

# DRAFT WINERY ORDINANCE

## CHAPTER 17: PLANNING AND ZONING

### Wineries

17.56.330

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

B. **Definitions.**

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

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

**"Event" means a gathering of more than 20 people for 1-12 hours where the purpose is for fundraising, profit or is political, public, social, or educational in nature. A gathering which consists of friends or family of a winery owner that is not for the purpose of fundraising, profit, or is political, public, or educational in nature and no donation or compensation of any kind is exchanged in relationship to the gathering, is not considered an event. This does not apply to drop-in "public tasting" at a winery.**

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

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

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

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

"Public Tasting" refers to wine sampling by the general public **in accordance with California State Law.**

~~"Small Winery" refers to a winery with annual production less than 20,000 cases of 0 – 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).

# DRAFT WINERY ORDINANCE

**"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.

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

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	

# DRAFT WINERY ORDINANCE

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

**1. General**

- a. The primary purpose of the winery shall be to process wine grapes grown on the winery property or on other local agricultural lands as delineated in the Food and Agriculture Code as grape pricing District 10. District 10 encompasses Placer, Nevada, El Dorado, Amador, Tuolumne and Mariposa Counties. In the Residential, Resource and Agricultural zoning districts where wineries are allowed, at least one acre of planted vineyard on site is required. ~~unless the Agricultural Commissioner makes a determination that a functional equivalent occurs (i.e. winery is contracted to receive a substantial portion of the winery production capacity from locally produced vineyards).~~
- b. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared or bottled by the winery operator or grown on the winery premises, and custom crushed at another facility for the winery operator.
- c. The minimum parcel size for establishment of a winery is 4.6 acres in the Residential, Resource and Agricultural zoning districts where wineries are allowed.

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

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

- ~~a. **Small Wineries** – If public tasting is proposed, a minimum of five permanent parking spaces shall be provided.~~
- ~~b. **Large Wineries** – The minimum number of required parking spaces as indicated below shall be provided.~~

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

**3. Access Standards**

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

# DRAFT WINERY ORDINANCE

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

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

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

#### 4. Hours of Operation

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

#### 5. Noise Regulations.

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

#### 6. Lighting.

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

# DRAFT WINERY ORDINANCE

## 7. Food Regulations.

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

## 8. Tasting Facilities

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

## 4.9. Potable Water

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

## 5.10. Waste Disposal

- a. **Solid Waste.** All solid waste shall be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions. Pomace, culls, lees, and stems may be recycled onsite in accordance with the Report of Waste Discharge approved for each individual winery by the Regional Water Quality Control Board.
- b. **Winery Production Waste.** Standards for waste disposal shall be set, where applicable, by the Regional Water Quality Control Board and shall be stipulated in the Report of Waste Discharge.
- c. **On-site Sewage Disposal.** If public sanitary sewer is not available, then the on-site sewage disposal system shall be designed in compliance with County Code Chapter 8.24 and sized to accommodate employee, tasting room and commercial sewage flows. Portable toilets may be approved by the County Environmental Health Division for temporary and promotional events.

## ~~6. Tasting Facilities~~

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

## ~~7. Promotional Events~~

# DRAFT WINERY ORDINANCE

- 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.~~