

ATTACHMENT A

17.14.190 Wineries.

- A. Purpose. The purpose of this section is to provide for the development of wineries to encourage the economic development of the agricultural and tourism industries while regulating such uses to protect the public health, safety and welfare and the enjoyment of property by adjacent land owners.
- B. Winery permitted.
1. Agricultural zone districts. Wineries shall be permitted, by right, in SA-10, Select Agricultural, PA, Planned Agricultural, AE, Exclusive Agricultural, and all commercial zone districts except CPO, Professional Office Commercial. Wineries shall be permitted in AP, Agricultural Preserve districts, by special use permit. Wineries located in agricultural zone districts shall be located on parcels that contain twenty (20) acres or more and have a minimum of five (5) acres of planted wine

- vi. Wine promotional events. (For the purpose of this section, a promotional event is defined as events sponsored by the property owner, an association of agricultural property owners, or similar non-profit organization formed to assist the agricultural industry in the area, to promote the sale of El Dorado County wines, including wine tasting dinners, and which is intended to benefit the agricultural use of the site and/or the agricultural region. No single event shall exceed three (3) consecutive days.);
 - vii. Picnic areas for winery related activities;
 - viii. Agricultural-related museums;
 - ix. Gift display and sales area not to exceed a total of 500 square feet of interior floor space for the retail sale of winery related promotional items, gift items, and/or pre-packaged goods.
 - x. Agricultural Homestays, as defined under Section 113870 of the California Health and Safety Code, on parcels 10 acres or larger;
 - xi. Preparation of snack foods that are consumed while tasting wine;
 - xii. One unlighted sign, located on-site, advertising authorized activities. The sign's display area shall not exceed thirty-two (32) square feet on either sign face, with a total no greater than sixty-four (64) square feet for a double-faced sign. Freestanding signs shall not exceed twelve (12) feet in height. Grower association signs, such as Farm Trails, Apple Hill, Winery, Farm Bureau, 4-H or any other grower association representing a group of growers, shall be exempt from these provisions.
- b. Permitted subject of site plan review approval by the Planning Director, following a recommendation by the Agricultural Commission;
- i. Any use listed in subsection (C)(2)(a), above, on parcels that contain less than twenty (20) acres but ten (10) acres or more and have a minimum of five (5) acres of planted wine grapes;
 - ii. Gift display and sales area in excess of 500 square feet, but less than 1,000 square feet of interior floor space for the retail sale of winery related promotional items, gift items and/or pre-packaged goods;
 - iii. Special events where over 250 persons are in attendance, subject to available parking as set forth in subsection D(2);
 - iv. The site plan review approval may set forth limitations on the capacity of the accessory uses;
- c. Permitted subject to issuance of a special use permit:
- i. Art galleries, which may include sales and framing;
 - ii. Food preparation facilities for catering on-premises or off-premises functions, except Homestays and wine promotional wine tasting dinners;
 - iii. Gift display and sales area in excess of 1,000 square feet of interior floor space for the retail sale of winery related promotional items, gift items and/or pre-packaged goods;
 - iv. The sale of wine or grape products not covered by ABC Wine Growers License;
 - v. Agricultural Homestays, as defined under Section 113870 of the California Health and Safety Code, on parcels less than 10 acres;

- c. Where a proposed wine tasting facility is located on a private road and is outside general plan designated agricultural district boundaries, a special use permit shall be required.
- 4. Proposed wine tasting facilities that do not meet the standards set forth above may be considered by special use permit pursuant to Chapter 17.22. (Ord. 4636 §5, 2003; Ord. 4573 (part) 2001)

ATTACHMENT B

PUBLIC REVIEW DRAFT WINERIES ORDINANCE

June 28, 2006

17.14.190 Wineries.

- A. Purpose. The purpose of this section is to provide for the orderly development of wineries and accessory uses, within agricultural zone districts and certain residential zone districts, to encourage the economic development of the local agricultural industry, provide for the sales of value added products, and promote tourism, while protecting the agricultural character and long-term agricultural production of agricultural lands and provide for compatibility with adjacent land uses.
- B. Definitions. The following definitions are for the purposes of Section 17.14.190.
1. "General Plan Agricultural District" means the General Plan overlay land use designation applied to general areas which contain a predominance of choice agricultural soils and are preserved primarily for agricultural uses as shown on the adopted General Plan Land Use Map.
 2. "Commercial Vineyard" means that a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 220,000 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner. Properly maintained as used in this section shall mean that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including but not limited to the provision of irrigation, the control of pests and diseases, and the protection against deer depredation. Should the minimum acreage of wine grapes cease to be maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Agricultural Commission whose decision shall be final and not subject to further appeal.
 3. "Distillery" means a production facility for purposes of distilling wine to produce high proof or similar distilled spirits which is bonded through Bureau of Alcohol, Tobacco, and Fire Arms and has a current California Alcohol Beverage Control License. Related activities include, but are not limited to, blending, aging, storage, bottling, administrative functions, and warehousing operations.

4. "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 El Dorado County wines, and which is intended to allow for the direct marketing and sales of wines produced on the premises.
5. "Special Event" means those functions occurring at a winery for any purpose other than the promotion of the agricultural industry or the sale of agricultural products. Special events include advertising events, fund raising, charitable functions, meetings, conferences, social events, weddings, or other celebrations in which the full or partial use of the facility or premise is rented or donated for the event.
6. "Winemaker Dinner" means a promotional event held on the parcel where the winery is located for a group of not more than 125 persons who have responded to announcements and requested reservations from the winery, at least 48 hours in advance. The winemaker dinner may only be conducted during pre-established scheduled dates and times. No admission of the general public is allowed. The event may consist of a luncheon, dinner, or picnic fare, accompanied by wines produced by the host winery and conducted by the owner or winemaker. (This definition shall not be construed as to permit the establishment of a restaurant.)
7. "Winery" means an agricultural processing facility producing wine from fruit juices through fermentation or the refermenting of still wine into sparkling wine which is bonded through the Bureau of Alcohol, Tobacco, and Fire Arms and has a current California Alcohol Beverage Control Type 2 Winegrower's License. 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, and administrative office functions. This definition does not include the storage of case goods in the absence of processing which is considered warehousing.

C. Wineries and Accessory Uses. Wineries and the accessory uses are permitted as set forth below following a review and recommendation by the Agricultural Commission. The permit requirement needed for such uses vary based on: (1) the zone district the parcel is located in; (2) the size of the parcel; (3) if the parcel contains a qualified Commercial Vineyard; and (4) if the parcel is located in or outside a General Plan Agricultural District.

1. Agricultural Zone Districts.

- a. Wineries and the following accessory uses are permitted by site plan review in all agricultural zone districts, except the Agricultural Preserve Zone District (AP), and the parcel is a minimum of 20 acres. If the parcel

is less than 20 acres and at least 10 acres, or in a Agricultural Preserve Zone District (AP), a special use permit is required.

- i. One tasting room not exceeding 1,000 square feet;
 - ii. Wholesale and retail sales of wine and grape products produced on the premises;
 - iii. Retail sales of merchandise and art, subject to the provisions set forth in Subsection D.7.b.
 - iv. Public tours;
 - v. Picnic areas for winery related activities; and
 - vi. Promotional events, subject to the provisions set forth in Subsection D.9.
- b. The following accessory uses are permitted by special use permit on parcels located in all agricultural zone districts and are 10 acres or greater.
- i. Agricultural related museums;
 - ii. Commercial kitchen facilities or food preparation facilities for catering on-premises functions or the owner to cater off-premises functions;
 - iii. Distilleries, subject to the standards set forth in Section D.8.; and
 - iv. Special events, subject to the provisions set forth in Subsection D.10.
2. Residential Agricultural (RA) Zone Districts.
- a. Within a General Plan Agricultural District, Wineries and all uses listed under Section 17.14.190.C.1.a. & b. above, are permitted by special use permit on parcels located in residential agricultural (RA) zone districts if the parcel is 10 acres or greater.
 - b. Outside a General Plan Agricultural District, Wineries and the accessory uses listed under Section 17.14.190.C.1.a., above are permitted by special use permit located in residential agricultural (RA) zone districts if the parcel is 10 acres or greater.

3. Estate Residential (RE) Districts.

- a. Special Use Permit Required. Wineries and the following accessory uses at a winery are permitted by special use permit located in residential (RE) zone districts if the parcel is 10 acres or greater.
 - i. One tasting room not exceeding 1,000 square feet;
 - ii. Wholesale and retail sales of wine and grape products produced on the premises;
 - iii. Retail sales of merchandise and art, subject to the provisions set forth in Subsection D.7.b.
 - iv. Public tours; and
 - v. Picnic areas for winery related activities.

D. Development and Operational Standards. The following development and operational standards shall apply to all wineries, winery accessory structures and uses permitted in agricultural, residential agricultural (RA), and estate residential (RE) zone districts. These standards are the minimum required. Additional requirements may be added through the discretionary permitting process.

I. 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. No more than 50 percent of the grapes processed shall be imported from outside El Dorado County.
- b. Retail sales of wine grape products shall be limited to those produced by the winery operator or grown on the winery premises.
- c. Wineries may be permitted by special use permit without a Commercial Vineyard, however, such wineries shall not be open to the public nor have any accessory uses. Special use permit applications for wineries without a Commercial Vineyard shall only be considered on agricultural and residential agricultural (RA) zoned parcels located within a General Plan Agricultural District. At least 75 percent of the grapes used by the winery shall be grown within El Dorado County.
- d. The uses permitted by right under this section may not be considered in addition or combined with those uses permitted by right under Section 17.14.180, Ranch Marketing. A property owner seeking a combination of

uses under both sections may do so by special use permit, however, such combination shall not exceed any established maximum limitations.

2. Setbacks.
 - a. Within a General Plan Agricultural District. All winery structures, tasting rooms, and outdoor use areas shall be a minimum of 100 feet from all property lines.
 - b. Outside a General Plan Agricultural District. All winery structures shall be a minimum of 200 feet from all property lines.
 - c. These setbacks may be reduced by 50 percent through a special use permit approval when a special use permit is not otherwise required by this section. Approval may be granted only after the reviewing authority first determines that the request satisfies at least one of the following findings: (1) there is no feasible means to meet the required setbacks without creating environmental impacts or impacting agricultural land; (2) the property fronts a county maintained arterial or collector street (pertains to reduction of front yard setback only); or (3) the setbacks are not practical or feasible due to existing topographic conditions.
3. Signs. One unlighted on-site sign, advertising authorized activities not to exceed 32 square feet on either sign face, with a total not to exceed 64 square feet for a double-faced sign. Additional signage and off-site signs may be permitted by special use permit. Industry association signs as approved by the Board of Supervisors, such as Farm Trails, Apple Hill, Fairplay Winery Association, and El Dorado Winery Association, shall be exempt from these provisions.
4. Parking. The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
 - a. Permanent parking spaces shall be provided for wineries, tasting room, and retail sales areas pursuant to Chapter 17.18, Parking. Parking surfaces shall be surfaced with a six-inch Class 2 aggregate base or equivalent, compacted to 95 percent and shall be maintained in a dust free manner.
 - b. Parking for promotional events or special events, such as social gatherings and weddings, may utilize temporary, overflow parking areas. Limitations on the number of guests may be based on availability of off-street parking. On-street parking shall not be permitted.
 - c. All permanent customer parking areas shall be landscaped and shaded so it is screened from public roads where topography or existing on-site vegetation (including vineyards) does not provide for adequate screening in accordance with Section 17.18.090.

- d. The number of parking spaces as indicated in the following table shall be permanently maintained on the winery premises. Oversize parking spaces to accommodate bus and limousine parking is only required for wineries that are open to the public.

Areas for use by or for patrons including tasting rooms and reception areas.	One space per 300 square feet plus one space per two employees.
Offices, laboratories or administration areas.	One space per 300 square feet.
Production, storage, or warehousing areas.	One space per 1,000 square feet.
Additional oversize spaces 10 feet by 30 feet long for bus and limousine parking.	One space per 20,000 square feet of winery building area (defined under Subsection 5.a. below).
Promotional and Special Event parking.	One space per 2.5 persons.

5. Access.

- a. The access driveway to the winery and tasting room facilities shall connect directly to a public road, except as provided below. (Access via a private road for purposes of this subsection is to mean that access to the winery utilizes any portion of a private road whether or not the private road utilized is located on or off-site.)
- i. A winery open to the public accessed by a private road, if located within an Agricultural District, shall be subject to the review and approval of a site plan review by the Development Services Director, following a recommendation by the Agricultural Commission.
 - ii. A winery without on-site sales and not open to the public may be accessed by a private road if located outside of an Agricultural District. If the winery will have on-site sales or a tasting room, a special use permit shall be required.
 - iii. If the winery utilizes a private road, the winery shall participate in any road maintenance entity or agreement.
- b. Access to the winery and tasting room shall meet the minimum fire safe requirements of the applicable fire protection district.

6. Building Standards.

- a. Winery Building Area. In agricultural, agricultural residential, and estate residential zone districts, the winery, including tasting room, shall not exceed 20,000 square feet. For purposes of this section, the winery shall be the aggregate in area of paved or impervious or semi permeable ground surface areas of the production facility, (excluding parking and loading areas), storage areas, offices, laboratories, kitchens, and tasting rooms. Any winery exceeding 20,000 square feet shall require a special use permit. One winery is permitted on a single parcel.
- b. Lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from any location off the project site in accordance with Section 17.14.170.

7. Waste Disposal.

- a. Solid Waste. All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days in accordance with Chapter 8.42 of the County Code. Pomace, culls, lees, and stems maybe 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 will be set, where applicable, by the Regional Water Quality Control Board and will be stipulated in the Report of Waste Discharge.

8. Tasting Rooms.

- a. Tasting rooms shall be clearly incidental, related, and subordinate to the primary operation of the winery as a production facility. The primary focus of the tasting room shall be the marketing and sale of the wine and grape products produced at the winery.
- b. Retail Sales. Retail sales of merchandise and art shall only be permitted within the tasting room and shall not be under any circumstances located in a separate structure. Merchandise shall be limited to souvenirs and clothing bearing the logo of the winery, and other wine-related items or products. Food items for sale shall be limited to prepackaged food items properly labeled in accordance with the California Health and Safety Code.
- c. Food Service. Snack foods that are consumed during wine tasting are allowed provided the food is served free of charge or under a wine tasting

fee. The establishment of a restaurant where food items are served by menu or a deli case where items such as pre-made sandwiches, soups and salads are provided by order or self-serve shall be expressly prohibited.

- d. **Building Area.** In agricultural, agricultural residential and estate residential zone districts, the tasting room shall not exceed 1,000 square feet or greater than 10 percent of the total size of the winery, whichever is less.
 - e. **Number of Tasting Rooms Allowed.** One tasting room is allowed for each winery on a single parcel. If more than one winery shares production facilities, only one tasting room is allowed. More than one winery facility may share a tasting room.
9. **Distilleries.** In agricultural and residential agricultural zone districts, distilleries are only permitted in conjunction with a winery on the same parcel. Allowed activities include, but are not limited to, blending, aging, storage, bottling, administrative functions, warehousing operations, wholesale sales, retail sales, tasting facilities and related promotional events.
10. **Promotional Events.**
- a. **Limitations on Use.** Promotional events are limited to 12 events per calendar year and not more than 125 persons in attendance at any given time. No single event shall exceed more than three consecutive days. Any promotional event proposing outdoor amplified music shall only be allowed from ten a.m. to seven p.m. No outside amplified sound shall occur before ten a.m. or after seven p.m. The standard relating to amplified music may only be waived or modified where a finding can be made by the reviewing authority that the noise at the property line will not exceed sixty (60) dB. (These limitations do not include regular patronage of the tasting room.)
 - b. **Special Use Permit Requirement.** Where the Development Services Director has determined that the extent, number, or frequency of promotional events has exceeded the capacity of parking, roads, or is negatively impacting surrounding properties, a special use permit shall be required.
 - c. **Setbacks.** All promotional events shall conform to the setback standards of Subsection D.1.
11. **Special Events.**
- a. **Limitation on Use.** Special events which are to be held on a regular basis shall only be permitted by special use permit. Special events are limited to

12 events per calendar year. No single event shall exceed more than three consecutive days. Special events and promotional events shall not exceed a combined total of 24 events per calendar year. Multiple events, such as social gatherings or weddings, held during a single day shall be considered a single event for purposes of establishing the number of events.

- b. Temporary Use Permit. Special events such as fundraisers, concerts, or other special functions where the number of attendees will exceed 125 persons and determined to be of an infrequent nature not normally conducted at the winery facility or grounds may be permitted by temporary use permit in accordance with Chapter 17.23. Infrequent nature, as used herein, shall mean no greater than three events per calendar year not exceeding one event per month. Events provided at a greater frequency shall be subject to a special use permit as an outdoor events center if allowed by the zone district.
- c. Setbacks. All special events shall conform to the setback standards of Subsection D.1.
- d. Effect on Existing Promotional and Special Events. All unpermitted existing promotional and special events in existence on the effective date of this section (**date**) shall be subject to the standards specified in this Subsection. Required land use permits shall be requested from the county within one year of the effective date specified above. If the required land use permit has not been requested within the time frames set forth in this section, the penalties of Chapter 17.12 (Enforcement) of this Title shall apply.

ATTACHMENT C

AGRICULTURAL COMMISSION RECOMMENDED DRAFT WINERY ORDINANCE

January 10, 2007

17.14.190 Wineries.

- A. Purpose. The purpose of this section is to provide for the orderly development of wineries and accessory uses, within agricultural zone districts and certain residential zone districts; to encourage the economic development of the local agricultural industry; to provide for the sales of value added products, and to promote tourism, while protecting the agricultural character and long-term agricultural production of agricultural lands and provide for compatibility with adjacent land uses.
- B. Definitions. The following definitions are for the purposes of Section 17.14.190.
1. "Agriculturally Zoned Parcel(s)" means parcels zoned Exclusive Agriculture (AE), Planned Agriculture (PA), Select Agriculture (SA) or Agricultural Preserve (AP), without regard to whether the parcel lies inside or outside a General Plan Agricultural District.
 2. "Charitable Event" shall be defined as any event in which the property owner, winery or winery owner does not receive a fee for the use of the facility and in which the proceeds of the event are donated to a federally recognized not-for-profit organization (501(c)).
 3. "Commercial Vineyard" means that a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 218,000 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner. Properly maintained as used in this section shall mean that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including but not limited to the provision of irrigation, the control of pests and diseases, and the protection against deer depredation. Should the minimum acreage of wine grapes cease to be maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Agricultural Commission whose decision shall be final and not subject to further appeal.
 4. "Distillery" means a production facility for purposes of distilling wine to produce high proof or similar distilled spirits which is bonded through Alcohol, Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control License. Related activities include, but are not limited to, blending, aging, storage, bottling, administrative functions, and warehousing operations.
 5. "General Plan Agricultural District" means those areas of the County designated under the 2004 General Plan as Agricultural Districts.

6. "Marketing Event" means an event sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own" and similar activities, including amplified outdoor music subject to the county noise ordinance but may not include concerts or events which include more than one facility, or events sponsored by or for the benefit of an organization other than the facility.
7. "Parcel" means a legal parcel, not an administrative parcel used by the Assessor for tax purposes.
8. "Production Facility" means those areas of a winery where grapes are crushed, fermented or pressed, where bulk wine is stored in tanks or barrels, or where winery operations such as racking, filtering, blending or bottling of wines are carried out, and on-site case goods storage.
9. "Promotional Event" means an event, sponsored by multiple wineries, a group of wineries, an association of agricultural property owners, or similar organizations formed to assist the agricultural industry in the area, to promote the sale of El Dorado County wines which is intended for the direct marketing and sales of wines produced on the premises.
10. "Special Event" means those functions occurring at a winery for a purpose other than the promotion of the agricultural industry or the sale of agricultural products involving more than 250 people at any given time. Special events include, fund raising, meetings, conferences, social events, weddings, or other celebrations in which the full or partial use of the facility or premise is rented.
11. "Tasting Facility" or "Tasting Facilities" mean those areas of the winery premises that are open to the public and are utilized for wine tasting, sales, wine and food education, and wine promotion. Multiple areas are allowed to facilitate visitor management and control, and to permit simultaneous functions to proceed efficiently. According to the business plan of the winery, the following areas, among others, may be designated:
 - Public tasting area with no tasting fees charged
 - Public tasting area with tasting fees charged
 - Areas for special groups or tours that are too large to accommodate in a public tasting room
 - Private tasting area
 - Areas for wine dinner and wine/food pairing demonstrations
 - ~~Areas for charity and promotional events~~

12. "Winery" means an agricultural processing facility producing wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine which is bonded through the Alcohol, Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control Type 2 Winegrower's License. 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, and administrative office functions. This definition does not include tasting facilities or the storage of case goods in the absence of processing which is considered warehousing.
 13. "Winery Premises" means all the areas defined as the areas of the winery in which wine may be produced or stored.
- C. Wineries and Accessory Uses. Wineries and the accessory uses are allowed as set forth below following a review and recommendation by the Agricultural Commission or the Agricultural Commissioner. The permit requirement needed for such uses vary based on: (1) the zone district the parcel is located in; (2) the size of the parcel; (3) if the parcel contains a qualified Commercial Vineyard; and (4) if the parcel is located in or outside a General Plan Agricultural District.
1. Agriculturally Zoned Parcels.
 - a. If the parcel is a minimum of 20 acres and has a commercial vineyard as defined herein, wineries and the following accessory uses are allowed in all agriculturally zoned parcels, except the Agricultural Preserve Zoned parcels (AP), a conditional use permit is required.
 - i. Tasting facilities for only one winery not exceeding 2,500 square feet or twenty percent (20%) of the winery premises, whichever is greater;
 - ii. Wholesale and retail sales of wine and grape products produced, vinted, cellared or bottled on the premises;
 - iii. Retail sales of merchandise and art, subject to the provisions set forth in Subsection D.8.b.;
 - iv. Public tours;
 - v. Picnic areas;
 - vi. Marketing events;
 - vii. Promotional events, subject to the provisions set forth in Subsection D.10;
 - viii. Agricultural related museums;

- ix. Commercial kitchen facilities or food preparation facilities for on-premises functions only; and
 - x. Charitable events.
- b. The following accessory uses are allowed by conditional use permit on parcels located in all agriculturally zoned parcels that are 10 acres or greater with a commercial vineyard as defined herein.
- i. Commercial kitchen facilities or food preparation facilities for the owner to cater off-premises functions;
 - ii. Distilleries, subject to the standards set forth in Section D.9.;
 - iii. Special events, subject to the provisions set forth in Subsection D.11;
 - iv. Dining facilities.
- c. If the parcel is less than 20 acres and at least 10 acres, has a commercial vineyard as defined herein, and is located in a General Plan Agricultural District, wineries and the following accessory uses are allowed in all Agriculturally Zoned parcels except the Agricultural Preserve Zoned parcels in which case a conditional use permit is required:
- i. Tasting facilities for only one winery not exceeding 1,500 square feet or fifteen percent (15%) of the winery premises, whichever is greater;
 - ii. Wholesale and retail sales of wine and grape products produced, vinted, cellared or bottled on the premises;
 - iii. Marketing events;
 - iv. Picnic areas;
 - v. Public tours; and
 - vi. Retail sales of merchandise and art, subject to the provisions set forth in Subsection D.8.b.
- d. If the parcel is less than 20 acres and at least 10 acres, has a commercial vineyard as defined herein, and is located in a General Plan Agricultural District, the following accessory uses are allowed by conditional use permit on parcels located in all Agriculturally Zoned parcels including wineries on the Agricultural Preserve Zoned parcels:

- i. Promotional events, subject to the provisions set forth in Subsection D.10;
- ii. Agricultural related museums;
- iii. Commercial kitchen facilities or food preparation facilities for on-premises functions only; and
- iv. Charitable events.

2. Residential Agricultural (RA) and Estate Residential (RE) Parcels.

a. Within a General Plan Agricultural District, if the parcel is zoned residential agricultural (RA) or estate residential (RE), has a commercial vineyard as defined herein and is 10 acres or greater, the following accessory uses are allowed. All other uses listed under Section 17.14.190.C.1.a. & b. above, are allowed by conditional use permit.

- i. Wineries;
- ii. Tasting facilities for only one winery not exceeding 1,500 square feet or fifteen percent (15%) of the winery premises, whichever is greater;
- iii. Wholesale and retail sales of wine and grape products produced, vinted, cellared or bottled on the premises;
- iv. Picnic areas;
- v. Public tours;
- vi. Retail sales of merchandise and art, subject to the provisions set forth in Subsection D.8.b.; and
- vii. Marketing events

b. Outside a General Plan Agricultural District, Wineries and the accessory uses listed under Section 17.14.190.C.1.a., above are allowed by conditional use permit on parcels zoned residential agricultural (RA) if the parcel is 10 acres or greater and has a commercial vineyard as defined herein. However, the tasting facilities for only one winery shall not exceed 1,500 square feet or fifteen percent (15%) of the winery premises, whichever is greater.

c. Conditional Use Permit Required. Outside a General Plan Agricultural District, wineries and the following accessory uses at a winery are allowed by conditional use permit on parcels zoned estate residential (RE) if the

parcel is 10 acres or greater and has a commercial vineyard as defined herein.

- i. Tasting facilities for only one winery not exceeding 1,000 square feet or ten percent (10%) of the winery premises area, whichever is greater;
- ii. Wholesale and retail sales of wine and grape products produced, vinted, cellared or bottled on the premises;
- iii. Retail sales of merchandise and art, subject to the provisions set forth in Subsection D.8.b.;
- iv. Public tours;
- v. Picnic areas; and
- vi. Marketing events.

D. Development and Operational Standards. The following development and operational standards shall apply to all wineries, winery accessory structures and uses allowed in parcels zoned agricultural, residential agricultural (RA), and estate residential (RE). These standards are the minimum required. Additional requirements may be added through the discretionary permitting process.

1. General.

- a. The primary purpose of the winery shall be to process fruit grown on the winery premises or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.
- 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, or custom crushed at another facility for the winery operator (an ABC Type 2 Winegrower's license requires that at least 50% of the wine sold be produced by the winery).
- c. Wineries may be permitted by conditional use permit without a Commercial Vineyard as defined herein, however, such wineries shall not be open to the public nor have any accessory uses. Conditional use permit applications for wineries without a Commercial Vineyard shall only be considered on agricultural and residential agricultural (RA) zoned parcels located within a General Plan Agricultural District. At least 75 percent of the grapes used by the winery shall be grown within El Dorado County.

- d. The limitation on the number of events permitted by right under this section may not be considered in addition or combined with those permitted by right under Section 17.14.180, Ranch Marketing.
2. Setbacks.
 - a. Within a General Plan Agricultural District. All production facilities, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas, shall be a minimum of 50 feet from all property lines.
 - b. Outside a General Plan Agricultural District. All production facilities, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas, shall be a minimum of 100 feet from all property lines.
 3. Signs. One unlighted on-site or off-site sign with the property owner's approval, advertising authorized activities not to exceed 32 square feet on either sign face, with a total not to exceed 64 square feet for a double-faced sign. Additional signage may be permitted by conditional use permit. Industry association signs as approved by the Board of Supervisors, such as Farm Bureau, Farm Trails, Apple Hill, Fairplay Winery Association, and El Dorado Winery Association, shall be exempt from these provisions.
 4. Parking. The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
 - a. Permanent parking spaces shall be provided for wineries, tasting room, and retail sales areas pursuant to Chapter 17.18, Parking. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent,
 - b. Temporary parking for promotional events or special events may utilize overflow parking areas. Limitations on the number of guests may be based on availability of off-street parking. On-street parking shall not be permitted on county maintained roads.
 5. Access.
 - a. The access driveway to the winery and tasting room facilities shall connect directly to a public road, except as provided below. (Access via a private road for purposes of this subsection is to mean that access to the winery utilizes any portion of a private road whether or not the private road utilized is located on or off-site.)
 - i. A winery open to the public accessed by a private road, if located within an Agricultural District, shall be subject to the review and approval of a site plan review by the Development Services Director, following a recommendation by the Agricultural Commission.

- ii. A winery without on-site sales and not open to the public may be accessed by a private road if located outside of an Agricultural District. If the winery will have on-site sales or a tasting room, a conditional use permit shall be required.
 - iii. If the winery utilizes a private road, the winery shall participate in a road maintenance entity or agreement.
 - b. Access to a winery with public access shall meet the minimum fire safe requirements of the applicable fire protection district.
6. Building Standards.
- a. Winery Building Area. In agricultural, agricultural residential and estate residential zoned parcels located in a General Plan Agricultural District, the winery shall not exceed the sizes shown in the table below. In estate residential zoned parcels outside of a General Plan Agricultural District, the winery shall not exceed 15,000 square feet on parcels that are 10 acres to less than 20 acres and 35,000 square feet on parcels that are 20 acres or greater. For purposes of this section, the winery building area shall be the aggregate in area of paved or impervious or semi permeable ground surface areas of the production facility, (excluding parking and loading areas), storage areas, offices, laboratories and kitchens. Any winery exceeding the sizes in the table below shall require a conditional use permit. One winery is permitted on a single parcel.

PARCEL SIZE ON WHICH THE WINERY IS LOCATED	MAXIMUM ALLOWABLE WINERY SIZE
10 acres to less than 20.0 acres	15,000 square feet
Equal to or larger than 20 acres but less than 40.0 acres	50,000 square feet
Equal to or larger than 40.0 acres	100,000 square feet

7. Waste Disposal.
- a. Solid Waste. All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days in accordance with Chapter 8.42 of the County Code. 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 will be set, where applicable, by the Regional Water Quality Control Board and will be stipulated in the Report of Waste Discharge.

8. Tasting Facilities.

- a. Tasting facilities shall be clearly related, and subordinate to the primary operation of the winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared or bottled at the winery.
- b. Retail Sales. Retail sales of merchandise, prepackaged food items properly labeled in accordance with the California Health and Safety Code and art shall only be permitted within the tasting facilities and shall not be under any circumstances located in a separate structure.
- c. Food Service. Snack foods that are consumed during wine tasting are allowed.
- d. Tasting Facilities Allowed. One tasting facility is allowed on a single parcel. If more than one winery shares production facilities, only one tasting facility is allowed. While multiple brands or multiple labels of a single winery (or names, registered with the TTB under DBA arrangements) may be tasted and sold at multiple locations within a single room or in multiple rooms on the premises; brands for labels belonging to other wineries having alternating proprietor relationships with the winery may not be tasted and sold on the premises.

9. Distilleries. In agricultural and residential agricultural zone districts, distilleries are only permitted in conjunction with a winery on the same parcel with a conditional use permit. Allowed activities include, but are not limited to, blending, aging, storage, bottling, administrative functions, warehousing operations, wholesale sales, retail sales, tasting facilities and related promotional events.

10. Promotional Events.

- a. Limitations on Use. Promotional events are limited to 24 events per calendar year and not more than 250 persons in attendance at any given time. No single event shall exceed more than three consecutive days. Any promotional event proposing outdoor amplified music shall conform to the County Noise Ordinance (These limitations do not include regular patronage of the tasting facilities.)
 - i. Minor Use Permit or Conditional Use Permit Requirement. Where the Agricultural Commission has determined through a public hearing that the promotional events have exceeded the

limitations of use as stated in subsection 10. a., a minor use permit or a conditional use permit shall be required.

- ii. Temporary Use Permit. Promotional events where a single event is longer than three (3) consecutive days and/or where the number of attendees will exceed 250 persons at any given time and determined to be of an infrequent nature not normally conducted at the winery facility or grounds may be permitted by temporary use permit in accordance with Chapter 17.23. Infrequent nature, as used herein, shall mean no greater than three events per calendar year not exceeding one event per month.
- iii. Setbacks. Promotional events shall conform to the setback standards of Subsection D.2.

11. Special Events.

- a. Limitation on Use. Special events which are to be held on a regular basis shall only be permitted by conditional use permit. Multiple events, such as social gatherings or weddings, held during a single day shall be considered a single event for purposes of establishing the number of events.
- b. Temporary Use Permit. Special events such as fundraisers, concerts, or other special functions where the number of attendees will exceed 125 persons at any given time and determined to be of an infrequent nature not normally conducted at the winery facility or grounds may be permitted by temporary use permit in accordance with Chapter 17.23. Infrequent nature, as used herein, shall mean no greater than three events per calendar year not exceeding one event per month. Events provided at a greater frequency shall be subject to a conditional use permit as an outdoor events center if allowed by the zone district.
- c. Setbacks. Special events shall conform to the setback standards of Subsection D.2.
- d. Effect on Existing Promotional and Special Events. All unpermitted promotional and special events in existence on the effective date of this section (date) shall be subject to the standards specified in this Subsection. Existing promotional and special events may be continued subject to an Administrative Review Permit only when the scope and frequency of the existing promotional and special events can be adequately documented in the application for the Administrative Review Permit. If an applicant wishes to expand the scope or frequency of the existing promotional and/or special events, a Minor Use Permit or a Conditional Use Permit will be required. The required Administrative Review Permit, Minor Use Permit or Conditional Use Permit shall be requested from the county

within one year of the effective date specified above. All existing uses shall be allowed to continue for one year from the application date of any of the above specified permits. If the required permit has not been requested within the time frames set forth in this section, the penalties of Chapter 17.12 (Enforcement) of this Title shall apply.

Ag Comm Recommendation

ADDENDUM

1:30 P.M.

WINERY ORDINANCE

Discussion and direction to staff regarding the preparation of the Draft Wineries Ordinance Project Description for purposes of environmental review and recommendations to the Board of Supervisors; and consideration of staff's Public review Draft Ordinance, dated June 28, 2006, the Agricultural Commission's Recommended Winery Ordinance, dated January 4, 2006, and the Industry Subcommittee Adopted Proposed Winery Ordinance, dated January 3, 2007.

This item was continued from the meeting of January 25, 2007.

Staff: Pierre Rivas presented this item.

Chair Knight does not know if there is that much distinction between charitable and special events as far as numbers go. The Commissioners felt comfortable with the definitions in #1.

Commissioner Mathews has a problem with the numbers involved in #2. He believes 250 is too high. It needs to be lowered for special events. Mr. Rivas said special events would be allowed under a special use permit where there are controls. Commissioner Machado would like less than 250. Commissioner Tolhurst said the 250 version will also go forward to the Board. What the Commission needs to find is a lower number also. He feels a special event is a one-day event. Commissioner Mathews feels 125 is a satisfactory number. Commissioner Machado felt 24 events, with not more than 125 people, would be okay in an agricultural district. He also feels charitable and special events are the same and should both require a special use permit.

Paula Frantz, County Counsel, said this is the starting point for what the Commission wants staff to analyze. We are trying to come up with a project description on which to base a CEQA document.

On #3, Commissioner Machado has no problem with multiple tasting rooms. All the other Commissioners agreed.

On tasting facility, Commissioner Mathews would use the Agricultural Commission definition with the last two bullets deleted.

Commissioner Tolhurst would be agreeable to a restaurant by special use permit on a case-by-case basis. Commissioner Machado agrees to having a kitchen for winery use as long as there is no sit-down with menus.

#8 – Commissioner Machado does not believe there should be any sub-leasing allowed; no signage promoting stores; no furniture or jewelry.

Ms. Frantz said it would be easier to use square footage for the retail sales area. The Commission concurred ^{that the} the square footage should be in the same room where wine tasting occurs.

#9 – Commissioner Mathews did not agree with distilleries. Commissioner Tolhurst said they should not be allowed by right; it would be okay with a special use permit in agricultural districts.

Dave Hopkins, representing Jerome Pasto, spoke about language being added requiring participation by wineries in zones of benefit for road maintenance. Commissioner Mathews commented this would make sense. Mr. Rivas said staff is working with Department of Transportation staff and County Counsel on this issue. Mr. Hopkins said their problem is with an existing winery and road problems. Ms. Frantz commented an existing establishment is another question. Dave Pratt, Grape Growers Association, commented if you are not in such a zone, you cannot contribute.

Mr. Pratt said they are trying to create experiences. People do not go to wineries just to purchase a bottle of wine. They go for the experience. The business will be self-regulating. This is our chance to keep taxes in the County. He agrees the music should be covered under the noise ordinance. Events are self-limiting in nature. Mr. Pratt spoke about being able to provide on-premises catering. There would be a limit based on parcel size.

Brian Fitzpatrick commented wineries in El Dorado County are trying to sell their product out of their wineries. Wine country is tourist driven. You need the wine, food, lodging, and shopping. The Planning Department does not have a vision of where we want to go with wineries. We need goals as to where we are going and ordinances to help us get there. Tourists want variety. There are very few wineries that are economically viable at the present time. They need support and encouragement. There has been no demonstration that anything needs to be limited.

Paul Bush, Madrona Vineyards, said they have put together an ordinance that truly represents agriculture. They were concerned with the Planning Department version because of all the special use permits that were being required. His greatest concern with putting charitable events with special events is wineries will have only special events rather than charitable events because they will not make the same money. Is the 150 people all day or during the event? It is the location and not just the size of the winery that dictates how many people go to a certain tasting room. The retail sale of merchandise is self-limiting. As long as it is an ancillary use, it should be open to what you want.

Ken Greenwood feels you need a special use permit no matter where it is located. The roads are not better in an agricultural district. It is the road that serves the winery that is in question. He is glad the Commission is considering lowering the 249 number. There are impacts to adjacent

property owners. The size of the tasting room does not matter. There should be no problem with selling art, etc. We should focus on public health and safety and not regulating businesses. Mr. Greenwood stated we do not have a noise ordinance. We have General Plan standards that can be applied to discretionary projects. Focus on the things that are going to impact adjacent property owners. Mr. Greenwood spoke about people not paying parking fees when using tents.

Carolyn Mausfield implored the Commission to look at the industry document. Hours and hours were spent coming up with this document. This was created by people who know how the industry is run. She asked that the Commission go with the document that came out of the Agricultural Commission. They are for agriculture in the County.

Justin Boeger said the individual wineries looked at the ordinance differently. They are committed to the protection of agriculture in El Dorado County. The family wineries must work very hard to compete with the 2,000 other wineries in California. Tasting rooms are their face to the public. More than 85 percent of their wines are sold out of their tasting rooms. He supports taking the Agricultural Commission version and putting in some of the Commissions thoughts. Mr. Bush urged that the Commission adopt the ordinance that upholds the winery business and tourism in the County.

Greg Boeger said it is better to look at the Agricultural Commissions version and modify that than look at the Planning version and modify that. We need to allow innovation in our wineries so people will want to come up here. A good, healthy wine industry will help promote commercial industries in El Dorado County. The number limit should be on an event and not daily basis. The ordinance should be open on restaurants. It should be allowed with a special use permit. There should be some type of review but allow innovation.

Franchesca Loftus supports the winery ordinance. It is a good experience. The roads in South County cannot be improved based on taxes. The people that come to El Dorado County to purchase wine spend money in El Dorado County. Food goes with wine. We need to give these wineries the tools to become successful.

Scott Miller, winery owner and representing the Fairplay Winery Association, said the numbers need to be considered. Regarding merchandising, people do not go to wineries to buy clothing. He asked that the Commission go with the Agricultural Commission's version. A lot of time was spent by the people involved with the ordinance.

Art Marinaccio said the Agricultural Commission is advisory to the Planning Commission, and that version should be looked at before it goes to the Board. You need to consider the impacts on adjacent property owners. You need to look at a permit process for residential areas.

Valerie Zetner, El Dorado County Farm Bureau, said the industry has come up with some areas that are more restrictive. Eighty-five to 90 percent of the wine sales are at the tasting rooms or through the wine club. She agrees we should not be limiting the size of tasting rooms. She is concerned about having too many special use permits. We have to make sure that people already in this business be grandfathered in or be able to go through an administrative process. They

need to be able to continue to operate. On your market and promotion events, your parking is going to limit the numbers. We need to get into and stay in business.

Tom Heflin said the Economic Development Commission is working on comments for the winery ordinance. Referring to Objective 10.1.6, they are looking at the tremendous value the wineries provide for the County. Mr. Heflin spoke about combining the winery and ranch marketing ordinances.

Robert Hall asked about the definition of a commercial vineyard. He hopes the County addresses the operation of over 250 cases and under 1,000 cases. He is not interested in having a tasting room.

No further input was received. Staff will return to the Commission with a modified version at a future meeting. No action was taken.

DRAFT WINERIES ORDINANCE COMPARISON TABLE
AGRICULTURAL COMMISSION RECOMMENDATION, PUBLIC REVIEW DRAFT, AND EXISTING ORDINANCE

SECTION/TOPIC	AGRICULTURAL COMMISSION RECOMMENDATION January 18, 2007 ¹	PUBLIC REVIEW DRAFT June 28, 2006	EXISTING ORDINANCE Adopted 2001	COMMENTS
Section II: Definitions				
Charitable Events	Added definition of "Charitable Event"	Does not define charitable event. These are considered special events and not separate and distinct.	Not defined.	Ag. Comm. recommends that events which are "charitable" as defined would not be subject to any limitation in terms of number of events or number of attendees since these would be distinct class of activity from promotional events which are limited as defined or special events which are subject to a conditional use permit. Each event would be in excess of what the Public Review Draft permitted.
Marketing Event	Added definition of "Marketing Event"	Not defined. Marketing event is not separately distinguished from a promotional event which is defined.	Not defined.	Ag. Comm. added distinct class of activity defined as "marketing" events which would not be subject to any limitations on number of events or number of attendees.
Promotional Event	Modified promotional event to mean an event sponsored by multiple wineries or group of wineries only.	Defined to mean any event sponsored by a single winery, multiple wineries, or association to promote sale of local products.	Defined to mean events sponsored by the prospective owner, or group of, or an association, etc., to promote the sale of EDC wines, including winemaker dinners.	Ag. Comm. modified "promotional" events to mean only those events sponsored by a group of wineries or an association, etc. An example would be "Wineport Weekend" which is held twice a year. The Public Review Draft does not differentiate between whether the promotional event is sponsored by a group or association or the individual winery which industry classifies as a marketing event and not subject to any limitations. (Promotional events should not include regular patronage of the winery facility.)
Special Event	Modified special event to include such events having more than 250 persons in attendance. Eliminated charitable functions and donated facilities from list of special events.	Defined to mean functions occurring at a winery for either commercial or social activities other than promotional. (Limitations on use stated in Development and Operational Standards section below.)	Not defined.	Ag. Comm. modified "special" event to be a class of event now excluding charitable events and such events having less than 250 persons in attendance. Therefore, special events, such as weddings, etc., having up to 250 persons in attendance would not be limited in terms of the number of events. The Public Review Draft classifies special event as those events: whether commercial or social in nature for purposes other than promoting the wine industry.
Winemaker Dinner	Deleted definition of a "winemaker dinner" as a promotional event from the definitions section.	Strictly defined winemaker dinners to mean a promotional event. Standards included preventing establishment of a restaurant.	Not specifically defined. Included as a promotional event.	Ag. Comm. recommends deletion of a "winemaker dinner" definition. The Public Review Draft included a definition to prevent establishment of a restaurant which is commercial use not permitted in agricultural or residential zone districts.
Section C: Wineries and Accessory Uses				
Review of wineries and accessory uses.	Requires review by the Agricultural Commission or the Agricultural Commissioner.	Requires review by the Agricultural Commission only.	In general, those permitted by right do not require Ag. Commission review what.	Ag. Comm. has added language to require the Ag. Commission or Ag. Commissioner to review and make recommendations on wineries and accessory uses. Although unclear, the Ag. Commissioner could review ministerial permits. General Plan Policy 8.4.2.1 requires.

<p>Subsection C.1.a: Agricultural Zone Districts – Permitting Uses</p>		<p>meeting required zoning, parcel size, and vineyard. Those processed by staff under site plan review (ministerial) or SUP req. Ag Comm. review.</p>	<p>review and recommendation by the Ag. Commission on any discretionary application.</p>
<p>Uses by Right/Process</p>	<p>Deleted requirement for review of wineries and accessory uses by site plan review.</p>	<p>Requires review of wineries and accessory uses by site plan review.</p>	<p>Not required by ordinance, however, wineries are processed by site plan review in conjunction with building permit application.</p> <p>Although the Ag. Comm. recommends deletion of the site plan review process for wineries and accessory uses permitted by right, the existing and proposed site plan review process is not necessary to allow the processing of agricultural products grown the same parcel. Does this mean that a location where wine is only "collected" can then sell produce?</p> <p>This raises the questions of the purpose of allowing a winery on agriculturally zoned parcels which is to allow the processing of agricultural products grown the same parcel. Does this mean that a location where wine is only "collected" can then sell produce?</p> <p>Billings of review services determined.</p>
<p>Product Sales</p>	<p>Allows wholesale and retail of products produced, stored, cultured or bottled on the premises.</p>	<p>Allows wholesale and retail of products produced on the premises.</p>	<p>Allows wholesale and retail of products grown on, and grown off premises, bottled on premises and sold in conjunction with product grown on premises.</p>
<p>Commercial Kitchens</p>	<p>Allows by right commercial kitchen facilities or food preparation facilities for on-site functions only.</p>	<p>Allowed by special use permit for on-site functions.</p>	<p>Not specifically listed. Inferred that a commercial kitchen is allowed by right for winemaker dinners only.</p>
<p>Alternating Proportionship</p>	<p>Expressly prohibits tasting and sales of labels belonging to other wineries having an alternating proportionship.</p>	<p>Not addressed.</p>	<p>Not addressed.</p>
<p>Dining facilities</p>	<p>Allows dining facilities by CLUP.</p>	<p>Not addressed directly. (SEE DEFINITION OF WINEMAKER DINNERS)</p>	<p>Not addressed. Winemaker dinners permitted by right of SUP depending on zoning and parcel size.</p>
<p>Subsection C.3a: Estate Residential Zone Districts – Activities by Use Permit (Note: The Agricultural Commission portion of the table may not adequately reflect the January 10, 2007 recommendations.)</p>			
<p>Tasting Rooms</p>	<p>By CLUP not exceeding 1,000 sq. ft. or 10% of winery building area, whichever is greater.</p>	<p>By SUP not exceeding 1,400 sq. ft.</p>	<p>By SUP not exceeding 500 sq. ft.</p>
<p>The Ag. Comm. recommendations would allow 1,000 sq. ft. of tasting facility in a 10,000 winery premises (as defined). A 50,000 sq. ft. winery would allow 5,000 sq. ft. of tasting area, and a 100,000 winery would allow 10,000 sq. ft. of tasting area. Wineries average</p>			

				approximately 20,000 to 25,000 sq. ft. in the County allowable for a tasting area of 2,000 to 2,500 sq. ft.
Merchandise Retail	Retail of merchandise and art permitted by CUP.	Retail of merchandise and art by SUP.	Retail sales of winery-related promotional items, gift items and pre-packaged goods by SUP.	
Marketing Events	Allows marketing events. Events established by CUP.	Not permitted. (Promotional and special events not permitted. Only allows public tours.)	Not permitted. (Promotional and special events not permitted. Only allows public tours.)	
Section D: Development and Operational Standards				
Retail sales permitted-grape products	Retail sales of product limited to produce, vinted, collected or bottled. Also allows sales of custom crushed product at another facility for the winery.	Retail sales of wine grape products limited to those produced by the winery operator or grown on the premises.	Allows wholesale and retail of products grown on, and grown off premises, bottled on premises and sold in conjunction with product grown on premises.	An ABC Type 2 Winegrower's license requires that at least 30% of the wine sold be produced by the winery.
Wineries without commercial vineyard	Allows a winery on agricultural and RA zoned lands in an Ag-District without having the required 5-acre vineyard with a CUP.	Allows a winery on agricultural and RA zoned lands in an Ag-District without having the required 5-acre vineyard with a SUP.	Not permitted. (Wineries would be permitted in industrial and commercial zone districts without a commercial vineyard.)	Allowing wineries on parcels without agricultural production would have a negative impact on long-term productivity.
Sebacks-within Ag Districts	Wineries, tasting rooms, and outdoor uses: 50 ft. from property boundaries.	Wineries, tasting rooms, and outdoor uses: 100 ft. from property boundaries.	Wineries, tasting rooms, and all accessory uses: 50 feet from property boundaries.	
Sebacks-outside Ag Districts	Wineries, tasting rooms, and outdoor activity areas: 100 ft. from property boundaries.	Wineries, tasting rooms, and outdoor activity areas: 200 ft. from property boundaries.	Wineries, tasting rooms, and all accessory uses: 200 ft. from residentially zoned properties.	
Signs	Allows one on-site or off-site sign of 32 sq. ft. Additional signs by CUP. Added Farm Bureau as example of industry association signs permitted by Board of Supervisors.	Allows one on-site sign of 32 sq. ft. Additional signs by SUP. HOS approval for industry association signs except from these provisions.	Allows one on-site sign of 32 sq. ft. not exceeding 12 ft. in height. Additional signs by SUP. HOS approval for industry association signs except from these provisions.	Off-premise signs may be established by special use permit in accordance with Section 17.16.120 of the Zoning Ordinance.

Permanent parking surface requirements	Requires parking surfaces to consist of Class 2 aggregate base or equivalent.	Requires parking surfaces to consist of 6 inches Class 2 aggregate base or equivalent compacted to 95% and maintained in a dust free manner.	Parking surfaces may be dirt or gravel subject to provisions of Chapter 17.18 (required spaces)	
Access-open to public on private road	Requires CUP.	Requires SUP.	Requires Planning Director approval of SPR within an Ag. District. Requires SUP outside of an Ag. District.	Allows substantial wine production facilities based on the parcel size without required to the amount of acreage in production.
Building Standards- Macadam areas	Building includes "production facility" only, excluding tasting rooms. Allowable size based on parcels size: 10 acres-15,000 sq. ft.; 20 acres-50,000 sq. ft.; 40 acres-100,000 sq. ft. maximum. Requires CUP for larger size.	Building area includes production facility and tasting rooms. Wineries in excess of 20,000 square feet require a special use permit.	No building size limitations.	The deletion of prohibiting restaurants and allowing for commercial sales of food is contrary to the purpose and intent of agriculturally zoned lands which do not allow commercial uses. The General Plan does not anticipate commercial enterprises within rural regions or agricultural districts.
Tasting Rooms- Food Service.	Deleted prohibition of charging for food; deleted prohibition opened establishing a restaurant or deli case serving pre-made food.	Allows providing snack foods free of charge or under a tasting fee. Expressly prohibits establishment of restaurant and deli case.	Allows "preparation of a snack foods that are consumed while tasting wine"	
Tasting Rooms- Building Areas.	This section defining the maximum size of tasting rooms is deleted. (Allows: Ag. & RA Zoning: 2,500 sq. ft. or 20% of winery whichever is greater; RT: 1,000 square feet or 10% of winery whichever is greater.)	Limited to 1,000 square feet or 10% of the winery, whichever is less.	Limitations established for "youth display and sales area." Ag. Zoning: 500 sq. ft. by right; over 500 to 1,000 sq. ft. must be Planning Director approval of SPR; SUP over 1,000 sq. ft.	Ag. Comm. recommendations would allow 2,500 sq. ft. of tasting facility at a 12,500 winery premises (6% 20%). A 50,000 sq. ft. winery would allow 10,000 sq. ft. of tasting area, and a 100,000 winery would allow 10,000 sq. ft. of tasting area. Wineries average approximately 20,000 sq. ft. in the County allowing for a tasting area of 4,000 sq. ft.
Distilleries	Requires conditional use permit.	Requires special use permit.	Not permitted.	Ag. Comm. recommendations would allow 1,000 sq. ft. of tasting facility at a 10,000 winery premises (6% 10%). A 50,000 sq. ft. winery would allow 5,000 sq. ft. of tasting area, and a 100,000 winery would allow 10,000 sq. ft. of tasting area. Wineries average approximately 20,000 sq. ft. in the County allowing for a tasting area of 2,000 sq. ft.
Promotional Events-Limitations on use	Limited to 24 events per year not have more than 250 persons in attendance at any given time. Outdoor amplified music to comply with the Noise Ordinance.	Limited to 12 events per year not having more than 125 persons in attendance at any given time. Outdoor amplified music limited to 10:00 am and 7:00 pm.	No limitation on number of events or number of attendees. No event shall exceed 3 consecutive days.	Outdoor amplified music subject with attendees exceeding 2,000 persons subject to special use permit per County Code Chapters 5.32, "The Live Music Festival" and with attendees exceeding 150 persons subject to Sheriff's Department issued permit per County Code Section 12.19, "Live Outdoor Amplified Concerts."

Special Events- Exemptions on Use	Requires CLUP. Limitations to be established through the CLUP process. Deleted limitation on a maximum of 12 events per year and a maximum of 24 total recreational and special events per year.	maximum 60 dB at property boundary.	Requires STIP. Limited to 12 events per year. Special and recreational events may not exceed 24 events per year combined.	In agricultural districts: 250 persons or less by night; over 250 require Planning Director approval of Site Plan Review.	The issue is the ability to engage in an amount and level of "events" that effectively creates an "events center" which may be appropriate in certain areas, and not in others. Therefore, a meaningful limitation is warranted for that allowed by right use as a use per unit.
Notes: 1. The Agricultural Commission reapproved Winterized the Commission Draft Revised January 11, 2007	Commission reapproved Winterized the Commission Draft Revised January 11, 2007	Ordinance represents The Industry Draft Revised January 11, 2007	Subcommittee Adopted Proposed Draft Revised January 11, 2007	Adopted Proposed Draft Revised January 11, 2007	Winterized the Commission Draft Revised January 11, 2007

Wade Young

IV. SITE PLAN REVIEW

17.22.300 Purpose. The purpose of this subchapter is to provide for the review and approval of development projects consistent with the provisions of this Title, where review is required or necessary to ensure compliance with adopted County standards, to provide appropriate on-site design of parking, circulation, building location, landscaping and lighting, and to protect the public health, safety and welfare. (Ord. 4589 §§2, 5, 2001)

17.22.310 Approval Authority. The Planning Director or his designee shall have approval authority of original jurisdiction for site plan review. The approval of a site plan review application shall be considered a ministerial permit pursuant to CEQA. (Ord. 4589 §§2, 5, 2001)

17.22.320 Standards and Requirements. Standards for site plan review shall be those established pursuant to Chapters 17.06, 17.14, 17.16, 17.18, the applicable zone district provisions, and any other standards or requirements adopted by El Dorado County by ordinance or resolution. (Ord. 4589 §§2, 5, 2001)

V. ADMINISTRATIVE PERMIT

17.22.350 Purpose. The purpose of this subchapter is to provide for the review and approval of development projects consistent with the provisions of this Title, where limited review is necessary to ensure compatibility with adjacent land uses and availability of public services and infrastructure, and to protect the public health, safety and welfare. (Ord. 4589 §§2, 5, 2001)

17.22.360 Approval Authority. The Planning Director or his designee shall have approval authority of original jurisdiction for administrative permits. The issuance of an administrative permit shall be considered a ministerial permit pursuant to CEQA. (Ord. 4589 §§2, 5, 2001)

17.22.370 Standards and Requirements. Standards for an administrative permit shall be those established pursuant to Chapters 17.06, 17.14, 17.16, 17.18, the applicable zone district provisions, and any other standards or requirements adopted by El Dorado County by ordinance or resolution. (Ord. 4589 §§2, 5, 2001)

VI. MINOR USE PERMIT

17.22.400 Purpose. The purpose of this subchapter is to provide for a review process to consider uses which are typically compatible with other permitted uses within a zone district, but due to their nature, require consideration of site design and adjacent land uses, based on the specific location of any proposed use requiring such a permit. (Ord. 4589 §§2, 5, 2001)

17.22.410 Approval Authority. The Zoning Administrator shall have approval authority of original jurisdiction for minor use permit. The approval of a minor use permit is considered a ministerial permit pursuant to CEQA, however, due to the potential for neighborhood sensitivity, public notice, pursuant to Section 17.22.200, and hearing is required. (Ord. 4589 §§2, 5, 2001)

17.22.420 Standards and Requirements. Standards for special use permits shall be those established pursuant to Chapters 17.06, 17.14, 17.16, 17.18, the applicable zone district provisions, and any other standards or requirements adopted by El Dorado County by ordinance or resolution. (Ord. 4589 §§2, 5, 2001)

17.22.430 Public Hearing. The approving authority shall hold a public hearing on the application after notice has been given pursuant to Section 17.22.200. (Ord. 4589 §§2, 5, 2001)

VII. TEMPORARY USE PERMIT

17.22.450 Purpose. The purpose of this subchapter is to provide for the temporary use of property or structures consistent with the provisions of Chapters 17.04 through 17.10, in a manner which protects the public health, safety and welfare, the enjoyment of one's property, and which provides review of a proposed use to ensure conformity with adopted County standards. (Ord. 4589 §§2, 5, 2001)

17.22.460 Approval Authority. The Planning Director or his designee shall have approval authority of original jurisdiction for temporary use permits. The approval of a temporary use permit application shall be considered a ministerial permit pursuant to CEQA except as provided in Chapter 17.23. (Ord. 4589 §§2, 5, 2001)

17.22.470 Standards and Requirements. Standards for temporary use permit shall be those established pursuant to Chapters 17.06, 17.14, 17.16, 17.18 and 17.23, and any other standards or requirements adopted by El Dorado County by ordinance or resolution. The Planning Director may also impose such conditions as necessary to ensure compatibility with adjacent land uses and to protect the public health, safety and welfare. (Ord. 4589 §§2, 5, 2001)

VIII. SPECIAL USE PERMIT

17.22.500 Purpose. The purpose of this subchapter is to provide for a review process to consider uses which may be compatible with other permitted uses within a zone district, but due to their nature, require consideration of site design, adjacent land uses, availability of public infrastructure and services, and environmental impacts, based on the specific location of any proposed use requiring such a permit. (Ord. 4589 §§2, 5, 2001)

17.22.510 Approval Authority. The Zoning Administrator or the Planning Commission shall have approval authority of original jurisdiction for special use permit applications. The determination of the approving authority shall be made by the Planning Director based on the nature of the application, including but not limited to the extent of controversy and the policy issues raised by the application. (Ord. 4589 §§2, 5, 2001)

17.22.520 Standards and Requirements. Standards for special use permits shall be those established pursuant to Chapters 17.06, 17.14, 17.16, 17.18, the applicable zone district provisions, and any other standards or requirements adopted by El Dorado County by ordinance or resolution. Where specific issues are identified during the review of the special use permit that are not addressed in adopted standards, or as mitigation measures identified during the initial study, the Zoning Administrator may impose such conditions as necessary to ensure compatibility with adjacent land uses, mitigate environmental impacts, and protect the public health, safety and welfare. (Ord. 4589 §§2, 5, 2001)

17.22.530 Public Hearing. The approving authority shall hold a public hearing on the application after notice has been given pursuant to Section 17.22.200. (Ord. 4589 §§2, 5, 2001)

17.22.540 Findings Required.

- A. The approving authority may approve or conditionally approve a special use permit only after making the following findings:
 - 1. The issuance of the permit is consistent with the general plan;
 - 2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and
 - 3. The proposed use is specifically permitted by special use permit pursuant to this Title.
- B. In the event a special use permit is denied, the approving authority shall specify the grounds for the denial.
- C. An applicant shall be notified, in writing, of the approving authority's decision, the findings made, and any conditions imposed on the project. (Ord. 4589 §§2, 5, 2001)