COUNTY OF PLACER
Community Development/Resource Agency

PLANNING SERVICES DIVISION

Michael J. Johnson, AICP
Agency Director

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HEARING DATE: December 12, 2013
ITEM NO.: 2
TIME: 10:30 am

TO: Placer County Planning Commission

FROM: George Rosasco, Supervising Planner

DATE: December 1, 2013

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 Public Workshop with the Planning Commission to obtain direction on the Vintner's Association proposed amendments to Section 17.56.330 (Attachment A) of the Placer Zoning Ordinance (Winery Ordinance).

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 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 numerous 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.

COMMENTS BY PLACER COUNTY VINTNERS ASSOCIATION

Over the past year, staff has attended meetings of the Placer County Vintners Association to discuss possible changes to the County's Winery Ordinance. During these meetings, the Vintners Association has identified several issues that it would like to see addressed in an update to the Winery Ordinance. The issues identified by the Vintner's Association are discussed further in this report.

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.

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 Vintners Association Winery Task Force has asked that the following three amendments be made to the Winery Ordinance:

1. 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.

2. 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.

3. In addition to re-defining a "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.

The attached draft Winery Ordinance (Attachment B) implements the Vintner's Association's Winery Task Force requested changes. In addition to the proposed changes by the Winery Task Force to the Winery Ordinance, 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 Ordinance as a result of input and direction from the Planning Commission, and comments from the general public and the MAC's.

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:

Amador County

Amador County's Winery Ordinance (Attachment C), 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

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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.

Sacramento County
Sacramento County has an Agro-Tourism Ordinance (Attachment D) 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 (Attachment E) 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.

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.

CONCLUSION

As shown in the information presented above, issues associated with Winery Ordinance are varied and are addressed differently by different agencies depending upon on the unique circumstances of the local agency. This report is intended to begin the workshop process and provide a starting point for the Planning Commission to engage the community in a discussion about a revised Winery Ordinance. Based upon comments received during the workshop on the Winery Ordinance, the Planning Commission may want to provide additional direction to staff on how best to further address this issue.

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:

- Workshop with Planning Commission (Completed June 13, 2013)
- Second Workshop with the Planning Commission (December 12, 2013)
- Staff preparation of revised draft Zoning Text Amendment (December/January 2014)
- Third Workshop with the Planning Commission (January 2014)
- Presentation to Municipal Advisory Committees (February, March, April 2014)
- Present comments from MAC's to Planning Commission (April or May 2014)
- Staff preparation of revised draft Zoning Text Amendments (May 2014)
- Planning Commission review of draft Zoning Text Amendments (May or June 2014)
- Board Consideration of draft Zoning Text Amendments (June or July 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 issues associated with the Winery Zoning Text Amendment, and provide direction to staff for any required future action.

Respectfully submitted,

George Rosasco
Supervising Planner

ATTACHMENTS:

Attachment A – Placer County Winery Ordinance
Attachment B – Draft Placer County Winery Ordinance
Attachment C – Amador County Winery Ordinance
Attachment D – Sacramento County Winery Ordinance
Attachment E – Santa Barbara County Winery Ordinance
Attachment F – 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
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.

	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	

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.

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."~~

"Event" means any type social gathering, of more than 1 hour, other than normal drop –in wine tasting operations, held by winery as defined in this section. Such events may include, but are not limited to "winemaker's dinners" or events that feature wine and food pairings. Events include "Small Events", "Large Events" as defined by this section. No single event shall exceed more than two consecutive days.

"Small Event" is an event that is attended by fifty or less people at one time at a winery located on 4.6 acres gross area with an outdoor component, or an event that is attended by one hundred or less people at one time on a winery located on more than 4.6 acres gross acres with an indoor and/or outdoor component.

"Large Event" is an event that is attended by more than fifty people and up to one hundred people at one time on a winery located on 4.6 gross acres, or an event that is attended by one hundred and one to two hundred people at one time on a winery located on more than 4.6 gross acres.

"Tasting Room Gathering" A social gathering of fifty or less people contained entirely within the tasting room of winery such gatherings may include but are not limited to "winemaker's dinners". Such gatherings shall not create a noise level of more than twenty decibels at a winery's exterior property line. In no instance shall a Tasting Room Gathering exceed the occupancy load of the tasting room.

"**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.

"**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**
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~~
Small Event	CUP	C	C	C	C	C	MUP	C	C	C
Large Event	CUP	C	C	C	C	C	MUP	C	C	C

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~~
Small Event	ARP
Large Event	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~~
Small Event	C
Large Event	C

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 and events. 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 section 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. ~~**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~~ 100 square feet with a minimum of 5 parking spaces
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

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

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. Number of Events

a. All wineries shall be allowed unlimited Tasting Room Events and a maximum of 12 Small or Large Events per year with no more than six being Large Events as defined in this

ordinance. If a winery is required to have a Conditional Use Permit, Minor Use Permit, or Administrative Review Permit by this ordinance limits on events may be placed on those permits that are more restrictive, but in no case less restrictive, than the standards contained in this section.

5. 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 case less restrictive, than the standards contained in this section.

6. 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.

7. 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.

8. 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.

9. **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.

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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.

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 Outdoor Events ~~temporary and promotional events~~.

~~6. **Tasting Facilities**~~

   ~~a. The primary focus of the tasting area is for the shall be the marketing and sale of the wine and grape products produced at the winery and can be used for events. 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**

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~~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).~~

~~10~~ 11. **Continuing Applicability of Minor Use Permits**.

a. 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.

12. Noticing Requirements.

a. **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.

b. **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.

c. **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.

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AMADOR COUNTY

19.24.036 AG district--Use regulations.

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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.

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.

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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: Wednesday, July 03, 2013 5:13 PM
To: Kathi Heckert
Subject: Fw: Suggestions for an "event" ordinance in Ag zoning
Attachments: Sugg event ctr ord for Planning.pdf

Hello Kathi,

We had a productive meeting with some of the CDRA staff last week, and I want to make sure the Planning Commissioners have this draft of some suggestions for a ZTA covering events in Placer County. Could you kindly forward it to them in case they didn't get it?

Thank you,

Carol Rubin

----- Forwarded Message -----
From: Carol Rubin <c_rubin@sbcglobal.net>
To: Paul Thompson <PKThomps@placer.ca.gov>; "mjohnson@placer.ca.gov" <mjohnson@placer.ca.gov>; George Rosasco <grosasco@placer.ca.gov>; "planning@placer.ca.gov" <planning@placer.ca.gov>
Cc: Patricia Burke <huberburke@gmail.com>; "don@rockhillwine.com" <don@rockhillwine.com>; Marilyn Jasper <mjasper2@gmail.com>; Marilyn Jasper <mjasper@accessbee.com>
Sent: Thursday, June 27, 2013 2:17 PM
Subject: Suggestions for an "event" ordinance in Ag zoning

Mr Johnson, Mr Thompson, and Mr Rosasco:

Thank you for agreeing to meet with the four of us tomorrow at 2 pm. We have been working on some specific suggestions relating to code language for "events" in Ag zoning and code enforcement. We wanted to see where today's Planning Commission hearing was headed before presenting these suggestions, but we were glad to see that the solutions we propose look a lot like the ones the Planning Commissioners and Planning Staff discussed at the hearing, so I'm attaching a draft of what we've been working on.

Please forward this email to the Planning Commissioners! I don't have their email addresses, but would like them to look over this document and add their comments and suggestions.

The four of us (Ms. Jasper, Ms. Burke, Mr. Dupont and myself) represent a cross section of affected parties, all with different priorities and agendas. We are not in agreement on all the particulars in the attached document. Some of us want more restrictive language in some specifics, some of us want less, and some of us have different suggestions entirely, but I think we are in agreement about the general shape the code should take. I'm hoping those with other suggestions, including Planning Staff, will bring them to the discussion tomorrow so we can move the process along to a relatively harmonious conclusion. The attached draft is more repetitive and less coherent than I would like (apologies!) but I hope it will serve as a starting point for some concrete code language.

Thank you all for a productive hearing process and see you tomorrow.

Carol Rubin

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ATTACHMENT F

Suggested ordinance revisions, second draft (6/27/13)

These suggestions are for events, Community Centers and Event Centers only, including events at wineries and other agricultural sites. (The only winery specific marketing activities that appear to need regulation separate from the "event" issue are tasting rooms and other special buildings, signage, and parking; these should be dealt with in the winery ordinance revision and other code sections.)

Overall Objectives:

Paramount: To "protect the agricultural character and long-term agricultural production of agricultural lands" (from current winery ordinance).

To disentangle the "winery" and "Community Center" issues for consistency and fairness.

To balance the property rights of all rural residents as equitably as possible.

Event ordinance:

Goals: To better define and regulate what constitutes an "event" and where and under what conditions events may be held in Placer County.

To encourage location and conduct of events in Placer County in areas that are best suited for, and least impacted by, these uses.

Definitions:

Staff have proposed good definitions for "Community Centers" vs "Event Centers" with minor suggested changes:

- **"Community Centers"** (land use) means a facility, which may be located on public or private property, that functions primarily to provide a community-centered meeting hall for members of the public to carry out community-oriented activities and public and civic functions. Examples of such facilities include Grange Halls, Community Sponsored Meeting Halls, and Veterans Halls that consist of a multipurpose meeting and recreational facility, typically consisting of one or more meeting or multipurpose rooms and a kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as public assemblies, meetings, private meetings, parties, weddings, receptions, and dances.

[replace "public or private property" with "public, or residential multifamily or PUD property"]
[replace "to carry out community-oriented activities" with "to carry out local community-oriented activities"]

- **"Event Centers"** (land use) means a facility located on private property that primarily functions to provide a facility for any type of private social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose rooms and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups for such activities as meetings, parties, weddings, receptions, and dances.

[replace "type of private social..." with "type of social..."]

[The reason for these suggestions is that "private" is used in the permit sections (see "Code Enforcement" suggestions) to mean "personal" usage]

Also need to define "event." Suggest something like:

Event: an organized gathering of persons for a defined purpose. Events last no longer than six contiguous hours. No more than one event may be held in any 24 hour period at one location. "Private" events (i.e. those which are not advertised to the public at large and for which no fees are charged, for example a fundraiser) held at a commercial site count toward the maximum number of events allowed on the permit.

This definition excludes unadvertised or private gatherings with fewer than 20 attendees (8 vehicles) at any location (for example, if the Planning Commission members all drive out for a tour of Rock Hill Winery, it does not constitute an event) and personal events held at private residences from permit and access requirements. These small and private events still must abide by the noise and parking requirements.

Also can look at San Joaquin definitions if more detail is desirable (but I'm all for keeping it simple):

Marketing Event. "Marketing event" means the congregation of persons for the purpose of promoting the wine industry and marketing wine. Marketing events always include wine tasting and the sale of wine. Activities or events such as educational wine tours for the public, non-profit community fund raising, private seminars for distributor and sales representatives and events for wine industry groups that enhance awareness of wine and wine-related products and services are considered to be a marketing event. Marketing events shall be identified in the supplemental information marketing plan.

Special Indoor Event. "Special indoor event" means any temporary event or activity generally attracting large numbers of people, that is conducted within a structure, is subject to compliance with specific Uniform Building and Fire Code requirements, and is not already defined within a specified zone as an allowable "temporary" use activity. Included in this definition are Halloween haunted houses and home craft fairs. Excluded from this definition are marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. Each special indoor event may not exceed a length of three (3) consecutive days.

Special Outdoor Event. "Special outdoor event" means any temporary event or activity generally attracting large numbers of people, requiring the importation of temporary facilities such as portable bleachers, food stands, and portable toilet facilities, conducted out-of-doors and not already defined within a specified zone as an allowable "temporary" activity. Excluded from this definition are parades, carnivals, circuses, and marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events

shall be permitted within a calendar year. In the R-L (Low Density Residential) and R-M (Medium Density Residential) zones, an additional four (4) special outdoor events shall be permitted within a calendar year. Each special outdoor event may not exceed a length of three (3) consecutive days.

Zoning:

It is especially noteworthy that most other counties don't allow Event Centers in ag zoning.

We are in agreement with Staff that the serious issues that have arisen are with events and Event Centers in Ag zoning. We propose the following zoning criteria, which largely match those outlined by staff:

Div I, Agricultural, Resource and Open Space
Ag Exclusive: No Event Centers. No events other than TOE and "Ag events" (Ag level permits, see Code Enforcement, below)

Forestry, Open Space, Timberland Production, Water Influence: No Event Centers. No events other than TOE and "Ag events" ("Ag" level permits, see Code Enforcement, below)
Farm: Community Centers and Event Centers, and events permitted with an MUP or CUP and Planning Commission review under specifications shown below

Div II, Commercial
Community Centers, Event Centers, and events permitted in all zones, subject to MUP or CUP and Planning Commission review and consistent with other businesses allowed in the zone.

Div III, Industrial
Community Centers, Event Centers, and events permitted in all zones, subject to MUP or CUP and Planning Commission review and consistent with other businesses allowed in the zone.

Div IV, Residential
Residential Agriculture, Residential Forest: Community Centers and Event Centers and events permitted with an MUP or CUP and Planning Commission review under specifications shown below

Residential Multi-Family, Residential Single-Family: No Event Centers. No events other than TOE or at Community Centers.

Community Center and Event Center requirements for F, RA and RF zoning:

No events, other than TOEs, at facilities on less than 10 acres, on a road lower than "rural collector", or on shared private roads. No new Event Centers or Community Centers within one mile of a recognized endangered or threatened species habitat, including salmon spawning streams.

Parking must be sufficient for the number of vehicles permitted plus 10% additional for service vehicles.

All sites must provide adequate emergency vehicle access and meet fire and sanitation codes.

Following the lead of several other counties, issue tiered facility permits.

Tier 1, All of the following criteria must be met:
lot size 10 or more acres
facility 3000 sq ft or less, one story max
no neighboring residential structures within 150 feet
no outdoor amplified sound systems
road access rural collector or better
located within 3 miles of the nearest city limits OR within one mile of a property zoned "commercial" or "industrial"

Tier 1 sites are eligible for A or Ag A event permits only (event permits are discussed under Code Enforcement).

Tier 2, All of the following criteria must be met:
lot size 15 or more acres
facility 5000 sq ft or less, one story max
no neighboring residential structures within 300 feet
no outdoor amplified sound systems
road access rural arterial or better
located within 3 miles of the nearest city limits OR within one mile of a property zoned "commercial" or "industrial"

Tier 2 sites are eligible for A, Ag A, B or Ag B event permits (event permits are discussed under Code Enforcement)

Tier 3, All of the following criteria must be met:
lot size 40 or more acres
facility size determined by MUP/CUP
no residential structures within 1000 ft.
road access highway or freeway

Tier 3 sites are eligible for all classes of event permits (event permits are discussed under Code Enforcement).

Note that sites which mostly, but not perfectly, satisfy the above conditions, can apply for an administrative remedy. For example, a landowner with a seven acre plot surrounded by much larger parcels, no close neighbors and on an arterial roadway close to town might reasonably petition for a Tier 1 or even possibly a Tier 2 permit.

These variances should be relatively difficult to obtain, with MUPs or CUPs and PC public hearings required.

If the parcel size, access or zoning on or adjacent to a permitted facility changes so the current permit conditions are invalidated, the facility must reapply for a permit meeting the new conditions. For example, if a parcel adjoining an Event Center is rezoned to Multifamily Residential and the required Event Center setback cannot be maintained, the Event Center would lose its permit. [There would be eminent domain issues here that have to be addressed.]

[The purpose of the above specifications is to make sure that any Event Centers in Ag zoning are at the margins of the zones with sufficient access and buffers for the traffic generated]

Response to Staff Report specifics:

These comments and suggestions apply only to Ag zoning.

Minimum parcel size: If Event Centers are permitted at all in F, RA and/or RF zoning: 10 ac minimum. (As noted in the staff report, most of the other counties surveyed do not allow Event Centers in Farm Zoning at all.)

Setbacks: The current Ag zone setbacks referenced (50 ft and 30 ft) are inadequate to protect adjoining residences. We suggest adjusting the setbacks and the sizes of buildings allowed depending on the distance from the proposed facility to the nearest neighboring residence, the parcel size, and the number of events/guests proposed for the facility.

Numbers of events and guests: We suggest tiered permits (see above) based on the proposed facility size and location, similar to what some of the other counties surveyed use.

Hours of operation: We appreciate the thorough presentation of this problem in the Staff Report. We suggest 7 or 8 pm as an appropriate ending time for events in Ag zoning. Roads in rural Placer, even some major arterials like Hwy 193 and Sierra College Blvd, are unlit, winding, and sometimes poorly marked, increasing the danger to motorists, especially those unfamiliar with the area, after dark. The noise problem also becomes more acute at later hours.

Noise: The current noise ordinance levels are adequate, but we note the "maximum one-time" noise limit will be nearly impossible to quantify and therefore to enforce. Enforcing "indoor only" activities is also impractical. We suggest the best way to deal with the noise issue, at least in part, is to limit the size and hours of events in Ag zoning, especially in the areas with smaller parcel sizes, and prohibit outdoor amplified sound systems altogether.

Access: No facilities should be allowed where the only access is shared.
For any facility on a road smaller than arterial, only the smallest and least frequent types of events should be permitted. The sporadic nature of the traffic generated by these events can quickly overwhelm a small road and becomes dangerous, especially at night.

Ag Usage requirement: The proposal by staff to limit events in Ag zoning to those properties that qualify for the Williamson Act is excellent! It can be used to cover all types of agriculture, including grape growers, and will protect Ag lands from being overrun with large event facilities "supported" by a trivial ag component. If this requirement is adopted, the Event Center applicant should be required to submit income tax returns or equivalent documentation when the annual permit (see Code Enforcement, below) is applied for.

Security: We thank county Staff for including this issue, since it is troubling to rural residents. We have suggested appropriate security for the larger event permits (see Code Enforcement, below)

Lighting: We are grateful to county Staff for including this provision and request that dark-sky lighting be stipulated as a condition for all new Event and Community Centers in all zones.

Food service: We suggest that commercial kitchens be permitted for larger event facilities only (i.e., Tiers 2 and 3), subject to other code requirements for these cooking and eating facilities. The kitchen may be used at permitted events only or for the owner's personal use – you can't have it open at other hours serving coffee, snacks (or pizza, like Flower Farm does!). The kitchen then becomes a *de facto* restaurant, contrary to intent of Farm zoning, and this kind of violation should result in revocation of the event permit.

Only catering or mobile food service should be allowed in Tier 1 facilities, except outdoor barbecue pits and grills would be permitted in all tiers.

Density: Any density requirement must also factor in Community Centers. The cumulative effects of concentrations of these "event" uses are most alarming to rural residents and ag operators. We suggest this issue might be addressed by limiting the number of new annual permits issued in Ag zoning, or along specified roadways (i.e., "no new permits except 'Ag' permits along Gold Hill Road until further notice") if the Planning Commission finds that a concentration of Event and Community Centers is becoming undesirable (see Code Enforcement, below).

Noticing: We suggest extending the noticing requirement to a 1-mile radius in Ag zones. The current 300 foot limit is about the size of the average city block, but the effects of Event and Community Centers extend far beyond this distance.

Code Enforcement:

Goal: To develop transparent, fair, and easily enforceable mechanisms to ensure that regulations covering events are clear and that violators are held accountable, for the protection of both businesses and residents of Placer County.

The 2012-2013 Placer County Grand Jury (report attached) has presented several Findings and Recommendations in their "**Placer County Winery Ordinance Enforcement Review**." The issues, though, do not deal with the *agricultural* aspects (i.e., grape growing and winemaking) of wineries, but with the *marketing* aspects (i.e., retail sales, tasting rooms, and events) and with the vague language of the current codes. These issues also apply for the most part to Event and Community Center uses and we hope the Events Workshop will address them, and thereby facilitate Planning's response to the Grand Jury.

The Staff Report contains several good suggestions (e.g., streamline the violation process, add a probationary period) but we also see the need for more specifics and a more robust way to deal with unpermitted underground events.

We note that enforcement is as much for the protection of legitimate event holders as it is for the public in general. Currently a large number, if not a majority, of commercial events in Placer County are held without any permit or accountability whatsoever. There must be a tracking and enforcement mechanism that will eliminate the rogue operators.

We therefore propose a public, transparent enforcement process, beginning with the on-line database of event permits described below. The database would contain the name of the permit holder, the address to which the permit applies, the type of permit, and a history of the events held so far under that permit (date and time) with associated complaints, if any. When a permit holder plans an event, he/she goes on line before the event and registers the event by noting the date, time, duration and any other particulars he/she wishes to stipulate. Anyone may view these particulars on line at any time. If a resident has a complaint that any aspect(s) of the permit are being violated at an event, he or she may register a complaint on line, by phone or in person. Corroborating evidence in the form of advertisements, flyers, photos, videos and/or sound recordings is admissible and may be uploaded with the complaint or presented in person at county offices. Code enforcement personnel will review complaints for legitimacy and post a response within five business days, noting receipt of the complaint and the action taken. The first event in any twelve month period that generates one or more *substantiated* complaints will result in a consultation between a code enforcement officer and the permit holder how best to avoid future complaints. The second event within any twelve month period that generates one or more *substantiated* complaints will result in another conference with code enforcement personnel and forfeit of one additional event on that year's permit. A third event within any twelve month period that generates one or more *substantiated* complaints will result in *automatic* permit suspension for one year and a hearing before an event enforcement panel (how about

composed of one Planning rep, one private citizen, and one event permit holder?) to suggest improved compliance strategies. (The site retains its right to the permit, but the permit is withheld for the next cycle.) Facilities that have their permits withheld for two out of any five consecutive years *automatically* have their permits revoked for a period of two years and they lose their automatic renewal privileges. (The permit number is no longer automatically assigned to that site and returns to the general permit pool. The permit holder then must reapply as though it was a new facility.)

Temporary outdoor events would also be logged on this database.

Permit System: We suggest this system of annual event permits at different levels, which presents several advantages:

The County and other public agencies already have similar permit systems in place, such as parking permits and PCWA or NID irrigation water permits, and are familiar with establishing and maintaining them.

The permit process would become simple (conditions for each type of permit are posted on line), transparent and publicly accessible (residents can consult an on-line database for property information, permit type and event and violation history), easy to enforce, and permit fees generate the revenue to support the system and its enforcement.

An increased role for the County Sheriff's office, as suggested in the Staff Report, will be facilitated by this system, since permit requirements will be simple, uniform and posted on line. Any sheriff comments in response to complaints would be added to the documentation accompanying each complaint.

Consequences for violations are clear, graduated, and fair.

Illegal events at unpermitted facilities will be easy to spot.

Suggested Permit Levels:

Event permits. Annual event permits would be sold (similar to parking permits or buying irrigation water). Numbered event permits would be linked to one designated site and only one permit may be purchased for each address. Each site would automatically be eligible to have the permit renewed every year upon payment of the annual fee, unless the permit is suspended or revoked. Placer County Planning would establish and maintain a public database on the county website listing the specifications for each type of permit and the address, owner or manager, level of permit, dates, and times of events held under that permit, and whether there are complaints associated with a particular event (unsubstantiated complaints would be noted as such after investigation).

Public benefit and fraternal or non-profit association halls (e.g., grange halls, Community Centers) will be issued permits for tiers in which they qualify at a reduced or

no fee, but still must comply with all of the enforcement provisions and are subject to having the permit suspended or revoked.

Existing publicly or non-profit owned sites (actual "Community Centers") will be automatically eligible for permits in the tiers for which they qualify. *Established* businesses (e.g., Flower Farm & Newcastle Wedding Gardens) with facilities to accommodate events larger than what the new regulations allow would be granted a permit variance to continue operating at their present levels, but they may not increase those levels without submitting a new MUP application.

Provisionally permitted "Community Centers" (Gold Hill Gardens and Wise Villa Winery) are currently under 2-year MUPs. At the end of the two year probationary period, if they wish to continue to hold events, they will be automatically eligible for an event permit in the tier for which they qualify.

Permit fees will be graduated depending on the level of permit sought and may be adjusted as needed by Planning to cover the costs of maintaining the database and code enforcement.

The Planning Commission, at an annual public hearing, will review the need to enlarge the permit pool. If the cumulative number or concentration of permitted facilities, either county-wide or in a specific area, generates undue public hardship, environmental degradation, and/or infrastructure overloads (road quality, fire hazard, increased crime), no more permits will be issued unless and until the negative impacts or hazards can be corrected. New applicants for building permits for event facilities would be advised that applications will not be accepted until the Planning Commission makes new permits available, or until an existing permit in an appropriate Tier is revoked.

Suggested permit classes:

Class A: (All facility Tiers)
Up to 50 persons or 20 vehicles per event, whichever limit is reached first. [vehicles are easier to count than people]
No more than three events per month.
Events between the hours of noon and 7 pm only.
Maximum of 30 events per permit (i.e., 30 events per year)

Class B: (Tier 2 or better facilities)
Up to 150 persons or 60 vehicles per event, whichever limit is reached first.
No more than three events per week.
Events between 11 am and 8 pm only.
Minimum of two on-site security personnel for the duration of each event
Maximum of 80 events per permit (i.e., 80 events/year)

Class C: (Tier 3 facilities only)
Maximum persons and vehicles/event determined by MUP or CUP

Maximum events per week determined by MUP or CUP
Hours of events determined by MUP or CUP
Minimum of two on-site security personnel per 150 attendees for the duration of the event.
Maximum of 300 events per year.

Unused events do not roll over from year to year (i.e, any unused events expire at the end of the permit period) and are not transferable from one address to another.

Class AgA and AgB (there is no class AgC) are agricultural promotional permits available at a modest fee. Agricultural producers (primarily wineries, but shouldn't be limited to them) in Agricultural zoning may apply for these permits to showcase Placer agricultural products on site. For class AgA permits, requirements of a Tier 1 facility must be satisfied, except there is no requirement for a permanent event structure. For class AgB permits, requirements for Tier 2 must be satisfied except that there is no requirement for a permanent event structure and events are limited to two per week. AgA and AgB permits are good for a maximum of 8 events per year.

In addition, all landowners retain their right to TOEs under the TOE ordinance. TOE events would also be tracked in the enforcement database and are subject to enforcement similar to all other events.

Owners whose property qualifies for a less restrictive permit than the one they currently hold and who want to upgrade must apply to the Planning Commission (or permit panel, if established). Owners who want to downgrade their permit (e.g., from a B to A) would automatically be eligible for the more restrictive permit, providing the property and facility still qualify.

Illegal events and facilities (i.e., those without facility and/or event permits)

The permit database will also allow anyone to determine when illegal events are being held. If examination of the database reveals that no event permit has been issued for the site, a complainant may submit advertisements, flyers, photos, videos, etc to show that an event is being held at a non-permitted site. Upon a first *substantiated* offense, Code Enforcement would counsel the site owner about Placer event regulations and assess a small monetary penalty ($500 - $1000). Subsequent unpermitted events at the same site would result in much steeper fines, property liens and if necessary, legal action. [these provisions would all have to be worked into sec 17.62]

Illegal events harm Placer County, which receives no revenue to compensate for stresses upon the infrastructure, legitimate permit holders, whose businesses are undermined by the illegal activities, and Placer county residents who have to put up with the disruption of unregulated events. Penalties for these violations should be steeply graduated (i.e., you get one time to say you weren't aware of the event ordinance and then you get hammered.)