



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING
SERVICES DIVISION**

EJ Ivaldi, Deputy Director

HEARING DATE: February 26, 2014

ITEM NO: 3

TIME: 10:30 am

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

GENERAL PLAN/COMMUNITY PLAN:

Placer County General Plan and all Community Plans

ZONING:

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

STAFF PLANNER:

George Rosasco, Supervising Planner

LOCATION:

Countywide

PURPOSE OF THE WORKSHOP:

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

BACKGROUND

In 2006, at the direction of the Board of Supervisors, staff initiated preparation of a Winery Ordinance for Placer County. At that time, it was determined that the wine industry was burgeoning and that the County's Zoning Ordinance needed to address the unique land use issues associated with wineries, such

as access requirements, wine tasting rooms, and private functions in predominantly rural areas. Based upon these unique land use issues, staff began preparing a winery-specific ordinance that addressed issues associated with the development of wineries, and their accessory uses. The two primary goals of the proposed Winery Ordinance were to clarify what activities would be allowed in conjunction with winery uses and to streamline the permit process. In order to ensure opportunities for public involvement, staff conducted multiple public meetings and workshops to introduce and discuss the Ordinance. As a result of input received through the workshops, the initial document was re-written multiple times to incorporate comments received from the public and winery owners.

During the review of the initial Winery Ordinance the following concerns were raised by members of the public:

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

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

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

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

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

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

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

PLANNING COMMISSION WORKSHOPS

December 12, 2013 Planning Commission Workshop:

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

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

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

June 13, 2013 Planning Commission Workshop:

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

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

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

July 24, 2014 Planning Commission Workshop:

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

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

November 13, 2014 Planning Commission Workshop:

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

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

DISCUSSION OF ISSUES

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

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

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

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

"Promotional activity" means an activity, sponsored by the property or winery owner, an association of agricultural property or winery owners, or similar organizations formed to assist the agricultural industry in the area, to promote the sale of wines grown and/or produced in Placer County, and which is intended to allow for the sampling and/or marketing and sales of those wines. Additionally, it may include meetings, fundraisers or weddings that are incidental to the main purpose of producing wine at the facility. Promotional activities include "Routine Activities", "Special Activities".

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

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

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

- No single “Routine Activity” shall exceed two consecutive days.
- Temporary, overflow parking may be utilized. The activity sponsor may be required to demonstrate the ability to provide safe access and parking, including providing attendants to monitor proper parking and access road clearance for emergency vehicles.
- Any “Routine Activity” utilizing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

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

- No single “Special Activity” shall exceed two consecutive days.
- Temporary, overflow parking may be utilized. The activity sponsor may be required to demonstrate the ability to provide safe access and parking, including providing attendants to monitor proper parking and access road clearance for emergency vehicles.
- Any “Special Activity” utilizing outdoor amplified music shall be subject to Placer County Code Article 9.36 (Noise Ordinance).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Zone Districts										
	Commercial					Industrial				
	CPD	C2	C3	HS	C1	RES	AP	BP	IN	INP
<u>Boutique Winery < 2,500 Cases</u>	<u>CUP</u>	<u>MUP</u>	<u>C</u>					<u>C</u>	<u>C</u>	<u>C</u>
Winery Production 2,500 - < 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)	
<u>Boutique Winery < 2,500 Cases</u>	<u>ARP</u>
Winery Production < 2,500 - 20,000 Cases	ARP
Winery Production >20,000 Cases	MUP
Wholesale and Retail Sales of Wine	ARP
Wine Tasting and Retail Sales of Wine-related Merchandise	ARP
Promotional Events Up to 6/year	ARP

Agricultural and Resource Districts (Agricultural Exclusive, Farm, Forestry only)	
<u>Boutique Winery < 2,500 Cases</u>	<u>C</u>
Winery Production < 2,500 - 20,000 Cases	C
Winery Production >20,000 Cases	MUP
Wholesale and Retail Sales of Wine Grown or Produced on Premises	C
Wine Tasting and Retail Sales of Wine-related Merchandise	C
Promotional Events Up to 6/year	ARP

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

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

NEXT STEPS

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

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

As noted in this report, there have been and will continue to be many opportunities for members of the public to participate and provide comments on the proposed Zoning Text Amendments associated with the Winery Ordinance. Through this type of inclusive process, the Planning Commission will hear first-hand the full breadth of comments, and any direction provided by the Planning Commission will take into consideration comments presented by all interested stakeholders.

ACTION REQUESTED:

Staff requests that the Planning Commission receives public comment on changes requested to the draft Winery Zoning Text Amendment by the Placer County Vintner’s Association, and give staff direction on the requested changes. Upon direction from the Planning Commission staff will modify the draft Winery Ordinance and present it to the Municipal Advisory Councils as an action item. The Winery Zoning Text Amendment will then be rescheduled before the Planning Commission for a recommendation to the Board of Supervisors, with the Municipal Advisory Council recommendations.

Respectfully,

George Rosasco, Supervising Planner

ATTACHMENTS:

Attachment A- Draft Winery Ordinance

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

Attachment C- Auburn Chamber of Commerce letter

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