

ORDINANCE NO. 1708

ORDINANCE AMENDING TITLE 19 (ZONING) OF AMADOR COUNTY CODE, CHAPTER 19.08 DEFINITIONS, SECTION 19.08.687 WINERY; AND CHAPTER 19.24 SECTIONS 19.24.036 AG DISTRICT-USE REGULATIONS BY ADDING A NEW SUBSECTION H AND MAKING THE EXISTING SUBSECTION H, SUBSECTION I AND 19.24.040 DISTRICT REGULATIONS—GENERALLY (THE “A,” AGRICULTURAL ZONE DISTRICT- USES ALLOWED WITH A USE PERMIT) BY ADDING SUBSECTION 27 TO ALLOW FOR TASTING ROOMS MEETING THE STANDARDS SET FORTH IN THE ORDINANCE UNDER A DUPLICATE 02 WINEGROWERS ABC LICENSE; AND 19.24.045 R1-A DISTRICT—SINGLE FAMILY RESIDENTIAL AND AGRICULTURAL DISTRICT SUBSECTION D.4 TO CLARIFY THAT TASTING ROOMS IN CONJUNCTION WITH ON-SITE WINERIES ARE ALLOWED SUBJECT TO A USE PERMIT AND TO ALLOW FOR TASTING ROOMS, SUBJECT TO A DUPLICATE 02 WINEGROWERS LICENSE FOR WINERIES WITH THE MASTER 02 LICENSE LOCATED IN AMADOR COUNTY.

The Board of Supervisors of the County of Amador, State of California, ordain as follows:

SECTION I. Recital of Facts:

WHEREAS, the Amador County Board of Supervisors desires to provide additional opportunities for wine tasting rooms in the agricultural areas of Amador County while helping to promote and protect the reputation of Amador County wines; and

WHEREAS, the Board of Supervisors determined the limitations of the existing regulations regarding wine tasting rooms warrants amendments so that it more adequately meets the needs and desires of the County; and

WHEREAS, the Board of Supervisors adopts this ordinance to amend Title 19 (Zoning) of Amador County Code with findings contained in the pertinent Board minutes and because the public necessity, convenience, and general welfare support such an amendment.

SECTION II. Chapter 19.08 Definitions, Section 19.08.687 “Winery” is hereby amended to read as follows:

“19.08.687 Winery. “Winery” means an agricultural facility used for the processing (fermentation when combined with any two of the following: crushing, pressing, aging, blending or bottling) of juices into wine or the re-fermenting of still wine into sparkling wine and which is currently bonded as such by the Alcohol and Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control Winegrowers 02 Master License.”

SECTION III. Chapter 19.24 District Regulations, Section 19.24.036 AG district- Use Regulations, is hereby amended by adding a new subsection H and making the existing subsection H, subsection I. The new subsection H is hereby added to read as follows:

“H. Uses described in this subsection may be granted by the planning department, without public hearing, following public notice of the application.

1. Wine tasting may be conducted under a duplicate 02 license only if the Winery with the Master 02 license is located in Amador County and the following standards are met:

2.

a. A bona fide agricultural operation must be the primary use on the property;

b. The parcel shall be a minimum of 40 acres in size;

c. The applicant shall provide the Planning Department with copies of their bond from the Alcohol and Tobacco Tax and Trade Bureau and their California Alcohol Beverage Control License. These licenses and bonds shall be maintained in full compliance at all times;

d. Tasting rooms located on private roadways shall have entered into a road maintenance agreement with a majority of the owners of the road; or in the event a road maintenance agreement already exists, the applicant shall provide the County with proof they have renegotiated the terms of the agreement to include the new tasting room. If the majority of the owners of the road do not enter into the new or renegotiated agreement, the applicant must obtain a use permit pursuant to Chapter 19.56 of this code before commencing any of the uses allowed by this Section;

e. The tasting room building shall be located a minimum of 50 feet from all property lines;

f. The primary use of the tasting room shall be the marketing and sale of wine produced in Amador County. Additional allowed uses are as follows:

1. Compensated or non-compensated events with up to one hundred twenty-five (125) persons in attendance with no limitation on the number of events per year;

2. Picnic area(s) for wine tasting-related activities;

3. Art galleries with sales and framing;

4. A food preparation facility for catering on-premise indoor or outdoor functions;

5. Agricultural-related museums;

6. Gift display area not to exceed a total of 500 square feet in interior foot print area for the retail sale of wine related promotional items, gift items, and/or pre-packaged foods;

7. Social gatherings or weddings for up to and including four hundred and fifty (450) persons up to and including 12 events per year with no more than four (4) such events per month;

8. Indoor or outdoor amplified music until 10:00 p.m.

g. The applicant must obtain all applicable permits from the Environmental Health Department, Building Department, and Department of Transportation and Public Works.

h. Public notice of such application shall be given in the manner described in Chapter 19.56, use permits. Such notice shall indicate the intent of the planning department to grant the use permit without a hearing unless sufficient reasons are provided not to grant the use permit. A description of the appeals process (Chapter 19.64) shall be contained within the notice. The planning department shall decide upon the use permit application within ten days after the notice is mailed. If the planning department finds sufficient cause to approve the application and the application meets the standards outlined in this subsection, the planning department shall approve the use permit and the use permit shall become valid following the ten-day appeal period if no appeals are filed.

I. The following uses are permitted in AG districts upon obtaining a use permit as provided for in Chapter 19.56: ...”

SECTION IV. Chapter 19.24 District Regulations, Section 19.24.040 District Regulations-Generally “A,” Agricultural Zone District, is hereby amended by adding:

“27. Wine tasting may be conducted under a duplicate 02 license only if the Winery with the Master 02 license is located in Amador County and the following standards are met:

a. The parcel shall be a minimum of 10 acres in size;

b. The applicant shall provide the Planning Department with copies of their bond from the Alcohol and Tobacco Tax and Trade Bureau and their California Alcohol Beverage Control license. These licenses and bonds shall be maintained in full compliance at all times;

c. Tasting rooms located on private roadways shall have entered into a road maintenance agreement with a majority of the owners of the road; or in the event a road maintenance agreement already exists, the applicant shall provide the County with proof they have renegotiated the terms of the agreement to include the new tasting room. If the majority of the owners of the road do not enter into the new or renegotiated agreement, the applicant must obtain a use permit pursuant to Chapter 19.56 of this code before commencing any of the uses allowed by this Section;

d. The tasting room building shall be located a minimum of 50 feet from all property lines;

e. The primary use of the tasting room shall be the marketing and sale of wine produced in Amador County. Additional allowed uses are as follows:

1. Compensated or non-compensated events with up to one-hundred twenty-five (125) persons in attendance with no limitation on the number of events per year;
2. Picnic area(s) for wine tasting-related activities;
3. Art galleries with sales and framing;
4. A food preparation facility for catering on-premise indoor or outdoor functions;
5. Agricultural-related museums;
6. Gift display area not to exceed a total of 500 square feet in interior foot print area for the retail sale of wine related promotional items, gift items, and/or prepackaged foods;
7. Social gatherings or weddings for up to and including four hundred and fifty (450) persons up to and including 12 events per year with no more than four (4) such events per month;
8. Indoor or outdoor amplified music until 10:00 p.m.

f. The applicant must obtain all applicable permits from the Environmental Health Department, Building Department, and Department of Transportation and Public Works;

g. Uses described in subsection 27 of this section may be granted by the planning department, without public hearing, following public notice of the application. Public notice of such application shall be given in the manner described in Chapter 19.56, use permits. Such notice shall indicate the intent of the planning department to grant the use permit without a hearing unless sufficient reasons are provided not to grant the use permit. A description of the appeals process (Chapter 19.64) shall be contained within the notice. The planning department shall decide upon the use permit application within ten days after the notice is mailed. If the planning department finds sufficient cause to approve the application and the application meets standards outlined in this subsection, the planning department shall approve the use permit and the use permit shall become valid following the ten-day appeal period if no appeals are filed.”

SECTION V. Chapter 19.24, Section 19.24.045 R1-A District- Single Family Residential – Agricultural District, Subsection D.4 is hereby amended to read as follows:

“4. a. Processing, packing, selling, shipping of agricultural products for on-site retail purposes. This includes but is not limited to tasting rooms in conjunction with an on-site Winery as defined in subsection 19.08.687.

b. Wine tasting rooms operated subject to a duplicate 02 license from the California Department of Alcohol Beverage Control may also be permitted subject to at least meeting the standards outlined in Section 19.24.040 District Regulations-Generally subsection 27 a through f of the “A,” Agricultural Zone district.”

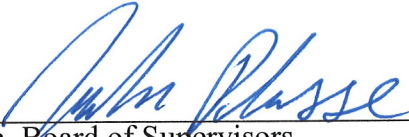
SECTION VI. This ordinance or a summary thereof shall be published in a manner prescribed in Government Code section 25124 and shall become effective thirty (30) days after the date of adoption or upon the filing of the Notice of Determination with the County Recorder, whichever is later.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 10th day of May 2011 by the following vote:

AYES: Theodore F. Novelli, Richard M. Forster, Louis D. Boitano, Brian Oneto and John Plasse

NOES: None

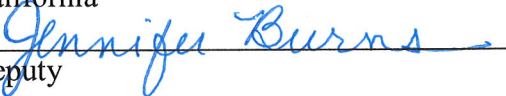
ABSENT: None



Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California



Deputy