



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING
SERVICES DIVISION**

EJ Ivaldi, Deputy Director

HEARING DATE: February 26, 2014

ITEM NO: 3

TIME: 10:30 am

TO: Placer County Planning Commission
FROM: George Rosasco, Supervising Planner
DATE: February 26, 2015
**SUBJECT: PROPOSED UPDATE TO THE COUNTY WINERY ORDINANCE (PCPJ 20130151)
AND DISCUSSION OF UPDATES TO TEMPORARY USES AND EVENTS SECTION
OF ZONING ORDINANCE - WORKSHOP**

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:

The purpose of this workshop is to discuss changes requested by the Placer County Vintner's Association to the draft Winery Ordinance. During the public comment portion of the Planning Commission's January 22, 2014 meeting, the Vintner's Association requested that a fifth workshop be held to discuss the changes its group is proposing to the draft Winery Ordinance. The Planning Commission agreed to conduct a fifth workshop to discuss and review the requested changes and directed staff to set the workshop for its February 26, 2015 meeting. It should be noted that a similar version of the Vintner's Association requests had been presented at the first Planning Commission workshop on the Winery Ordinance.

BACKGROUND

In 2006, at the direction of the Board of Supervisors, staff initiated preparation of a Winery Ordinance for Placer County. At that time, it was determined that the wine industry was burgeoning and that the 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 unique land use issues, staff began preparing a winery-specific ordinance that addressed issues associated with the development of wineries, and their accessory uses. The two primary goals of the proposed Winery Ordinance were to clarify what activities would be allowed in conjunction with winery uses and to streamline the permit process. In order to ensure opportunities 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 the following concerns were raised by members of the public:

- Increased vehicle traffic on private roadways that provide access to some of the wineries in Placer County;
- 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:

- 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;
- 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;
- The minimum parcel size for the establishment of a winery is 4.6 acres;
- All wineries are required to meet minimum access standards that comply with local fire safe standards.

The Board adopted the Winery Ordinance on August 26, 2008, concluding that the proposed Ordinance was the result of an extensive public outreach program, and that the proposed Ordinance appropriately balanced streamlining of permits while protecting the health and safety of residents living in proximity to wineries.

In the six years since the Winery Ordinance was approved, concerns regarding the County's existing Winery Ordinance have been raised by the Placer County Vintner's Association's Winery Task Force, which is comprised of members of the Placer County Vintner's Association. 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 concerns from the Winery Task Force that the Winery Ordinance is too restrictive, staff has received numerous complaints from members of the public, usually in the form of an after-the-fact phone call, stating that wineries are not complying with requirements set forth in the Winery Ordinance. The most

common concern is that wineries are holding events without the benefit of an Administrative Review Permit (or Minor Use Permit, as may be required), and are generating excessive noise. The events being held are commonly weddings or other private celebrations that are not strictly for the promotion of the winery's products. Staff was rarely able to verify these complaints because the events typically occur on weekends when no staff is available to investigate the complaint. It should be noted that Code Enforcement Staff will be available in the near future to investigate these types of complaints during off hours.

PLANNING COMMISSION WORKSHOPS

December 12, 2013 Planning Commission Workshop:

The purpose of the first Winery Ordinance workshop was to introduce the Planning Commission and the public to the Winery Ordinance and to explain that County staff was revisiting the ordinance at the request of the Winery Task Force. The Planning Commission directed staff to prepare a side by side comparison of the proposed Winery Ordinance and the Event Centers Ordinance, which the Planning Commission was holding workshops on at that time. They also requested that staff return to the next workshop with ideas about how the Winery Ordinance could be used to promote Agro-Tourism.

This workshop was attended by about 20 members of the public with approximately 12 giving public testimony. Concerns expressed during public testimony included the following:

- Increased traffic and the maintenance on private roads as a result of winery's tasting rooms and events.
- If winery tasting rooms are allowed to sell wine by bottle and glass for onsite consumption in accordance with state law that it is a bar not a tasting room and should not be allowed in an agricultural zone district.
- The number and size of events that a winery may be able to have and the nuisances associated with them such as noise, parking, and increased traffic.
- The County cannot adequately provide enforcement to stop wineries from having illegal events.

June 13, 2013 Planning Commission Workshop:

At the second Winery Ordinance workshop staff provided the Planning Commission with a revised Winery ordinance that implemented the Vintner's Association Task Force request. The Planning Commission reviewed the proposed Draft Ordinance and asked staff to prepare a comparison of the proposed ordinance for event centers that the Planning Commission was hearing at that time. They also requested that at the next workshop staff return with ideas about how this ordinance could be used to promote Agro-Tourism.

The Planning Commission also agreed that the Winery ordinance should be tabled until the new Event Center Ordinance was completed, at which time the Commission would again start the workshop process on the Winery Ordinance amendment.

This workshop was attended by about 20 members of the public with approximately 12 giving public testimony. The concerns expressed during public testimony were the same concerns identified at the December 12, 2013 Planning Commission workshop. No new issues were raised.

July 24, 2014 Planning Commission Workshop:

The third Winery Ordinance workshop was held on July 24, 2014. At this workshop staff presented a comparison of the Event Center Ordinance and the current Winery Ordinance and discussed how wineries could be made consistent with the Event Center Ordinance. At this workshop the Planning Commission directed Staff to visit the Placer County Municipal Advisory Councils as an informational item to present and discuss the Winery Ordinance update and receive comments from the public and Municipal Advisory Councils.

The workshop was attended by approximately 24 members of the public, with 11 of those giving public testimony. The concerns expressed during public testimony were the same concerns identified at the previous two Planning Commission Workshops. No new issues were raised.

November 13, 2014 Planning Commission Workshop:

The fourth Winery Ordinance workshop was held on November 13, 2014. At this workshop staff presented a draft of the revised Winery Ordinance after attending ten Municipal Advisory Council meetings to take comments from the Municipal Advisory Council members and members of the public. The November 13th Planning Commission workshop was attended by approximately 12 members of the public, with 7 of those giving public testimony, the concerns expressed during public testimony were the same concerns identified at the previous three Planning Commission Workshops. No new issues were raised.

After hearing the staff presentation, which included a discussion of the comments from the Municipal Advisory Councils, and considering the public's comments, the Planning Commission was satisfied that the draft Winery Ordinance as presented addressed the concerns raised by members of the public and the Municipal Advisory Council's members. Consequently, they directed staff to present the draft Winery Ordinance to the Municipal Advisory Councils as an action item and then return to the Planning Commission for a recommendation on the draft Ordinance to the Board of Supervisors.

DISCUSSION OF ISSUES

The Vintner's Association has proposed the following seven changes be made to the existing draft Winery Ordinance. The requested changes are contained in a letter from the Vintner's Association (Attachment B). These requested changes are outlined below:

1. Remove the definition of "Event" (section 17.56.330 B.), which is defined as follows:

"Event" means a gathering of more than 20 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. This does not apply to drop-in "public tasting" at a winery.

The Vintner's Association has asked that the definition of "Event" be replaced with "Promotional Activities" in the draft Winery Ordinance in the following manner:

"Promotional activity" means an activity, 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 wines grown and/or produced in Placer County, and which is intended to allow for the sampling and/or marketing and sales of those wines. Additionally, it may include meetings, fundraisers or weddings that are incidental to the main purpose of producing wine at the facility. Promotional activities include "Routine Activities", "Special Activities".

A "Routine Activity" is a promotional activity that is attended by less than 75 people at one time at a winery and/or tasting room located on less than ten (10) acres, or a promotional activity that is attended by less than 100 people at one time at a winery located on ten (10) acres or more.

A "Special Activity" is a promotional activity that is attended by 100 or less people at one time at a winery and/or tasting room located on less than ten (10) acres, or a promotional activity that is attended by two hundred or less people at one time at a winery and/or tasting room located on ten (10) acres or more.

2. The Vintner's Association requests that Section 17.56.330 D., "Development and Operation Standards", of the existing draft Winery Ordinance be changed to allow a winery owner to be permitted an unlimited amount of "Routine Activities" as a matter of right without the necessity of a permit, but subject to the following restrictions:

- No single “Routine Activity” shall exceed two consecutive days.
- Temporary, overflow parking may be utilized. The activity 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.
- Any “Routine Activity” utilizing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

3. The Vintner’s Association requests that Section 17.56.330 D., “Development and Operation Standards”, of the existing draft Winery Ordinance be changed to allow a winery owner to be permitted twelve (12) “Special Activities”, per calendar year, as a matter of right and subject to the following restrictions:

- No single “Special Activity” shall exceed two consecutive days.
- Temporary, overflow parking may be utilized. The activity 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.
- Any “Special Activity” utilizing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

Additional “Special Activities” may be allowed if an Administrative Review Permit for each one is obtained from the Zoning Administrator. The application for such permit shall include the following information.

4. The Vintner’s Association requests that Section 17.56.330 D. (8), “Tasting Facilities” of the existing draft Winery Ordinance, be revised. The draft Winery Ordinance tasting facilities regulations are as follows:

The tasting facility is for the marketing and sale of the wine and grape products produced at the winery. Tasting shall be in accordance with the winery’s Liquor License issued by the California Alcohol Beverage Control Agency. Incidental sales of wine-related merchandise and food shall be allowed subject to the requirements of California State Law. The tasting facility may be used for events as defined in this ordinance.

The Vintner’s Association requests a slight modification to accurately specify the state laws governing tasting facilities. Their proposed revision is as follows:

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.

5. The Vintner’s Association requests that Section 17.56.330 D. (5), “Noise Regulation”, of the existing draft Winery Ordinance be changed. It currently reads as follows:

All wineries shall be subject to Placer County Code Article 9.36 (Noise Ordinance). All Events shall be required to stop all noise-generating activities such as music, at 7:30pm or move such activities into an enclosed structure which will reduce the noise level to 20 decibels or less at the winery’s exterior property lines. If a winery is required to have a Conditional Use Permit, Minor Use Permit, or Administrative Review Permit by this ordinance limits on noise may be placed on those permits that are more restrictive, but in case less restrictive, than the standards contained in this section.

The Vintner’s Association would like the “Noise Regulation” section to be revised to read as follows:

All wineries shall be subject to Placer County Code Article 9.36 (Noise Ordinance). If a winery is required to have a Conditional Use Permit, Minor Use Permit, or Administrative Review Permit by this ordinance limits on noise may be placed on those permits that are more restrictive, but in case less restrictive, than Placer County Code Article 9.36 (Noise Ordinance).

6. The Vintner’s Association requests that Section 17.56.330D. (5), “Temporary Outdoor Events” Definition be changed. The definition currently reads as:

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.

The Vintner’s Association would like the “Temporary Outdoor Events”, 17.56.330 (C), definition to be revised to read as follows:

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. Six days of 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 activities authorized by this Section.

7. The Vintner’s Association would like the Zone District charts in the draft Winery Ordinance to be revised to remove the any references to “Promotional Event”. They are currently shown as follows:

	Zone Districts									
	Commercial					Industrial				
	CPD	C2	C3	HS	C1	RES	AP	BP	IN	INP
<u>Boutique Winery</u> <u>< 2,500 Cases</u>	CUP	MUP	C					C	C	C
Winery Production <u>2,500 - < 20,000 Cases</u>	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)	
<u>Boutique Winery < 2,500 Cases</u>	ARP
Winery Production < <u>2,500</u> - 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 only)	
<u>Boutique Winery < 2,500 Cases</u>	C
Winery Production < <u>2,500</u> - 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

The Zoning Charts would be revised as follows to include “Routine Activities” and “Special Activities”:

	Commercial					Industrial					Residential		Agriculture		
	CPD	C2	C3	HS	C1	RES	AP	BP	IN	INP	RA	RF	AE	F	FOR
Boutique Winery 2,500 Cases or less	<u>CUP</u>	<u>MUP</u>	<u>C</u>			<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>ARP</u>	<u>ARP</u>	<u>C</u>	<u>C</u>	<u>C</u>
Winery Production 0 to 20,000 Cases	CUP	MUP	C			<u>C</u>		C	C	C	ARP	ARP	C	C	C
Winery Production more than 20,000 Cases			MUP					MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP
Wholesale and Retail Sales of Wine and Grape Products	CUP	C	C	C	C	C	MUP	C	C	C	ARP	ARP	C	C	C
Wholesale Tasting and Retail Sales of Wine-Related Merchandise	CUP	C	C	C	C	C	MUP	C	C	C	ARP	ARP	C	C	C
Routine activity	<u>CUP</u>	<u>MUP</u>	<u>C</u>	<u>C</u>		<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>ARP</u>	<u>ARP</u>	<u>C</u>	<u>C</u>	<u>C</u>
Special Activity	<u>CUP</u>	<u>MUP</u>	<u>C</u>	<u>C</u>		<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>ARP</u>	<u>ARP</u>	<u>C</u>	<u>C</u>	<u>C</u>

NEXT STEPS

Similar to the public outreach proposed for Community Centers, staff will continue its expansive public review process on proposed amendments to the Winery Ordinance. Listed below is a tentative schedule for the public review of the Winery Ordinance:

- Staff preparation of revised draft Zoning Text Amendment (March 2015)
- Preparation and circulation of environmental document (March 2015)
- Presentation of draft Winery Ordinance to Municipal Advisory Councils (March/April 2015)
- Planning Commission Hearing (May 2015)
- Board Consideration of draft Zoning Text Amendments (June 2015)

As noted in this report, there have been and will continue to be many opportunities for members of the public to participate and provide comments on the proposed Zoning Text Amendments associated with the Winery Ordinance. 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 receives public comment on changes requested to the draft Winery Zoning Text Amendment by the Placer County Vintner’s Association, and give staff direction on the requested changes. Upon direction from the Planning Commission staff will modify the draft Winery Ordinance and present it to the Municipal Advisory Councils as an action item. The Winery Zoning Text Amendment will then be rescheduled before the Planning Commission for a recommendation to the Board of Supervisors, with the Municipal Advisory Council recommendations.

Respectfully,



George Rosasco, Supervising Planner

ATTACHMENTS:

Attachment A- Draft Winery Ordinance

Attachment B- Vintner's Association Letter dated February 16, 2015

Attachment C- Auburn Chamber of Commerce letter

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
 E.J. Ivaldi - Deputy Director
 Holly Heinzen - CEO Office
 Subject/chrono files

CHAPTER 17: PLANNING AND ZONING

Wineries

17.56.330

- 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.

"Event" means a gathering of more than 20 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. This does not apply to drop-in "public tasting" at a winery.

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

"Boutique Winery" refers to a winery with annual production less than 2500 cases. Additionally, Boutique Wineries may be allowed public tasting in a structure that is less than 120 square feet and open on two sides. No events other than Temporary Outdoor Events are allowed at a Boutique Winery.

"**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 in accordance with California State Law.

~~"**Small Winery**" refers to a winery with annual production less than 20,000 cases of 2,500 – 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.

	Zone Districts									
	Commercial					Industrial				
	CPD	C2	C3	HS	C1	RES	AP	BP	IN	INP
<u>Boutique Winery < 2,500 Cases</u>	<u>CUP</u>	<u>MUP</u>	<u>C</u>					<u>C</u>	<u>C</u>	<u>C</u>
Winery Production <u>2,500 - < 20,000 Cases</u>	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)	
<u>Boutique Winery < 2,500 Cases</u>	<u>ARP</u>
Winery Production < <u>2,500</u> - 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)	
<u>Boutique Winery < 2,500 Cases</u>	<u>C</u>
Winery Production < <u>2,500</u> - 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	

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, Amador, 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. Temporary overflow parking may be utilized in conjunction with Temporary Outdoor Events as described in Section 17.56.300(B)(1)(b).

- ~~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 a winery shall comply with County Code, ~~structures shall meet State and local Fire Safe Standards as determined by the~~ County and 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**

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**

If a winery has public tasting and is accessed by a private road, the applicant shall provide an affirmative written statement of the legal right to access and use said road for the purposes requested in the application and as may be conditioned. Said statement shall be supported by written approval of two-thirds (2/3) of the property owners served by the private road. Both shall be included with the initial application submittal. Applicant shall include with said statement the proposal for road maintenance or provide evidence of an existing road maintenance agreement, Applicant shall be required to indemnify the County for any claims resulting from said road access, which requirement shall be included as a condition of approval of the permit. In addition, an encroachment permit may be required to address ingress, egress and sight-distance requirements for the private road connection to a County-Maintained Highway. ~~reasonable proof of access rights as determined by the Engineering and Surveying Department.~~

4. Hours of Operation

a. All wineries shall be allowed to operate from 10am to 10pm on Friday and Saturday and from 10am to 8pm Sunday through Thursday with regard to its tasting room and events. If a winery is required to have a Conditional Use Permit, Minor Use Permit, or Administrative Review Permit by this ordinance limits on hours of operation may be placed on those permits that are more restrictive, but in no case less restrictive, than the standards contained in this section.

5. Noise Regulations.

a. All wineries shall be subject to Placer County Code Article 9.36 (Noise Ordinance). All Events shall be required to stop all noise-generating activities such as music, at 7:30pm or move such activities into an enclosed structure which will reduce the noise level to 20 decibels or less at the wineries exterior property lines. If a winery is required to have a Conditional Use Permit, Minor Use Permit, or Administrative Review Permit by this ordinance limits on noise may be placed on those permits that are more restrictive, but in case less restrictive, than the standards contained in this section.

6. Lighting.

- a. All lighting for wineries shall be consistent with the Rural Design Guidelines for Placer County and shall be Dark-Sky compliant as specified by the International Dark-Sky Association. If a winery is required to have a Conditional Use Permit, Minor Use Permit, or Administrative Review Permit by this ordinance limits on lighting may be placed on those permits that are more restrictive, but in no case less restrictive, than the standards contained in this section.

7. Food Regulations.

- a. Wineries may have a commercial kitchen, but it shall only be used in conjunction with onsite events. Restaurants are not allowed as part of a winery . If a winery is required to have a Conditional Use Permit, Minor Use Permit, or Administrative Review Permit by this ordinance limits on food regulations may be placed on those permits that are more restrictive, but in no case less restrictive, than the standards contained in this section.

8. Tasting Facilities

- a. The tasting facility is for the marketing and sale of the wine and grape products produced at the winery. Tasting shall be in accordance with the wineries Liquor License issued by the California Alcohol Beverage Control Agency. Incidental sales of wine-related merchandise and food shall be allowed subject to the requirements of California State Law. The tasting facility may be used for events as defined in this ordinance.

4-9. 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 10. 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.

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

February 16, 2015

The Placer County Vintners Association recommends the following revisions and amendments to the Placer County Winery Ordinance to better achieve the stated purpose of the ordinance, which 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.*” (Emphasis Added)

These suggested revisions are modeled after the recently enacted Sacramento County Winery Ordinance. They will eliminate the nearly impossible task of comprehensively defining an “event”. Even if the previous vague definition is expanded, as proposed by the current draft revisions, it cannot be guaranteed to account for such rapidly developing, internet inspired technological phenomena as “Group On”, “Living Social” and who knows what will be next. These suggested revisions will avoid this problem by defining the regulated activity according to its effect on the public, which is most dependent on the number of people and the size of the venue, factors not likely to change, and will thus minimize the need for constant revision.

The Vintners Association understands that some planning commissioners have asked why wineries should be treated differently than Agricultural Event Centers and have suggested that the Winery Ordinance should be consistent with the Event Center Ordinance. The answer to this question and the reasoning behind these recommendations is simple: Wineries are *DIFFERENT* from Event Centers. The fundamental business of wineries is *AGRICULTURAL*, i.e. the growing of grapes and production of wine, whereas the fundamental business of Event Centers, even those in the Ag Zone, which are required to have a viable agricultural component, is the production of *EVENTS*. The County’s General Plan, which mandates the encouragement and preservation of agriculture, thus justifies different treatment of the wineries as does the stated purpose of the Winery Ordinance itself as set forth above. Wineries are a nascent industry in Placer County and need promotional activities in order to market their wines and grow into the powerful economic engine for Placer County that wineries represent in more established nearby wine producing counties such as Amador and El Dorado. These suggested revisions will better satisfy the General Plan and Winery Ordinance mandate to

encourage and preserve agriculture while at the same time stimulating the growth of Placer County's economy.

These suggested revisions and amendments also address the issue of sale of wine by the glass or bottle for consumption on the winery premises by making the Placer County Winery Ordinance consistent with state law.

Finally, these are "suggested" revisions. PCVA recognizes that there is "more than one way to skin a cat" and is eager to engage in discussion with the Planning Commissioners, County Planners and County Regulating Authorities as to how to revise the ordinance to accommodate everyone's goals.

Section 17.56.330 B. "Promotional Event"

Proposed Revision:

Section 17.56.330 B. "Promotional Activities"

"Promotional activity" means an activity, 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 wines grown and/or produced in Placer County, and which is intended to allow for the sampling and/or marketing and sales of those wines. Promotional activities include "Routine Activities", "Special Activities" and "Temporary Activities".

A "Routine Activity" is a promotional activity that is attended by less than fifty (50) people at one time at a winery and/or tasting room located on less than 5 acres, or a promotional activity that is attended by less than one hundred (100) people at one time at a winery located on 5 acres or more.

A "Special Activity" is a promotional activity that is attended by fifty (50) to one hundred (100) people at one time at a winery and/or tasting room located on less than 5 acres, or a promotional activity that is attended by one hundred (100) to four hundred (400) people at one time at a winery and/or tasting room located on 5 acres or more.

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

Section 17.56.330 B. "Public Tasting"

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”

Proposed Revision:

Section 17.56.330 B. “Temporary outdoor activities”

“Temporary outdoor activities” are activities 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 temporary outdoor activities 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 activities authorized by this section.

**Section 17.56.330 C. “Winery Permit Requirements” Promotional Events
Residential Zoning Districts Agricultural and Resource Districts**

Proposed Revision:

Delete and include under Development and Operational Standards ... 7. Promotional activities”. See below.

Section 17.56.330 D. 6. “Development and Operational Standards ... 6. Tasting Facilities”

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”

Proposed Revision:

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

7. Promotional Activities.

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

- i. **Duration.** No single promotional activity shall exceed two consecutive days.
- ii. **Parking Requirements.** Temporary, overflow parking may be utilized. The activity 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 activity utilizing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

b. Up to twelve (12) Special promotional activities shall be allowed as a matter of right per calendar year. Additional Special promotional activities may be allowed if an Administrative Review Permit for each one 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 promotional activity shall exceed 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 activity proposing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).



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January 21, 2015

David Boesch, CEO
175 Fulweiler Ave
Auburn, CA 95603

Dear CEO *David* Boesch:



Today the Board of Directors of the Auburn Chamber of Commerce voted unanimously to support changes to the county's Wine Ordinance as suggested by the Placer County Vintners Association. Placer County adopted the Wine Ordinance in 2008 and it will be considered for revision by the local municipal advisory councils (MACs), the Planning Commission and then by the Placer County Board of Supervisors. The Placer County Vintners Association is seeking changes in the ordinance that will provide them with more flexibility to hold more promotional events, different types of events and the ability to sell wine by the glass or bottle for consumption on the winery premises, as currently allowed by state law.

The best way to preserve Placer County's beautiful, rural working lands of vineyards, orchards and ranches is to enact smart laws that allow vintners, farmers and ranchers make some money off their agricultural products.

The Placer County Wine Trail is an amazing asset for our community but our full potential as a tourism destination and a place to be enjoyed by local residents is being held back by the county's overly restrictive wine ordinance. County staff compared Placer County's ordinance with the wine ordinances in Amador, Sacramento and Santa Barbara and reported to the Planning Commission on November 6, 2014 that "Placer County's current Winery ordinance is more restrictive with regard to the number of events that wineries can have (as compared to Amador and Sacramento counties) and none of the three counties have a requirement that onsite events promote the winery or its products."

While Amador County has over 4,000 acres in grape cultivation, El Dorado County has over 2,500 acres; Placer County has only 211 acres in grape cultivation. Before Prohibition in 1920, Placer County had thousands of acres in wine grape cultivation.

It usually takes 15 years of hard work to make a local winery turn a profit and that many of the local vintners have other jobs to make ends meet. Because our local wineries operate under different business models – make money primary from events or through wine club sales – the county should examine both the Community Center and Winery Ordinance and ensure that they are flexible enough to ensure that our local wineries can make a profit regardless of their chosen business model.

Sincerely,

Kevin Hanley
CEO

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