

Wineries and farm breweries.

17.56.330

A. Purpose. The purpose of this section is to provide for the orderly development of wineries and farm breweries within agricultural zoning districts and certain commercial, industrial and residential zoning districts, and to encourage the economic development of the local agricultural industry, provide for the sampling and sales of value-added products, and protect the agricultural character and long-term viability of agricultural lands.

B. Definitions.

"Accessory use—restaurant" is food preparation and service that is related and clearly subordinate to the existing primary use on a property as a winery or farm brewery.

Administrative review permit. See this zoning ordinance at Section **17.58.100**.

"Agricultural promotional event" is directly related to the education and marketing of wine and craft beer to consumers, including, but not limited to, winemaker/brewmaster dinners, pick-up parties, release parties, and any parties, professional events or gatherings that support the promotion of the agricultural product. An agricultural promotional event accommodates 50 people or less at one time (excluding staff and tasting room patrons). If greater than 50 people are in attendance at one time, those events shall be regulated in the same manner as a special event. See Table 3.

"Conditional use permit." See this zoning ordinance at Section **17.58.130**.

"Farm brewery" means a facility for the manufacturing and packaging of beer that produces less than 1,500 barrels of product per year and grows hops on site and agricultural products necessary for making the beverage. A farm brewery is bonded through the Alcohol and Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control (ABC) Type 23-Small Beer Manufacturer license.

"Large winery" refers to a winery with annual production of 20,000 cases or greater.

"Minor use permit." See this zoning ordinance at Section **17.58.120**.

"Public tasting" refers to wine and beer sampling by the general public.

"Small winery" refers to a winery with annual production less than 20,000 cases.

"Special event" is an event of greater than 50 people at one time (excluding staff and tasting room patrons) where the agricultural-related component is subordinate to the primary purpose of the event. Included in this definition are events such as private parties, fundraisers, concerts, social or educational gatherings where outside alcohol may be allowed, and events where the property owner is compensated in exchange for the use of the site and facility (referred to as a facility rental). Special events do not include industry-wide events, the normal patronage of a tasting room, and private gatherings of the owner where the general public does not attend.

"Stand-alone tasting room" is a tasting room without on-site production, allowed only in commercial and industrial zone districts. See subsection **C** of this section.

"Tasting room" is accessory to a winery or farm brewery, typically located on the premises of a winery or farm brewery's production facilities, at which guests may sample the winery or brewery's products. A tasting room is only allowed in residential, agriculture and resource zone districts if production takes place on site (See also "stand-alone tasting room"), or at another winery or farm brewery facility with the same ownership within Placer County, and as allowed by state law.

"Temporary outdoor events" are events that are of limited duration and located primarily outdoors. If any buildings are used for the event, such use shall not exceed the occupancy load. Events can be authorized on any given site through the temporary outdoor event permit process as described in Section **17.56.300(B)(1)(b)**. Any such authorization would be in addition to the events authorized by this section.

"Wine case" contains 12 standard wine bottles (750 milliliters each).

"Winery" means an agricultural processing facility comprising the building or buildings used to convert fruit juices to wine, and to age, bottle, store, distribute and sell said wine. 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, sales, and administrative office functions. A winery is bonded through the Alcohol, Tobacco Tax and Trade Bureau and has a current ABC Type 02-Winegrowers license.

- C.** Permit Requirements for Wineries and Farm Breweries. The permit requirements for these facilities and accessory uses are set forth below. If a proposal includes more than one of the elements listed below, the highest applicable permit process shall apply.

| Table 1 | | | | | | | | | | | | | | | |
|---|------------|-----|-----|----|----|-----|------------|-----|-----|-----|--------------------|--------------------|--------------------------|--------------------|--------------------|
| PERMIT REQUIREMENTS | | | | | | | | | | | | | | | |
| | Commercial | | | | | | Industrial | | | | Residential | | Agriculture and Resource | | |
| | CPD | C2 | C3 | HS | C1 | RES | AP | BP | IN | INP | RA | RF | AE | F | FOR |
| Small Winery Production 0-20,000 cases | CUP | MUP | C | | | ARP | | C | C | C | ARP ^[1] | ARP ^[1] | C ^[1] | C ^[1] | C ^[1] |
| Large Winery Production 20,000+ cases | | | MUP | | | | | MUP | MUP | MUP | MUP ^[2] | MUP ^[2] | MUP ^[2] | MUP ^[2] | MUP ^[2] |
| Farm Brewery Production 0-1,500 barrels | | | | | | | | | | | MUP ^[1] | MUP ^[1] | C ^[1] | C ^[1] | C ^[1] |

D. Winery and Farm Brewery Uses. The primary purpose of the winery or farm brewery shall be to process wine grapes and hops. All accessory uses shall be clearly related and subordinate to the primary operation of a bonded winery or small beer manufacturing facility. The following provisions apply to all wineries and farm breweries, accessory structures, and accessory uses.

1. **Minimum Agricultural Requirement.** In the residential, resource and agricultural zone districts where wineries and farm breweries are allowed, at least two acres on site of planted vineyard, hopyard, or other agriculture related to beverage production is required. Planting densities should be consistent with what is found in the Sierra Nevada foothills and shall be properly maintained as a requirement of the facility's continued operation, as determined by the Placer County agricultural commissioner. A determination by the agricultural commissioner may be appealed to the agricultural commission, whose decision shall be final. This section shall not apply to wineries and farm breweries approved prior to June 23, 2020.
2. **Production Facilities—Minimum Parcel Size.** Minimum parcel sizes for the production of wine and beer are set forth in Table 1 above (see footnotes). Minimum agricultural requirements must still be met. No on-site tasting or public access shall be allowed either directly or by appointment unless permitted as a tasting room.
3. **Tasting Room.**
 - a. **Wine and Beer Sales.** The tasting room is primarily for the marketing and sale of the agricultural products produced at the facility. Wine products shall be limited to those produced, vinted, cellared or bottled by the operator in accordance with state law. Wine products sold at the facility may also be grown on the premises and custom crushed at another facility for the operator. Beer sales shall be limited to those manufactured and packaged in accordance with state law. Incidental sales of wine-and beer-related merchandise and food shall be allowed subject to the requirements of California state law. Accessory use—restaurants may serve wine and/or beer produced by other wineries and/or farm breweries located in Placer County subject to compliance with state law and the permit requirements outlined in subsection **C**.
 - b. **Minimum Parcel Size.** The minimum parcel size for establishment of a tasting facility in the farm, forest, agricultural exclusive, residential agricultural, and residential forest zone districts are set forth in Table 2 below. Note: large winery production has a 10 acre minimum per subsection **C**, Table 1.

| Table 2 | | | | | |
|--|--------------------|-----------|---------------------------------|----------|------------|
| PERMIT REQUIREMENTS FOR WINE AND BEER TASTING FACILITIES IN RESIDENTIAL AND AGRICULTURAL RESOURCE ZONE DISTRICTS^{[1][2]} | | | | | |
| Parcel Size (Acres) | Residential | | Agriculture and Resource | | |
| | RA | RF | AE | F | FOR |
| 4.6 to less than 10 | MUP | MUP | ARP | ARP | ARP |
| 10+ | MUP | MUP | C | C | C |

Notes:

- [1] An administrative review permit may be waived if a minimum of 10 contiguous acres is under the same ownership and deed restricted to preclude their separate sale, and if the structures related to the use meet the standards for the base zone district.
- [2] Parcels within 0.50 acre of a size referenced in this table that do not result in either a new significant environmental impact or a substantial increase in the severity of an impact if categorized as a larger size shall be subject to a planning director determination of the appropriate parcel size designation based upon: (a) the actual size of the parcel, (b) the zoning designation for the property, and/or (c) applicable land conveyance documents.

| KEY TO PERMIT REQUIREMENTS | |
|---|-----|
| Zoning Clearance required (Section 17.06.050) | C |
| Administrative Review Permit | ARP |
| Minor Use Permit required (Section 17.06.050) | MUP |

- 4. Agricultural Promotional and Special Events. Agricultural promotional events and special events shall only be allowed on site as an accessory use to a tasting room at a production facility where grapes, hops, or agricultural products necessary for making the beverage are grown on site.
 - a. Agricultural Promotional Events. Tasting rooms may include agricultural promotional events sponsored by a winery or farm brewery that are intended for the promotion and sale of the facility's product, as defined in subsection **B** above. Agricultural promotional events are not limited in number. For large wineries located on 40 acres or greater, additional attendees may be permitted subject to a conditional use permit.
 - b. Special Events. Special events, as defined in subsection **B** above, are allowed subject to the following table.

| Table 3 | | | |
|--|---|-------------------------|---------------------------|
| MAXIMUM SPECIAL EVENTS ALLOWED PER YEAR ^{[1][3][4]} | | | |
| Parcel Size (Acres) | Max Attendees at One Time (excluding staff) | Max Special Events/Year | Use Permit Requirement |
| 4.6 to less than 10 (small) | As determined by use permit | 6 | ARP or MUP ^[2] |
| 10 to less than 20 (medium) | 100 | 6 | C |
| 20+ (large) | 200 | 12 | C |

Notes:

- [1] Agricultural promotional events with attendance greater than 50 at one time are limited per this Table.
- [2] An administrative review permit or minor use permit is required for a winery or farm brewery for parcels 4.6 to 9.9 acres in size in zone districts where allowed by the land use and permit tables (Section **17.06.050**) and Table 2: Permit requirements for wine and beer tasting facilities in residential and agricultural resource zone districts. This use permit will consider conditions for events as limited by this table.
- [3] For large wineries on 40 acres or greater, additional attendees and number of special events may be permitted by conditional use permit.
- [4] Parcels within 0.50 acre of a size referenced in this table that do not result in either a new significant environmental impact or a substantial increase in the severity of an impact if categorized as a larger size shall be subject to a planning director determination of the appropriate parcel size designation based upon: (a) the actual size of the parcel, (b) the zoning designation for the property, and/or (c) applicable land conveyance documents

- c. Temporary Outdoor Event. Special events, industry-wide events, or other functions where the number of attendees will exceed the allowances in Table 3 above may be allowed as required by Section **17.56.300(B)** (temporary uses and events).

E. Development and Operational Standards. The following development and operational standards shall apply to all wineries and farm breweries, and expansions of existing lawfully operating facilities. If a winery or farm brewery is required to have a use permit by this section, the standards will be applied in accordance with the conditions placed on those entitlements. These standards will be applied with flexibility to encourage activities for the protection and preservation of agriculture.

- 1. Parking. The following parking standards shall apply:

| Table 4 | |
|--|-----------------------------|
| MINIMUM PARKING REQUIREMENTS | |
| Use Type | Parking Required |
| Areas for use by or for patrons, including tasting rooms, reception areas, and outdoor seating | One space per 300 sq. ft. |
| Offices or administration areas | One space per 300 sq. ft. |
| Production, storage or warehousing areas | One space per 1,500 sq. ft. |

| Table 4 | |
|-------------------------------------|---------------------------|
| MINIMUM PARKING REQUIREMENTS | |
| Use Type | Parking Required |
| Event parking ^[1] | One space per 2.5 persons |

Note:

[1] Event size is limited to the number of available on-site parking spaces as required by the parking standards below.

- a. A site plan shall show permanent parking locations for the use types described in Table 4 above.
 - b. On-site parking space sizes and drive aisles shall be designed in accordance with Section **17.54.070** (design and improvement of parking).
 - c. On-site parking may be an aggregate base all weather surface. The circulation aisles shall be capable of supporting vehicle loading as approved by the serving fire district.
 - d. Parking shall not be proposed on existing agriculturally productive land.
 - e. Temporary overflow parking may be utilized in conjunction with special events, as described in subsection **(D)(4)** above, and temporary outdoor events as described in Section **17.56.300(B)(1)(b)**. Temporary overflow parking shall be accommodated on-site and shall meet fire district requirements, and shall only take place in designated areas in accordance with a site plan approved by the county.
- 2. Access Standards.**
- a. **County Maintained Roads.** A paved commercial standard encroachment shall be required to address Placer County land development manual ingress, egress, and sight-distance engineering design standards and serving fire district requirements.
 - b. **Non-County Maintained (Private) Roads.**
 - i. An encroachment permit shall be required to address Placer County land development manual ingress, egress, and sight-distance engineering design standards and serving fire district requirements where the non-county maintained (private) road connects to a county maintained road, and if the applicable standards are not already met.
 - ii. If a winery or farm brewery is accessed by a private road, the applicant shall provide proof of access rights in the form of a recorded easement or other applicable legal document or as determined by the county and an affirmative written statement of the legal right to access and use said road for the purposes of the requested facility. The owner shall include with said statement the proposal for road maintenance or provide evidence of an existing road maintenance agreement. The owner shall be required to defend and indemnify the county for any claims resulting from said road access.
 - c. Access roads to a winery or farm brewery shall comply with county code, state and local fire safe standards, as determined by the county and the serving fire district. Unless otherwise determined by serving fire district, driveway shall have a minimum access width of 20 feet to the facility structure, provide adequate turnaround, and be either paved or surfaced with an approved alternative all-weather material.
 - d. A design exception request prepared by a professional civil engineer registered in the state of California may be submitted and reviewed by both Placer County's engineering and surveying division and its department of public works on a case-by-case basis for modification to the county standards, dependent upon justification for a deviation to the standard(s), a review of alternatives, consideration of physical constraints, and meeting minimum safety requirements.
- 3. Hours of Operation.** All facilities shall be allowed to conduct normal tasting hours from 10:00 a.m. to 6:00 p.m. Events shall be allowed from 10:00 a.m. to 10:00 p.m. on Friday and Saturday and from 10:00 a.m. to 8:00 p.m. Sunday through Thursday, or as specified by use permit. If a winery or farm brewery has an

existing permit and is lawfully operating, limits on hours of operation will be in accordance with the conditions placed on those entitlements.

4. Noise Regulations.

- a. All winery and farm brewery facilities shall be subject to Placer County Code Article 9.36 (Noise), unless a more restrictive standard is specified in a community plan.
- b. Prior to hosting events with amplified speech or music and weddings the owner/operator shall submit a site plan to the community development resource agency. The site plan shall identify the proposed outdoor location of the event and the distance to the nearest residential receptor property line. If the distance between the proposed sound source and nearest sensitive receptor property line is greater than shown in Table 5 below, then additional acoustical analysis shall not be required. If the distance between the proposed sound source location and nearest sensitive receptor property line is less than shown in Table 5 below, a site-specific noise analysis shall be required to evaluate compliance with the Placer County Code Article 9.36 (Noise).

| Table 5 | | |
|--|-------------------------------------|-----------------------------------|
| DISTANCES REQUIRED TO ATTENUATE NOISE^[1] | | |
| Event/Activity | Setback Required (feet) | |
| | Auburn/Bowman Community Plan | Other Community Plan Areas |
| Amplified music/speech at event on 20+ acres | 1,225 | 750 |
| Amplified music/speech at event on 10 to less than 20 | 925 | 550 |
| Amplified speech | 450 | 275 |

Note:

[1] Parcels within 0.50 acre of a size referenced in this table that do not result in either a new significant environmental impact or a substantial increase in the severity of an impact if categorized as a larger size shall be subject to a planning director determination of the appropriate parcel size designation based upon: (a) the actual size of the parcel, (b) the zoning designation for the property, and/or (c) applicable land conveyance documents.

- 5. Lighting. All lighting for wineries and farm breweries shall be consistent with the rural design guidelines for Placer County and shall be dark-sky compliant as specified by the International Dark-Sky Association.
- 6. Food Regulations. Service and/or preparation of food in an existing or new tasting room shall be subject to prior approval and applicable permitting by environmental health. If food is prepared on-site, wineries shall have a commercial kitchen. The kitchen shall comply with all conditions for a commercial kitchen as specified by the Placer County health department, division of environmental health. If a winery or farm brewery is required to have a minor use permit or conditional use permit by this ordinance or has an existing permit and is lawfully operating, food regulations will be in accordance with those entitlements.

Depending on site conditions and resources, options for food service may include a self-contained mobile food facility (food truck), food prepared by a caterer at their approved facility and then plated at facility, a food booth operated by the facility at a temporary outdoor event, a market to sell pre-packaged foods from approved sources, and food preparation and service as defined under an accessory use—restaurant.
- 7. Potable Water. Compliance with the **California Code of Regulations** Titles 17 and 22 of the California Safe Drinking Water Act shall be required.
- 8. Waste Disposal.
 - a. Septic Systems. If a winery or farm brewery has buildings with plumbing, the buildings must be served by an individual septic system sized and designed for the intended use. Occupancy and use of the building determines the size of the septic system. Food preparation and dishwashing may increase the septic system size and require a grease interceptor.
 - b. Solid Waste. All solid waste shall be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions. Pomace, culls, lees, and stems may be

recycled on-site in accordance with a report of waste discharge approved for each individual winery by the regional water quality control board.

- c. Winery/farm brewery wastewater is prohibited from being discharged to the septic system. A waste discharge permit or a waiver of waste discharge issued by the regional water quality control board is required prior to building permit issuance.
 - d. On-Site Sewage Disposal. If a public sanitary sewer is not available, then the on-site sewage disposal system shall be designed in compliance with Placer County Code Article 8.24 (County Wastewater Regulations) and sized to accommodate employee, tasting room and commercial sewage flows. Portable toilets may be approved by the division of environmental health for temporary events.
9. Height Limit Exceptions for Large Wineries of Over Forty Acres. Notwithstanding the site development standards for the applicable zone or Section **17.54.020** (Height limits and exceptions), a structure, tasting room, or accessory use-restaurant for a large winery on a parcel over 40 acres with at least 10 acres of planted vineyard, hopyard or other agriculture related to beverage production under this section may exceed the prescribed height limit for the applicable zone if the additional height is authorized through a conditional use permit process that includes an analysis of visual impacts including photo simulations and consideration for increased setbacks. The 40 acre parcel requirement is met if there are a minimum of 40 contiguous acres under the same ownership and deed restricted to preclude their separate sale.
- F. Continuing Applicability of Permits and Existing Legal Operations. To the extent a minor use permit or administrative review permit was approved for uses on a parcel or parcels as required under the provisions of this zoning ordinance in effect as of June 23, 2020, the conditions of the use permit shall continue to apply in full force and effect. Any proposed new or additional use for a use lawfully established pursuant to Section 17.02.030(C) shall be subject to compliance with the provisions of this zoning ordinance in accordance with Section **17.02.030** and all other applicable provisions of the Placer County Code.
- G. Special Notice Requirements. For all applications for a winery or farm brewery activity that is requested for property which is accessed by a private road and which requires the issuance of a use permit pursuant to this section, in addition to any other notice required by Section **17.58.100(A)**, notice shall be provided to all property owners identified pursuant to Section **17.58.030(F)**. Failure of a property owner who shares access rights with an applicant to a private road to receive notice shall not invalidate the issuance of the permit.
- H. Notice of Decision. A copy of any decision on an application for a winery or farm brewery activity that is requested for property which is accessed by a private road and which involves the issuance of a use permit pursuant to this section shall be provided to all property owners identified pursuant to Section **17.58.030(F)**, in addition to any other person who may otherwise be entitled to notice of the decision. Failure of a property owner who shares access rights with an applicant to a private road to receive a copy of the decision shall not invalidate the issuance of the permit.
- I. Waiver of Appeal Fee. Notwithstanding subsection **(C)(1)** of Section **17.60.110**, the requirement of the submission of an appeal fee shall be waived for a property owner who appeals the determination of the zoning administrator to approve a use permit and who owns property that shares access rights to a private road with the applicant who has received a permit. This waiver shall not apply to any appeal of a decision of the planning commission to the board of supervisors.

(Ord. 5526-B § 19, 2008; Ord. 5688-B § 9, 2012; Ord. 6030-B § 1, 2020; Ord. 6202-B § 1, 2023)