

**ACTION MINUTES
LAND USE & COMMUNITY DEVELOPMENT COMMITTEE**

July 20, 2023

MEMBERS PRESENT: Frank Axe, Supervisor District 4
Richard Forster, Supervisor District 2

STAFF PRESENT: Glenn Spitzer, Deputy County Counsel
Chuck Beatty, Planning Director
Mary Ann Manges, Recording Secretary

CALL TO ORDER: Supervisor Axe called the meeting to order at 10:02 a.m.

AGENDA: Approved by consensus.

PUBLIC MATTERS NOT ON THE AGENDA: None.

APPROVAL OF MINUTES: May 25, 2023 approved with minor corrections.

CORRESPONDENCE: Foothill Conservancy and Robin Peters

ITEM 1: Continued review and discussion of the County's zoning ordinances related to wineries, wine tasting rooms, and their associated events.

Supervisor Axe introduced the item and shared that some comments received were not in agreement with the proposed ordinance.

Discussion began amongst the Committee about the process for taking the current draft to the Board for review and input.

Patrick Enright with Abbott and Kindermann asked who will be drafting the ordinance.

Mr. Beatty responded that it would be a combination of County Counsel and Planning Staff and asked the Committee if they are still looking at keeping the existing ordinance in place for the wineries in existence before ordinance changes with a separate draft for anything new. Supervisor Axe said that he thinks that they would have to. Mr. Enright stated that you would have to for anything that has a vested right.

Deputy County Counsel Spitzer said that he believes they were planning to keep both languages with a provision for tasting rooms operating before date "x" being subject to current rules and for new proposed tasting rooms being subject to the new rules. He added that for the old operating tasting rooms that the ordinance does not need to mirror the current regulations. He shared that they can be adjusted somewhat, but that a caveat is that if a new regulation on currently operating tasting rooms amounts to a substantial burden that it can give rise to a takings claim.

Supervisor Forster stated that he wants this process transparent and that he sees how a second ordinance makes sense.

Mr. Beatty said with so many wineries that are going to be subject to the old rules that it makes sense to keep that in place. Supervisor Axe added especially with those that are in Williamson Act.

Mr. Enright commented in reference to Mr. Peters' letter and said to look carefully at setbacks and that they are not the only way to look at it and added there should be some flexibility dealing with exactly what the impacts are on neighbors. He stated that noise standards along with traffic and parking could be clearer. Supervisor Forster said that there could be some cases with favorable topography along with other factors that could be taken into account for a variance. He stressed they are not trying to stop

business.

Mara Feeney asked to limit tasting room operations to 5 days a week when neighbors are close by.

Supervisor Forster responded that we are trying to be as permissive as possible and that the Committee has heard that the AVA and others want flexibility and the ability for their business to be successful. He stated that he guesses that when a tasting room cannot meet the 200 foot setback that they are going to operate far less than 7 days a week.

Mr. Beatty asked if the Committee wants to consider an absolute minimum setback. He voiced that the problem he sees is that people want their tasting room to be close to the road. Discussion ensued amongst the Committee about setbacks. Supervisor Forster said that if they cannot meet setbacks they will not have as much flexibility with their business. Supervisor Axe suggested possibly adding a lower bare minimum setback into another category and maybe consider making some allowances with the setback to the road. The Committee decided to think about it and let the Board weigh in.

Mr. Enright asked if someone cannot meet the 200 foot setback if it is by right or if it is subject to a use permit.

Supervisor Axe responded by right because this is only for the A or the AG.

Mr. Beatty added current code is a 50 foot setback.

Supervisor Axe said maybe there would be reduced operations if there is a 50 foot setback.

Supervisor Forster said to make note that the Committee has reconsidered having corporate events, for instance wine tasting and dinner for an evening, to qualify as a social event. Supervisor Axe stated that glamping though would need a conditional use permit and would not be a by right use for an agricultural operation. Supervisor Forster added that a lot of factors go in to that and that they took into account all the comments made at the last meeting. He added that those kind of activities should go on a commercial property and they want to preserve the agricultural nature of the County.

Dave Horner, Amador Council of Tourism, asked to look at neighboring counties to compare for information purposes to make sure we are not being too restrictive.

Supervisor Axe said that he believes that wine ordinances were looked at in neighboring counties.

Mr. Beatty said neighboring counties were looked at, especially El Dorado and San Joaquin. He added that the current draft is similar with respects to setbacks and number of events with El Dorado County.

Supervisor Forster asked to look one more time at El Dorado code as suggested by Evan Dudley.

Supervisor Axe stated to take this draft to the Board of Supervisors for their review and if they are comfortable with it will get formal language together and bring it back to Land Use and then back to the Board for a Resolution of Intent. He added that it might be able to make the next Board meeting. Supervisor Forster asked staff to begin working on language and asked Counsel and Mr. Beatty if most of the language would mimic the ordinance we have now. Mr. Beatty said that the ordinance we have now addresses setbacks and that is where the 50 foot setback requirement came from. Supervisor Forster said for now to leave it open.

Supervisor Axe asked if there is any further comment. There was none.

The meeting was adjourned at 10:31 a.m. The next regular Land Use Committee meeting is tentatively scheduled for August 24, 2023 at 2:00 p.m.