

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: MAY 14, 2024**

PROJECT DESCRIPTION – Discussion and possible recommendation to the Board of Supervisors regarding proposed amendments to the County’s “winery ordinances” to establish regulations for future wineries, tasting rooms, and event locations in the A/Agricultural and R1A/Single-family Residential zoning districts, and in future enrollments into the AG/Exclusive Agricultural (Williamson Act) zoning district.

Applicant: County of Amador

Supervisorial Districts: All

Location: The amendments would apply in the A/Agricultural, R1A/Single-family Residential zoning districts, and AG/Exclusive Agricultural (Williamson Act) zoning districts.

The potential for wine tasting rooms and their ancillary activities to have adverse effects on the environment prompted the Board of Supervisors’ Land Use Committee to initiate discussions with the local wine industry and the public about ways to mitigate and minimize future impacts.

The impacts that have generated the most public concern are noise, traffic, and lighting which are often attributable to social gatherings and events with attendance numbers that exceed those of customary wine production, tasting, and marketing. Large gatherings can have a diminishing effect on the integrity of agricultural regions when they are focused more toward the event and entertainment industry than the production and marketing of wine.

The general discussion with the wine industry and the public began in 2021 following the Planning Commission’s recommendation that the County reassess its practice of exempting new Williamson Act enrollments from CEQA analysis due to the potential expansion of land uses allowed by contract. This led the Board to consider amending the County Code to require full CEQA analysis for new tasting rooms through the use permit process. Ultimately, the concept was rejected in favor of a broader review of the existing codes.

The Board’s Land Use Committee began review of the codes related to wineries in April, 2022, and the issue was a discussion item during ten of the Committee’s meetings through November, 2023. The Committee received significant input from the public, individual winery operators, and the Amador Vintners Association.

Recommendations for making change to the winery codes ranged from requests for no change to suggestions that most events be prohibited. Numerous draft ordinances were circulated to give all of the interested parties an opportunity to review and comment on the various proposals. Throughout the process, the primary concerns and discussion points were:

- Maintaining the agricultural integrity and character of the County

- Maintaining a balance between regional economic development and quality of life
- Mitigation of future winery, tasting room, and event impacts without penalizing existing facilities
- Regulations that are based on parcel size and type rather than a one-size-fits-all approach
- Property setbacks based on event intensity or frequency rather than specific on-site uses
- Minimizing traffic impacts by spreading events and tasting room hours throughout the week rather than limiting operating hours or event days
- Increasing public education through better dissemination of rules and regulations
- Allowing existing facilities to continue operations under current ordinances rather than creating non-conforming uses
- Prioritizing agricultural use (vineyards, wine production, wine tasting) over entertainment (special events, concerts)
- Applying the County noise ordinance to wineries, tasting rooms, and events
- Enforcement of existing and new rules

To address these issues and limit future impacts to the County's agricultural regions, the Land Use Committee recommended changes to future winery, tasting room, and event operations based on attendance levels, setback distances, and location on major versus minor road classifications. During the Planning Commission's review of the proposed amendments, the following refinements were incorporated into the code changes:

- The County's nuisance noise ordinance should be amended to include enforcement of noise violations from wineries, tasting rooms, and event locations. County Code Section 9.44.010(G) of the Noise Ordinance to apply to wineries, tasting rooms, and event locations, as follows:

"G. Commercial and Industrial Exemption. This chapter only applies to residential uses, **wineries, tasting rooms, and event locations**. Any rental of residential property, including short-term rental of property through any websites used for that purpose, such as airbnb.com, vrbo.com, sublet.com, or corporatehousing.com, is deemed a residential use."

- The General Plan noise limits for sound levels at adjoining parcels of 75 dB daytime; 65 dB nighttime (10pm to 7am) will remain in effect rather than adjusting the decibel levels or the end time for amplified sound.
- The draft ordinances require a 50-foot parking setback and a 100-foot setback for idling vehicles, but no time limit on idling.
- The major/minor road classification criteria were eliminated in favor of applying the existing codified emergency access and off-site improvement mitigation measures that may be required for projects that meet their respective setback criteria, but cannot meet the established Fire and Life Safety access criteria.

The primary changes to winery, tasting room, and event locations are listed below

- Wineries that meet the zoning code definition of a winery, which means that it is *“currently bonded as such by the Alcohol and Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control winegrower’s 02 master license,”* prior to the effective date of the ordinance revisions will be allowed to continue operations, including expansions, under the terms of existing ordinances which will remain in place
- Wineries established on or after the effective date of the ordinance revisions will meet the terms of the new ordinances
- Attendance levels for events at new wineries will be based on the setback distance of event use areas from adjoining properties not under the ownership of the winery operator
- New wineries will be allowed the following hours of operation and event types/sizes:
 - tasting room hours of 10am to 6pm, 7 days/week
 - participation in Amador Vintners Association sanctioned events
 - 12 wine club events per year with up to 200 attendees
 - 6 social events per year with up to 60 attendees
- New wineries with a 200-foot setback for event use areas will be allowed an additional 12 social events per year with up to 200 attendees
- New wineries with a 400-foot setback for event use areas will be allowed an additional 12 social events per year with up to 250 attendees and 12 special events per year with up to 300 attendees
- Parking areas will be required to be setback 50 feet from residential properties with an occupied residence (100 feet for idling vehicles)

SUMMARY OF PROPOSED CHANGES

Existing Winery/Tasting/Event Uses *

- Compensated or non-compensated events with up to 125 persons in attendance with no limitation on number of events per year;
- Social gatherings or weddings for up to and including 450 persons up to and including 12 events per year with no more than 4 such events per month;
- Indoor or outdoor amplified music until 10:00 p.m.

***THESE RULES REMAIN IN PLACE FOR ALL EXISTING BONDED AND LICENSED WINERIES IN THE A/ AGRICULTURAL AND AG/ EXCLUSIVE AGRICULTURAL (WILLIAMSON ACT) ZONING DISTRICTS.**

***THESE RULES REMAIN IN PLACE FOR ALL PARCELS CURRENTLY ENROLLED IN A WILLAMSON ACT CONTRACT EVEN IF A WINERY HAS NOT BEEN ESTABLISHED ON THE PARCEL.**

Future Winery/Tasting/Event Uses

<200' setback

Wineries with a setback less than 200 feet for all indoor and outdoor event use areas are allowed the following base uses:

- Tasting room hours 10am – 6pm, 7 days/week
- Participation in Amador Vintners Association events
- 12 Wine Club Events per year with up to 200 attendees (daily max)
- 6 Social Events per year with up to 60 attendees (daily max)

≥ 200' setback

Wineries with a setback of 200 feet for all indoor and outdoor event use areas are allowed the above base uses, and following additional uses:

- 12 Social Events per year with up to 200 attendees (daily max)

≥ 400' setback

Wineries with a setback of 400 feet for all indoor and outdoor event use areas are allowed the above base uses, and the following additional uses:

- 12 Social Events per year with up to 250 attendees (daily max)
- 12 Social Events per year with up to 300 attendees (daily max)

Rules Applicable to All Winery/Tasting/Event Uses:

1. The fire code official may require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
2. Event capacities shall be limited further by the parking accommodations on the property. All parking shall be on-site. Parking shall not encroach on roadways and shall not impede access including emergency vehicle access.
3. Parking areas shall be setback a minimum of 50 feet from any residential property that contains an occupied residence not on the winery property. Idling vehicles shall maintain a 100-foot clearance.
4. Compliance with all required clearances from the fire, health, and building departments.
5. Wineries located on private roads shall have a road maintenance agreement with a majority of the owners of the road, or obtain a use permit, before commencing any of the above uses.
6. Outdoor amplified sound until 10:00 p.m.

NOTE: The following permitted winery uses are not affected by the proposed amendments: Winery tours; Wholesale and retail sales of wine and grape products; Picnic areas for winery-related activities; Art galleries with sales and framing; A food preparation facility for catering on-premises indoor or outdoor functions; Agricultural-related museums; Gift display area not to exceed 500 square feet in interior footprint area for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods.

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION OF INTENTION TO AMEND TITLE 19)
(ZONING) OF THE AMADOR COUNTY CODE TO CONSIDER) RESOLUTION NO. 23-175
ADOPTING REGULATIONS FOR NEW WINERIES, TASTING)
ROOMS AND EVENT USE AREAS IN THE AG/EXCLUSIVE)
AGRICULTURE, A/AGRICULTURAL, AND R1A/SINGLE)
FAMILY RESIDENTIAL ZONING DISTRICTS)

WHEREAS, there are approximately 200,000 acres of agriculturally-zoned land in Amador County; and

WHEREAS, approximately half of the agriculturally zoned land in Amador County allows wineries and tasting rooms to conduct unlimited events with up to 125 attendees and 12 annual events with up to 450 attendees; and

WHEREAS, wineries, tasting rooms, and associated events have the potential to have adverse impacts on the environment that could be evaluated and mitigated through the adoption of stricted regulations for new such facilities; and

WHEREAS, the Board of Supervisors, on July 25, 2023, requested that this matter be placed on a future agenda for consideration; and

WHEREAS, County Code Section 19.68.020 requires amendments to Title 19 (Zoning) to be initiated by citizen petition or a Resolution of Intention adopted by the Planning Commission or Board of Supervisors.

NOW, THEREFORE, BE IT HEREBY RESOLVED the Board of Supervisors of the County of Amador, State of California, does hereby adopt a Resolution of Intention to direct staff and the Planning Commission to begin proceedings necessary to consider possible amendments to County Code Chapters 19.24.036, 19.24.40, and 19.24.45 to establish regulations for future wineries, tasting rooms, and event locations in the A/Agricultural and R1A/Single-family Residential zoning districts, and in future enrollments into the AG/Exclusive Agricultural (Williamson Act) zoning district.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 19th day of December, 2023, by the following vote:

AYES: Jeffrey Brown, Brian Oneto, Patrick Crew, Frank U. Axe, Richard Forster
NOES: None
ABSENT: None



Jeffrey Brown, Chairman, Board of Supervisors

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

 Deputy

(RESOLUTION 23-175)

(12/19/2023)

**PROPOSED AMENDMENTS TO THE
A/AGRICULTURAL
ZONING DISTRICT
WINERY, TASTING ROOM, AND
EVENT REGULATIONS**

County Code Chapter 19.24.040: A, Agricultural district regulations

Permitted Uses:

1. Single-family dwelling
2. General farming, including but not limited to the raising, growing, and harvesting of vegetable, field, orchard, bush, and berry crops; vineyards; trees
3. Nurseries, greenhouses; mushroom rooms; floriculture
4. Pasture for grazing (including supplemental feeding), raising, maintaining, breeding, and training of horses, cattle, sheep and goats, hogs, and similar livestock, provided there is no feeding of garbage, sewage, refuse or offal
5. Feed lots, feed yards, provided there is no feeding of refuse, garbage, sewage, or offal
6. Poultry farms
7. Dairies
8. The raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs and small animals or fowl in household numbers for family use
9. Wells, water storage and reservoirs, including on-site excavation or removal of materials for construction thereof
10. Storage of petroleum products for use by the occupants of the premises
11. Any structure, building, equipment or use incidental and necessary to any of the foregoing uses
12. Wineries as defined in Section [19.08.687](#) **shall be permitted within an A-T or A-G General Plan designation, subject to the following provisions:**
 - A. **Wineries which existed prior to (effective date of this ordinance amendment):**
 - (1) **Wineries which existed and met the criteria of the winery definition in Section 19.08.687 prior to (effective date of this ordinance amendment) shall be allowed the following incidental uses and structures regardless of whether the incidental use or structure existed prior to (effective date):**

- i. Wine tasting;
- ii. Winery tours;
- iii. Wholesale and retail sales of wine and grape products
- iv. **Events**
 - a. **Compensated or non-compensated events with up to one hundred twenty-five persons in attendance with no limitation on number of events per year;**
 - b. Compensated or non-compensated events with up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month;
- v. Picnic area(s) for winery-related activities;
- vi. Art galleries with sales and framing;
- vii. A food preparation facility for catering on-premises indoor or outdoor functions;
- viii. Agricultural-related museums;
- ix. Gift display area not to exceed a total of five hundred square feet in interior footprint area for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods;
- x. Outdoor amplified sound until 10:00 p.m.

B. Incidental uses for wineries established on or after (effective date of this ordinance amendment):

Wineries which were established after and/or did not meet the criteria of the winery definition in Section 19.08.687 prior to (effective date of this ordinance amendment) shall be subject to the following:

- (1) **Allowed incidental uses:**
 - i. **Winery tours**
 - ii. **Wholesale and retail sales of wine and grape products**
 - iii. **Picnic areas for winery-related activities**

- iv. Art galleries with sales and framing
- v. A food preparation facility for catering on-premises indoor or outdoor functions
- vi. Agricultural-related museums
- vii. Gift display area not to exceed a total of five hundred square feet in interior footprint area for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods
- viii. Outdoor amplified sound until 10:00 p.m.
- ix. Tasting rooms and event gatherings subject to the setback limitations provided in Section 19.24.040(12)(B)(2)

(2) Additional setback-related incidental use limitations:

The following setback requirements apply to the tasting rooms and other event structures. The setbacks also apply to the events taking place on the property, whether in a structure or not. Events comprise “Special Events,” “Social Events,” and “Wine Club Events” as defined in subsection 2.i, below, as well as any similar group events that are a nuisance pursuant to Section 9.44 of the Amador County Code. Events do not include winery tours that do not have the attributes of a Wine Club, Social Event, or Special Event. Production facilities and other structures that will not be used for wine tasting or events are not subject to these additional setback regulations.

i. For the purposes of this section, the terms below are defined as follows:

“Wine Club Events” are gatherings, special tastings, and dinners used to market a winery’s product.

“Social Events” are compensated or non-compensated catered social gatherings, dinners, and small weddings under one hundred twenty-five (125) attendees.

“Special Events” are compensated or non-compensated events held on-site that are not

considered to be tasting or marketing activities allowed under subsections (b) and (c) above, such as charitable, promotional, facility rental events, weddings, concerts, parties, or other social gatherings with more than one hundred twenty-five (125) attendees.

“Setback” means the horizontal distance between an event use area and the nearest property boundary which separates the event use area from property not owned or controlled by the winery owner or operator.

ii Wineries with a minimum setback of less than two hundred (200) for all indoor and outdoor event use areas are allowed the following base uses:

1. Operating a tasting room seven (7) days/week between the hours of 10am to 6pm
2. Participation in Amador Vintners Association events
3. Wine Club Events: Twelve (12) per year with up to two hundred (200) attendees per day
4. Social Events: Six (6) per year with up to sixty (60) attendees per day

iii. Wineries that meet a minimum setback of two hundred (200) feet for all indoor and outdoor event use areas are allowed the uses in Section B(2)(i)1 through 3 above, and following additional uses:

1. Social Events: Total twelve (12) per year with up to two hundred (200) attendees per day

iv. Wineries that meet a minimum setback of 400 feet for all indoor and outdoor event use areas are allowed the uses in Section B(2)(i)1 through 3 above, and the following additional uses:

1. Social Events: Total twelve (12) per year with up to two hundred fifty (250) attendees per day

2. Special Events: Total twelve (12) per year with up to three hundred (300) people per day

C. Additional restrictions applicable to all Wineries:

- (1.) The fire code official may require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
- (2) Event capacities shall be limited further by the parking accommodations on the property. All parking shall be on-site. Parking shall not encroach on roadways and shall not impede access, including emergency vehicle access.
- (3) Parking areas shall be setback a minimum of fifty (50) feet from any occupied residence not on the winery property. Idling vehicles shall maintain a one hundred (100-) foot clearance from any occupied residence not on the winery property.
- (4) Wineries located on private roads shall have entered into a road maintenance agreement with a majority of the owners of the road or shall obtain a use permit pursuant to County Code Section 19.56 before commencing any of the permitted incidental uses.
- (5) All permitted uses specified in this Subsection 12 shall be subject to providing off-street parking and meeting all necessary clearances from the fire, health, and building departments.

Uses Requiring a Conditional Use Permit:

The following uses are permitted in AG districts upon obtaining a use permit as provided for in Chapter 19.56 of this code:

13. Farm-labor camps, forestry-labor camps and farm-labor quarters as defined in this title
14. Recreation uses
15. Processing, packaging, selling, shipping of agricultural products
16. Veterinary clinics, animal hospitals, kennels

17. Auction and sales yards
18. Turkey farms, provided there is a cover crop or other dust control
19. Any garbage, sewage; refuse or offal feeding
20. Commercial small animal and fowl specialty farms, including but not limited to chinchillas, minks, foxes, rodent, aviaries, rabbits, frogs, pigeons, ducks, geese
21. Commercial slaughterhouses and stockyards for livestock, small animals, poultry and fowl
22. Rendering plants, fertilizer plants and yards
23. Oil and gas wells, drilling, mining and excavation of natural minerals
24. Logging and timber cutting
25. Any structure, building, use or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit
26. Social gatherings or weddings held at a winery located within an A-I or A-G General Plan designation which exceed either of the limits set forth in 12a.(j) above.
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. Duplicate tasting rooms for which a valid 02 license was issued on or prior to (adoption date):

- a. The parcel shall be a minimum of ten 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 fifty 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:

- i. Compensated or non-compensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year;
 - ii. Picnic area(s) for wine tasting-related activities;
 - iii. Art galleries with sales and framing;
 - iv. A food preparation facility for catering on-premises indoor or outdoor functions;
 - v. Agricultural-related museums;
 - vi. Gift display area not to exceed a total of five hundred square feet in interior footprint area for the retail sale of wine-related promotional items, gift items, and/or prepackaged foods;
 - vii. Social gatherings or weddings for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month;
 - viii. Indoor or outdoor amplified music until ten 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 this subsection 27 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 of this code, 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 of this code) 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.

B. Duplicate tasting rooms for which a valid 02 license was issued after (adoption date) shall be regulated by Sections 12.B through 12.C, above.

**PROPOSED AMENDMENTS TO THE
AG/EXCLUSIVE AGRICULTURAL
(WILLIAMSON ACT)
ZONING DISTRICT
WINERY, TASTING ROOM, AND
EVENT REGULATIONS**

County Code Chapter 19.24.036: AG, Exclusive Agriculture district
Permitted Uses:

G. The following agricultural and compatible uses are permitted in AG districts without a use permit being required:

1. General farming, including but not limited to the raising, growing, and harvesting of vegetable, field, forage, vine, bush, berry, tree, or other plant crop including plant nursery stock;
2. Grazing, maintaining, breeding, training, and raising of poultry and livestock of all kinds including horses, cattle, sheep, goats, hogs, and agricultural species such as fish and fur-bearing species provided there is no feeding of refuse, garbage, sewage, or offal;
3. Nurseries, greenhouses, mushroom rooms, floriculture;
4. Boarding of horses or other farm animals;
5. Growing and harvesting of timber, Christmas trees, or other plants;
6. Dairies and production of dairy products from milk produced on the premises;
7. Poultry farms;
8. Raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl in household numbers for family use;
9. Single-family dwellings and appurtenant structures allowed in R districts and such other structures normally associated with agricultural activities, including but not limited to barns, stables, sheds, and silos; provided, however, that only one single-family residence shall be allowed for each forty acres on any parcel or contiguous parcels subject to one California Land Conservation Act contract. One said single-family dwelling on any parcel or contiguous parcels under one such contract may be an occupied mobile home as defined in Title 19 of this code provided, a use permit is obtained as required by Section 19.48.080. All structures or dwellings on a parcel or contiguous parcels subject to one such contract shall be directly used for the furtherance of the agricultural use of said property; and shall be limited to immediate members of the owner's family and his employees;
10. Home occupations, including any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof;

11. Wells, water storage, and reservoirs, including on-site excavation or removal of materials for construction thereof;
12. Storage of petroleum products for use by the occupants of the premises;
13. Veterinary clinics and services, animal hospitals, kennels;
15. Harvesting, curing, processing, packaging, packing, selling, and shipping of agricultural products on a parcel devoted to agricultural use and the treating of products grown or raised on and off the premises where such activity is carried on in conjunction with or as part of an agricultural use; excepting therefrom the commercial slaughtering of livestock, small animals, fish, poultry, or fowl;
16. Holding of nonproducing land for future agricultural use;
17. Maintenance of land in its natural state for the purpose of preserving open space for recreation or the creation of plant or animal preserves;
18. Apiaries and honey extraction plants;
19. Nonintensive recreation when carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation, including but not limited to fishing, hiking, hunting, rifle and pistol practice range, skeet field, archery range, or gun club when such activities do not involve the construction of any permanent structure;
20. Sale of food products produced on the premises;
21. Feed lots and feedyards, provided there is no feeding of refuse, garbage, sewage, or offal;
22. Airport or aircraft landing facilities for use of owner or tenant of the property or for agricultural service use;
23. The following uses when carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten percent of the total land is used and where no more than three persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises:
 - a. Manufacturing, maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements and equipment of all kind,
 - b. Storage or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals, and pesticides,

c. Transportation of agricultural products, supplies, or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment therefor;

24. Public utility and public services, structures, uses and buildings provided such uses are clearly secondary and in conjunction with a bona fide agricultural operation;

25. Commercial radio, television, or microwave antennas and transmitters;

26. Gas, electric, water, and communication utility facilities and public service facilities of like nature operated by a public agency or mutual water company;

27. Public highways;

28. Fire protection works and facilities; flood-control works, including channel rectification and alteration; public works required for fish and wildlife enhancement and preservation; improvements for the primary benefit of the lands within the preserve; state improvements for which the site or route has been specified by the state legislature in such a manner as to make it impossible to avoid the use of subject AG zoned property;

29. Livestock auctions and sales yards;

30. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses;

31. Fruit and nut dehydrating plants;

32A. On parcels enrolled in a California Land Conservation Act contract prior to (effective date), Wineries as defined in Section 19.08.687 and the following incidental uses subject to providing off-street parking and meeting all necessary clearances from the health and building departments. Additionally, wineries located on private roads shall have entered into a road maintenance agreement with a majority of the owners of the road, or obtained a use permit pursuant to Chapter 19.56 of this code before commencing any of the following uses:

a. Wine tasting,

b. Winery tours,

c. Wholesale and retail sales of wine and grape products,

d. Events:

1. Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year,
 2. Compensated or noncompensated events for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month,
- e. Picnic area(s) for winery-related activities,
 - f. Art galleries with sales and framing,
 - g. A food preparation facility for catering on-premises indoor or outdoor functions,
 - h. Agricultural-related museums,
 - i. Gift display not to exceed a total of five hundred square feet in interior footprint area for the retail sale of winery-related promotional items, gift items, and/or prepackaged foods,
 - k. Outdoor amplified sound until ten p.m.

B. Incidental uses for wineries on parcels enrolled in a California Land Conservation Act contract after (effective date of this ordinance amendment): Wineries as defined in Section 19.08.687 and the following incidental uses when located within an A-T or A-G General Plan designation, subject to providing off-street parking and meeting all necessary clearances from the fire, health, and building departments. Additionally, wineries located on private roads shall have entered into a road maintenance agreement with a majority of the owners of the road, or obtain a use permit pursuant to County Code Section 19.56 before commencing any of the following incidental uses:

(1) Allowed incidental uses:

- i. Winery tours
- ii. Wholesale and retail sales of wine and grape products
- iii. Picnic areas for winery-related activities
- iv. Art galleries with sales and framing
- v. A food preparation facility for catering on-premises indoor or outdoor functions
- vi. Agricultural-related museums

vii. Gift display area not to exceed a total of five hundred square feet in interior footprint area for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods

viii. Outdoor amplified sound until 10:00 p.m.

ix. Tasting rooms and event gatherings subject to the setback limitations provided in Section 19.24.036(32)(B)(2)

(2) Additional setback-related incidental use limitations:

The following setback requirements apply to tasting rooms and other event structures. The setbacks also apply to events taking place on the property, whether in a structure or not. Event gatherings comprise “Wine Club Events,” “Social Events,” and “Special Events” (as defined in subsection (C) below) as well as any similar group events that are a nuisance pursuant to Section 9.44 of the Amador County Code. Events do not include winery tours that do not have the attributes of a Wine Club, Social Event, or Special Event. Production facilities and other structures that will not be used for wine tasting or events are not subject to these additional setback regulations.

i. For the purposes of this section, the terms below are defined as follows:

“Wine Club Events” are gatherings, special tastings, and dinners used to market a winery’s product.

“Social Events” are compensated or non-compensated catered social gatherings, dinners, and small weddings under one hundred twenty-five (125) attendees.

“Special Events” are compensated or non-compensated events held on-site that are not considered to be tasting or marketing activities allowed under subsections (b) and (c) above, such as charitable, promotional, facility rental events, weddings, concerts, parties, or other social gatherings with more than one hundred twenty-five (125) attendees.

“Setback” means the horizontal distance between an event use area and the nearest property boundary which separates the event use area from property not owned or controlled by the winery owner or operator.

ii. Wineries with a minimum setback of less than two hundred (200) feet for all indoor and outdoor event use areas are allowed the following base uses:

1. Operating a tasting room seven (7) days/week between the hours of 10am to 6pm

2. Participation in Amador Vintners Association events

3. Wine Club Events: Twelve (12) per year with up to two hundred (200) attendees per day

4. Social Events: Six (6) per year with up to sixty (60) attendees per day

iii. Wineries that meet a minimum setback of two hundred (200) feet for all indoor and outdoor event use areas are allowed the uses in Section B(2)(ii)1 through 3 above, and following additional uses:

1. Social Events: Twelve (12) per year with up to two hundred (200) attendees per day

iv. Wineries that meet a minimum setback of four hundred (400) feet for all indoor and outdoor event use areas are allowed the uses in Section B(2)(ii)1 through 3 above, and the following additional uses:

1. Social Events: Total twelve 12 per year with up to two hundred fifty (250) attendees per day

2. Special Events: Total twelve 12 per year with up to three hundred (300) people per day

C. Additional restrictions applicable to all Wineries:

(1.) The fire code official may require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

(2) Event capacities shall be limited further by the parking accommodations on the property. All parking shall be on-site. Parking shall not encroach on roadways and shall not impede access, including emergency vehicle access.

(3) Parking areas shall be setback a minimum of fifty (50) feet from any occupied residence not on the winery property. Idling vehicles shall maintain a one hundred (100-) foot clearance from any occupied residence not on the winery property.

(4) Wineries located on private roads shall have entered into a road maintenance agreement with a majority of the owners of the road or shall obtain a use permit pursuant to County Code Section 19.56 before commencing any of the permitted incidental uses.

(5) All permitted uses specified in this Subsection 12 shall be subject to providing off-street parking and meeting all necessary clearances from the fire, health, and building departments.

H. Duplicate tasting rooms. Wine tasting may be conducted under a duplicate 02 Winegrower license only if the winery with the master 02 license is located in Amador County, and the following standards are met:

1. On parcels enrolled in a California Land Conservation Act contract prior to (effective date), uses described in this subsection may be granted by the planning department, without public hearing, following public notice of the application. On parcels enrolled in a California Land Conservation Act contract after (adoption date),

- a. A bona fide agricultural operation must be the primary use on the property;
- b. The parcel shall be a minimum of forty 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 fifty 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:
 - i. Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year;
 - ii. Picnic area(s) for wine tasting-related activities;
 - iii. Art galleries with sales and framing;
 - iv. A food preparation facility for catering on-premises indoor or outdoor functions;

- v. Agricultural-related museums;
- vi. Gift display area not to exceed a total of five hundred square feet in interior footprint area for the retail sale of wine-related promotional items, gift items, and/or prepackaged foods;
- vii. Social gatherings or weddings for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month;
- viii. Indoor or outdoor amplified music **sound** until ten 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 of this code, 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 of this code) 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.

2. On parcels enrolled in a California Land Conservation Act contract after (adoption date), duplicate tasting rooms and events shall be regulated by Sections 32.B – 32.D, above.

**PROPOSED AMENDMENTS TO THE
R1A/SINGLE-FAMILY RESIDENTIAL &
AGRICULTURAL ZONING DISTRICT
WINERY, TASTING ROOM, AND EVENT
REGULATIONS**

County Code Chapter 19.24.045: R1-A, Single-family residential-agricultural district.

A. Intent--Applicability. This district classification is intended to be applied to areas presently zoned as U, unclassified district, and suited to residential and agricultural land uses, subject to such regulations as necessary to protect the public health, safety, convenience, and general welfare within the district and adjacent districts.

B. Limitations--Conditions. All activities allowed in the R1-A district shall be subject to the following limitations of their external effects and such limitations shall be a condition of all uses permitted in the district: water supply, sewage disposal, drainage, encroachments, and structures shall conform to the applicable codes and standards of Amador County.

C. Uses Permitted:

1. Single-family dwelling;
2. Home occupations as defined by Section [19.28.010](#);
3. Crop and tree farming;
4. General farming, including but not limited to, the raising, growing, and harvesting of vegetable, field orchard, bush, and berry crops; vineyards; silviculture;
5. Wholesale operation of nurseries; greenhouses; mushroom rooms; floriculture; and uses of a similar nature;
6. Pasture for grazing (including supplemental feeding), raising, maintaining, breeding, and training of horses, cattle, sheep, and goats, hogs, and similar livestock, provided there is no feeding of garbage, sewage, refuse, or offal, and subject to any limitations in number of animals in Chapter [19.48](#), General Provisions and Exceptions of the Amador County Code;
7. Feed lots, feed yards, provided there is no feeding of refuse, garbage, sewage, or offal;
8. Poultry farms;
9. Dairies;

10. The raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl;
11. Processing, packing, selling, shipping of agricultural products not done on an on-site retail sales basis; wells, water storage and reservoirs, including on site excavation or removal of materials for construction thereof;
12. Storage of petroleum products for use by the occupants of the premises;
13. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses.

D. Uses Permitted Subject to First Securing an Approved Use Permit:

1. Guest house;
2. Farm and forestry labor camps;
3. Recreation uses;
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 Section [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, subsections **[12 B through 12 C](#)** of the "A" agricultural zone district.
5. Veterinary clinics, animal hospitals, kennels, commercial stabling of horses for public recreation purposes;
6. Auction and sales yards;
7. Turkey farms, provided there is a cover crop or other dust control;
8. Any garbage, sewage, refuse, or offal feeding;
9. Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl;

10. Rendering plants, fertilizer plants and yards;
11. Oil and gas wells, drilling, mining, and excavation of natural minerals;
12. Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit.