

Alternative Draft Winery Ordinance
17.14.190 Wineries
March 17, 2008

- A. Purpose.** The purpose of the winery ordinance is to:
1. Provide for the orderly development of wineries and accessory uses, within certain agricultural zone districts and certain residential zone districts and to ensure compatibility with adjacent land uses. (General Plan Policy 2.2.5.21.)
 2. To encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products. (General Plan Policy 10.1.5.4.)
 3. To implement General Plan Policies that encourages development of agricultural-related uses while protecting the agricultural character and long-term agricultural production of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2, 8.2.4.3, 8.2.4.4, and 8.2.4.5.)
- B. Wineries and Accessory Uses.** This chapter lists the uses that may be allowed within the specified agricultural and residential zone districts.
1. Those uses identified as “permitted” are subject to compliance with all applicable provisions of the Zoning Ordinance. Uses may also require grading permits, building permits, or other permits as required by the County Code.
 2. Those uses identified as permitted by Conditional Use Permit (CUP) require an Administrative Permit (17.22.350), Minor Use Permit (17.22.400) or a Special Use Permit (17.22.500) as determined by the Director of Development Services (Director).
 3. For uses listed in Paragraph 5 and 6 to be permitted by right, the uses must be located on a County maintained road with a minimum width of 20 feet, otherwise a CUP is required. See Subsection C5 for further clarification.
 4. All uses listed in Paragraph 5 and 6 that are permitted by right shall instead require a CUP when those uses are located on a lot that is adjoining MFR, HDR, MDR, or LDR General Plan land use designations. See Section Subsection C.12 for further clarification.
 5. The winery and accessory uses are grouped into the following categories and are further defined in the Development Standards and Special Provisions Subsection C:

- Category I: Winery (C.1, C.6), parking (C.4), and signs (C.3).
- Category II: Tasting facility (C.8.a, b), and picnic areas (C. 16).
- Category III: Retail sales of non-wine merchandise (C. 17), agricultural related museum (C. 15) and/or commercial kitchen (C. 14).
- Category IV: Special Events (C.10).
- Category V: Distilleries (C.9), winery dining facilities (C.13), and kitchen use for off-site catering (C18).

6. Wineries and accessory uses shall be permitted as set forth below (acreages are gross acreages):

a. PA and SA Zones: Lots Zoned PA and SA; that are 20 acres or more; with five acres commercial vineyard; the following uses are allowed:

- Permitted: Category I, Category II, Category III, and Category IV uses.
- By CUP: Category V uses.

b. PA and SA Zones: Lots Zoned PA and SA; that are 10 acres minimum, but less than 20 acres; with five acres commercial vineyard; the following uses are allowed:

- Permitted: Category I, Category II and Category III uses.
- By CUP: Category IV and Category V uses.

c. AE Zone: Lots Zoned AE; that are 20 acres or more; with five acres of commercial vineyard; the following uses are allowed:

- Permitted: Category I and Category II uses.
- By CUP: Category III, Category IV, and Category V uses.

d. AE Zone: Lots Zoned AE; that are 10 acres minimum, but less than 20 acres, with five acres of commercial vineyard; the following uses are allowed:

- Permitted: none.
- By CUP: Category I, Category II, Category III and Category IV uses.
- Prohibited: Category V uses.

- e. **AP Zone, RA Zone, RE Zone:** Lots Zoned AP, RA, and RE; that are 10 acres or more; with five acres of commercial vineyard; the following uses are allowed:

Permitted: none.
By CUP: Category 1, Category II, and Category III uses.
Prohibited: Category IV and Category V uses.

7. **Microwinery:** Lots zoned SA, PA, AE, AP, RA, and RE; that are a minimum of five acres in size; with a minimum one acre of commercial vineyard; may operate a microwinery by CUP, subject to the additional microwinery provisions of Subsection D:
8. **Other zones.** All other agricultural and residential zones not listed in this section are not permitted to have wineries or tasting rooms as a primary use or accessory use (either by right or by CUP). It is specifically prohibited to pursue a winery or tasting room as a “home occupation.” . In the Commercial and Industrial zones, wineries and accessory uses would be permitted in accordance with the specific zones provisions for wineries, but without this section’s provisions regarding to parcel size, vineyard size, location on County maintained road, or adjacent land use designation.

- C. **Development Standards and Special Provisions:** The following development and operational standards shall apply to all wineries, winery accessory structures and uses. These standards are the minimum required. Additional requirements may be added through the discretionary permitting process.

1. **General Winery Provisions.**

“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. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.
- b. Wineries include a “Production Facility” that includes 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.

- c. The winery, accessory buildings and uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
2. **Setbacks.** 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. Reductions in setbacks may be approved by CUP.
3. **Signs.** One unlighted on-site sign advertising authorized activities. The sign's display area shall not exceed sixteen square feet on either sign face with a total not to exceed 32 square feet for a double-faced sign. Off-site directional signs, not exceeding 6 square feet, may also be approved with the property owner's permission through the administrative permit process. Additional signage may be permitted by CUP. The review of administrative permits or CUPs for off-site signs is limited to review of the off-site sign and does not trigger a CUP or change an approved CUP for an authorized winery use. 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, with appropriate hard-surfacing for designated ADA compliant parking stalls.
 - b. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off-street parking. All temporary parking shall be accommodated on-site, shall meet Chapter 17.18 standards for temporary parking, and meet any Fire Department requirements.
5. **Access: County Maintained Road.** Access shall be to a County Maintained Road with a minimum 20 foot width. Wineries and accessory uses on a non-County maintained road are only permitted by CUP. Wineries and accessory uses that are identified in Subsection B as "permitted" but are accessed a County Maintained Road with less than a 20 foot width, may only be authorized by Conditional Use Permit.

“County Maintained Road” for this Subsection shall be a road that is listed by the Department of Transportation as being on the current County Maintained Mileage list. This list does not typically include County Service Area (CSA) or Zone of Benefit (ZOB) roads. As a condition of approval for a CUP, the winery will be required to participate in any private road maintenance, annex into a road ZOB, or otherwise pay a fair share for road maintenance as determined by the approving authority.

- 6. **Winery Building Size.** The winery building size shall not exceed the square footage shown in the Table A. Any winery building, or group of winery buildings and accessory buildings, exceeding the square footage in the Tables A below shall require a CUP. Winery buildings do not include residential buildings, garages, outbuildings and structures not associated with the winery, such as agricultural buildings.

TABLE A

LOT ON WHICH THE WINERY IS LOCATED	MAXIMUM ALLOWABLE WINERY BUILDING SIZE
Less than 10 acres (microwinery)	2,000 square feet
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 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 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 Facilities.**

- a. Tasting facilities shall be clearly related, and subordinate to the primary operation of the bonded 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. Snack foods that are consumed during wine tasting are allowed.
- 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 lot, or custom crushed at another facility for the winery operator (an ABC Type 2 Winegrower's license requires that at least 50 percent of the wine sold be produced by the winery).
- c. **Marketing.** Marketing activities or functions sponsored by a winery facility intended for the promotion and sale of the facility's products are allowed with a tasting room. Marketing activities shall be limited to 100 persons at any one time. Advertised activities may include, but are not limited to, indoor music, catered food, food prepared on premises, winemaker dinners, special wine releases, library wine sales, discounted sales, "bottle-your-own" and similar activities, 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.

9. **Distilleries.** "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. Distilleries are only permitted in conjunction with a winery on the same Lot 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, and tasting facilities.

10. **Special Events.** "Special Events" include any promotional or charitable function for 50 or more persons at one time, but does not include normal tasting and direct marketing activities described in C.8.

"Facility rental events" are Special Events such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings where the owner of the property is compensated for the use of the site and facilities

- a. Limitation on Use. Special events are limited to 24 event days per calendar year with the following limitation on facility rental events:

Facility rental events:

Lots less than 40 acres in size – 6 per year
Lots 40 acres or more in size – 12 per year

Small special events are not counted against the total event days when there are fewer than 50 persons at one time. Special Events are limited to 250 persons at one time without approval of a CUP if permitted in the zone according to Subsection B.

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.

- b. Temporary Use Permit. Special events such as fundraisers, concerts, or other special functions where the number of attendees will exceed 50 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 CUP as an outdoor events center if allowed by the zone district.
- c. Effect on Existing Special Events. All unpermitted special events in existence on the effective date of this section (**date**) shall be subject to the standards specified in this Subsection. Existing special events may be continued subject to an Administrative Use Permit only when the scope and frequency of the existing special events can be adequately documented in the application for the Administrative Use Permit. If an applicant wishes to expand the scope or frequency of the existing special events, a CUP will be required. The required Administrative Use Permit or CUP 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.

11. **Commercial Vineyard.** “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.

12. **Land Use Compatibility.** Lots proposed for winery facilities adjoining a non-compatible land use designations shall require a CUP. For purposes of this section, non-compatible land use designations shall be Multifamily Residential (MFR), High Density Residential (HDR), and Medium Density Residential (MDR) for lots within an Agricultural District, and shall include Low Density Residential (LDR) for lots outside an Agricultural District.

The compatible determination will be made at the time the winery building is issued a building permit. Subsequent expansion of the facility buildings or uses will require an additional compatibility determination.

13. **Winery Dining Facility.** Dining facility means an establishment where food is prepared and served to the public in an established indoor seating area. (17.06.050.Q). The Dining Facility must be subordinate to the sale of wine. The Dining Facility does not include areas of a winery that are temporarily set up for wine maker dinners.

14. **Commercial kitchen.** Food preparation facilities and sale of prepackaged food items must comply with the California Health and Safety Code and be permitted by Environmental Management. Commercial kitchens that are permitted shall be accessory to the winery, tasting room, and any other authorized accessory uses.

15. **Museum.** Agricultural related museums shall be accessory to a winery and tasting room shall primarily display items from California’s agricultural history.

16. Picnic areas. Picnic areas shall be subordinate to the winery and tasting room and no amplified music is permitted without a CUP.
17. Retail Sales. Retail sales of merchandise, art, prepackaged food items properly labeled in accordance with the California Health and Safety Code shall only be permitted within the tasting facilities and shall not be under any circumstances located in a separate structure. Sales of non-wine merchandise shall be subordinate to the wine sales.
18. Catering: Use of an on-site, authorized commercial kitchen for catering off-site events may be allowed only by CUP and only when the catering use is found to be subordinate to the winery's wine sales on an annual basis.

D. Micro-Winery Located on Agricultural and Residential Districts.

Micro-wineries shall be allowed by CUP in the Select Agricultural (SA-10), Planned Agricultural (PA), Exclusive Agricultural (AE), Agriculture Preserve (AP), RE-5 (Estate Residential 5-acre), Estate Residential 10-acre (RE-10) and all RA (Residential Agricultural) zone districts.

All micro-wineries are subject to all of the following provisions:

1. All micro -wineries shall be located on a lot of five acres or more.
2. All Micro-wineries shall have a minimum of one acre planted wine grapes on the same lot. These wine grapes shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum wine grapes acreage cease, as determined by the El Dorado County Agricultural Commissioner, the right to operate the micro-winery becomes void.
3. Wine sales shall be by internet, mail order, or off-site only. No on-site sales, tasting, or public access is permitted.
4. No other accessory uses described in this Winery Ordinance is permissible on the site. In no circumstances is wine tasting allowed on-site. No CUP can be approved that permits wine tasting or wine tasting by appointment.
5. All other local, State, and federal laws shall apply and compliance shall be verified prior to operation. At a minimum:
 - A. Fire Department shall review the facility for consistency with Fire Safe Regulations.

- B. Waste Discharge permit or Waiver of Discharge Permit from Regional Water Quality Control Board.
 - C. Winegrower license from ABC (Alcoholic Beverage Control).
 - D. Building Permit (Building, Planning, Environmental Management).
 - E. Verification of one acre vineyard, properly maintained (Agricultural Department).
6. The capacity of the micro winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot with a total capacity not to exceed 1,250 cases (2,972 gallons).

Parcels zoned PA and SA may exceed these amounts according to the CUP conditions if:

- A. The lot is within a General Plan Agricultural District.
 - B. The agricultural commission finds that the land is not capable of supporting five acres of vineyard and that potential on-site agricultural land is not being precluded from future agricultural production.
7. Signs are limited to one on-site unlighted sign, six square feet in area, six feet in height, advertising the name of the winery and owner. The sign must also state “not open to the public.”