass or the bottle for consumption on the premises which shall be allowed subject to the requirements of the California Business & Professions Code.

Section 17.56.330 B. "Temporary outdoor events"

Present Language:

"Temporary outdoor events" are events that are of limited duration and located primarily outdoors. If any buildings are used for the event, such use shall not exceed the occupancy load. Two events per year can be authorized on any given site through the Temporary Outdoor Event Permit process as described in Section 17.56.300(B)(1)(b). Any such authorization would be in addition to the promotional events authorized by this section.

Proposed Revision:

Delete and include under definition of Promotional Events. See above.

Section 17.56.330 C. "Winery Permit Requirements" Promotional Events Residential Zoning Districts Agricultural and Resource Districts

Present Language:

Promotional Events Up to 6/year ARP

Proposed Revision:

Delete and include under Development and Operational Standards … 7. Promotional Events". See below.

Section 17.56.330 D. 6. "Development and Operational Standards ... 6. Tasting Facilities"

Present Language:

6. Tasting Facilities. The primary focus of the tasting area shall be the marketing and sale of the wine and grape products produced at the winery. Incidental sales of wine-related merchandise and food shall be allowed subject to the requirements of the California Retail Food Code.

Proposed Revision:

6. Tasting Facilities. The primary focus of the tasting area shall be the marketing and sale of the wine and grape products produced at the winery. Incidental sales of wine-related merchandise and food shall be allowed subject to the requirements of the California Retail Food Code. Sale of wine by the glass or the bottle for consumption on the premises shall be allowed subject to the requirements of the California Business & Professions Code.

Section 17.56.330 D. 7. "Development and Operational Standards ... 7. Promotional Events"

Present Language:

7. Promotional Events.

a. Application Requirements. The application shall include the following information:

i. Number of annual events;

ii. Estimated number of participants,

iii: Description of parking and circulation, and

iv. Sanitation provisions.

b. Standards.

i. Duration. No single promotional event shall exceed more than two consecutive days.

ii. Parking Requirements. Temporary, overflow parking may be utilized. The applicant shall demonstrate to the development review committee the ability to provide

safe access and parking, including providing attendants to monitor proper parking and access road clearance for emergency vehicles.

iii. Noise Standards. Any promotional event proposing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

Proposed Revision:

7. Promotional Events.

a. Small promotional events shall be allowed as a matter of right without the necessity of a permit subject to the following restrictions:

i. Duration. No single promotional event shall exceed more than three consecutive days.

ii. Parking Requirements. Temporary, overflow parking may be utilized. The event sponsor may be required to demonstrate the ability to provide safe access and parking, including providing attendants to monitor proper parking and access road clearance for emergency vehicles.

iii. Noise Standards. Any promotional event utilizing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

b. No more than twelve (12) large events shall be allowed per calendar year unless an Administrative Review Permit is obtained from the Zoning Administrator. The application for such permit shall include the following information:

i. Estimated number of participants,

ii: Description of parking and circulation, and

iii. Sanitation provisions.

c. Standards.

i. Duration. No single large promotional event shall exceed more than three consecutive days.

ii. Parking Requirements. Temporary, overflow parking may be utilized. The applicant shall demonstrate to the development review committee the ability to provide safe access and parking, including providing attendants to monitor proper parking and access road clearance for emergency vehicles.

iii. Noise Standards. Any large promotional event proposing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

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submitted Marilyn Jasper

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(a)Licensed winegrowers, notwithstanding any other provisions of this division, ~~may also exercise~~ the following privileges:

(1)Sell wine and brandy to any person holding a license authorizing the sale of wine or brandy.

(2)Sell wine and brandy to consumers for consumption off the premises where sold.

(3)Sell wine to consumers for consumption on the premises.

(4)Sell all beers, wines, and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place as defined in Section 23038 of this code, which is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and which is operated by and for the licensee. At such bona fide public eating place beer, wine, and brandy may be used in the preparation of food and beverages to be consumed on the premises.

(b)A winegrower may also have upon the premises all beers, wines, and brandies, regardless of source, for sale or service only to guests during private events or private functions not open to the general public. Alcoholic beverage products sold at the premises that are not produced and bottled by, or produced and packaged for, the winegrower shall be purchased by the winegrower only from a licensed wholesaler.

(c)A winegrower shall actually produce on his or her licensed premises by conversion of grapes, ~~berries,~~ or other fruit, into wine, not less than 50 percent of all wines sold to consumers on his or her licensed premise or premises and any licensed branch premise or premises.

(d)The department may, if it shall determine for good cause that the granting of any such privilege would be contrary to public welfare or morals, deny the right to exercise any on-sale privilege authorized by this section in either a bona fide eating place the main entrance to which is within 200 feet of a school or church, or on the licensed winery premises, or both.

(e)Nothing in this section or in Section 23390 is intended to alter, diminish, replace, or eliminate the authority of a county, city, or city and county from exercising land use regulatory authority by law to the extent the authority may restrict, but not eliminate, privileges afforded by these sections.

Kathi Heckert

From: Paul Thompson
Sent: Friday, December 13, 2013 2:36 PM
To: Kathi Heckert
Subject: FW: Nice progress today

FYI.

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Sent: Friday, December 13, 2013 10:43 AM
To: Carol Rubin; George Rosasco
Cc: Marilyn Jasper; Paul Thompson; Michael Johnson
Subject: RE: Nice progress today

Excuse the typo where I wrote "thing" rather that, "think outside the box." However you understood the effort.

I agree that 100 gatherings of 50 or less may be too many for most facilities in the County. I was trying to find a reasonable number below unlimited. It is a slippery slope where you try to protect the property rights of neighbors and at the same time not unreasonably interfere with the rights of this unique agricultural business. The key here is to promote and protect open space agriculture. The question becomes how do you handle wineries who purchase all their juice/grapes and grown nothing. Do you set a different set of rules, if so does that carry over and adversely effect the real value added growers/producers?

Thanks for making the process collaborative. I am hopeful we end up where the parties need to be.

Best regards,

Donald F. DuPont Jr.

Rock Hill Winery and
DuPont Estate Vineyards
2970 Del Mar Ave.
Loomis CA. 95650
(916) 410-7105

| -------- Original Message --------
| Subject: Re: Nice progress today
| From: Carol Rubin <c_rubin@sbcglobal.net>

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Date: Thu, December 12, 2013 5:59 pm
To: "don@rockhillwine.com" <don@rockhillwine.com>, George Rosasco <grosasco@placer.ca.gov>
Cc: Marilyn Jasper <mjasper2@gmail.com>, Paul Thompson <PKThomps@placer.ca.gov>, Michael Johnson <MJohnson@placer.ca.gov>

There will be two reasonable stumbling blocks to the Ordinance Draft. The word **unlimited** anything
and the concern with **enforcement.** Out of pure duty to regulate the Planning Commission will undoubtedly
modify the draft to show they are responsible to people like Laurie Louis who spoke today about her three
complaints that fell on deaf ears.

Don, thank you for your emphasis on reconciliation and willingness to work through the major issues in the proposed winery ordinance with all the parties. I agree that the word "unlimited" (and I'd also add "flexibility," to which the Grand Jury objected) and enforcement are two big sticking points; two others for many of our members are the "functional equivalent" provision and the approval by Zoning Clearance.

After speaking to both Carol Rubin and Marilyn Jasper we all agree if we could tie events to TOE's it may simply solve both issues. Here is a basic suggestion that may not be initially popular with
the PCVA however it may become an acceptable alternative to a Draft that will not be granted as is.

Why not charge an annual fee for a series of TOE's. The Planning Department can categorize the
various wineries based on the standard requirements and capacity of, Environmental Health, Parking,
Land size, and other items used to determine the patron capacity.

For example, categories 1, 2, 3

1. A small winery with limited parking with shared roads and limited set backs may qualify for a one time annual fee for 4 events per year.

2. A medium winery with larger parking, larger facility and greater set backs may qualify with a one time annual fee for 12 events per year.

3. A large facility with ample parking, zero impact set back may qualify with a one time annual fee
for 24 events.

Just a couple quibbles here, Don: these TOE adjustments should apply to everyone, not just wineries. A cattle rancher or a walnut grower or a shoe salesman shouldn't have to be a winery to benefit from a relaxed TOE ordinance. The second issue I'd have is that 24 events/year is awful close to the 26 events/year proposed under the Event Center ordinance. I'd suggest 4, 8 and 12 events annually for the TOEs. Anyone who wants more events needs to apply to be an event center.

In all cases each winery should apply for a ARP and be allowed to have up to 100 events of 50 people or
less in a calendar year. If reports of violations are submitted than the winery may loose a number of events
or be restricted in the number of event allowed in proceeding years.

One hundred events/year is an awful lot (realistically 4/week in the April - October tourist season), and again in excess of what is proposed for the event center ordinance (essentially making it worthless, as I tried to say today) and while Rock Hill can probably handle this kind of traffic, venues in more rural settings would be seriously impacted, especially along secondary roads with several wineries/event centers/community centers in proximity (e.g., the Gold Hill/Wise Road area).

I agree with the speakers who wanted some sort of *de minimus* provision for events, but at 100 events of 50 persons, the bar is a little high for my comfort. I'd certainly be agreeable to the stipulation that any gathering of fewer than 25 persons does not constitute an event (e.g., any rural business allowed by the zoning code could have 25 or fewer persons at one time without it being an "event").

Certainly more complicated to implement, however it generates revenue that will offset the administration expense and

Don, you do yourself an injustice! Your suggestion would be much EASIER to implement, both for the county and for the applicants. An applicant would file *one* application, pay *one* fee and undergo *one* review per year (unless there are substantiated complaints). And as much as possible should be done by phone or on line. Many fewer headaches all around!

why adopt the policies from other Counties experiencing similar problems.

The policies of other counties are all over the place; there isn't any real consensus on what works.

We may as well thing outside the box to develop a way to protect property owners rights.

IMO, these details are the kinds of things that we all should have hashed out in a sit-down meeting before this ordinance was ever proposed. Instead, what is put forward is what the wineries requested, and we (meaning everybody else in the county!) only get three minutes to respond. I know that we (the rural residents) and the winery owners and county staff have major differences of opinion about land use policies and practices, but there have to be some things (and your experiences with TOE applications are an excellent example) that we can agree upon that may lead to further cooperation. There are at least a few of us in all three camps who want to look for rational, equitable solutions that respect everyone's property rights as much as possible. We're willing to make the good faith effort.

Best wishes for the holidays and a happy 2014.

Carol Rubin

Kathi Heckert

From: John Weatherup <j_weatherup@yahoo.com>
Sent: Wednesday, December 18, 2013 10:04 AM
To: Kathi Heckert
Subject: Wineries in Placer County

Placer Planning Commission,

Having read Carol Rubin's letter in the Lincoln Messenger, I think it would be the biggest set back possible for making Placer county a place people want to visit and live. Last weekend on the Placer Wine Trail I did not see any signs of the bad things she forecast.

The mandarins sales attract just as much traffic as do the wineries.

John Weatherup
916-408-4361

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