

ORDINANCE NO. 1849

ORDINANCE AMENDING CHAPTER 19.24.036, AG DISTRICT - USE REGULATIONS; CHAPTER 19.24.040 DISTRICT REGULATIONS - GENERALLY, A DISTRICT REGULATIONS; AND CHAPTER 19.24.045, R1A DISTRICT REGULATIONS, 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 Board of Supervisors of the County of Amador ordains as follows:

SECTION I. Recitals of facts:

WHEREAS, the Amador County Board of Supervisors desires to provide opportunities for wineries, wine tasting rooms, and ancillary events in the agricultural areas of Amador County while promoting and protecting the rural, agricultural character of Amador County; and

WHEREAS, the Board of Supervisors determined that the existing regulations regarding wineries, wine tasting rooms, and ancillary events warrants amending to more adequately meet the needs and desires of the County; and

WHEREAS, the Board of Supervisors adopts this ordinance to amend Title 19 (Zoning) of the 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. County Code Chapter 19.24.036(G)(32), is hereby amended by adding as follows:

32A. On parcels enrolled in a California Land Conservation Act contract prior to June 25, 2024, 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 non-compensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year,
 2. Compensated or non-compensated 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,
 - j. Outdoor amplified music sound until ten p.m.
- B. Incidental uses for wineries on parcels enrolled in a California Land Conservation Act contract after July 09, 2024: 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 incidental use limitations based on setbacks and preferred road locations:

The following setback and preferred road location 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 and preferred road location 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.

“Preferred Roads” are State Routes, Latrobe Road, Lower Ridge Road, Shenandoah Road, Shenandoah School Road, Steiner Road, and Willow Creek Road.

ii. Wineries with a minimum setback of less than two hundred (200) feet for all indoor and outdoor event use areas, or not accessed from a preferred road, 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 (or successor) 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, and are accessed from a preferred road, are allowed the uses in Section B(2)(ii)1 through 4 above, and following additional uses:

a. 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, and are accessed from a preferred road, are allowed the uses in Section B(2)(ii)1 through 4 above, and the following additional uses:

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

b. 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 existing residence not on property owned by the winery operator. Idling vehicles shall maintain a one hundred (100-) foot clearance from any existing residence not on property owned by the winery operator.

(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 shall be subject to providing off-street parking and meeting all necessary clearances from the fire, health, and building departments.

SECTION III. County Code Chapter 19.24.036(H), is hereby amended as follows:

H. Duplicate tasting rooms. Wine tasting may be conducted under a duplicate Type-02 Winegrower license only if the winery with the master Type-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 July 9, 2024, uses described in this subsection may be granted by the planning department, without public hearing, following public notice of the application.

- 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 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 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 July 9, 2024, duplicate tasting rooms and events shall be regulated by Sections 32.B and 32.C, above.

SECTION IV. County Code Chapter 19.24.040, A District Regulations, Permitted Uses, Section 12,

is hereby amended as follows:

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 July 9, 2024:

(1) Wineries which existed and met the criteria of the winery definition in Section 19.08.687 prior to July 9, 2024, shall be allowed the following incidental uses and structures regardless of whether the incidental use or structure existed prior to July 9, 2024:

- 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 music sound until 10:00 p.m.

B. Incidental uses for wineries established on or after July 9, 2024:

Wineries which were established after and/or did not meet the criteria of the winery definition in Section 19.08.687 prior to July 9, 2024 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 incidental use limitations based on setbacks and preferred road locations: The following setback and preferred road location 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 and preferred road location 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.

“Preferred Roads” are State Routes, Latrobe Road, Lower Ridge Road, Shenandoah Road, Shenandoah School Road, Steiner Road, and Willow Creek Road.

ii. Wineries with a minimum setback of less than two hundred (200) for all indoor and outdoor event use areas, or are not accessed from a preferred road, 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 (or successor) 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, and are accessed from a preferred road, are allowed the uses in Section B(2)(ii)1 through 4 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, and are accessed from a preferred road, are allowed the uses in Section B(2)(ii)1 through 4 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 existing residence not on property owned by the winery operator. Idling vehicles shall maintain a one hundred (100-) foot clearance from any existing residence not on property owned by the winery operator.
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.

SECTION V. County Code Chapter 19.24.040, A District Regulations, Conditional Uses, Section 27, is hereby amended as follows:

A. Duplicate tasting rooms for which a valid ABC Type-02 Winegrower license was issued on or prior to July 9, 2024:

- 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 Type-02 Winegrower license was issued after July 9, 2024 shall be regulated by Sections 12.B through 12.C, above.

SECTION VI. County Code Chapter 19.24.045(D)(3)(b), R1A District Regulations, Conditional Uses, Section 27, is hereby amended as follows:

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.

SECTION VII. A summary of this ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

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 9th day of July, 2024, by the following vote:

AYES: Brian Oneto, Patrick Crew, Frank Axe, Richard Forster, Jeff Brown

NOES: None

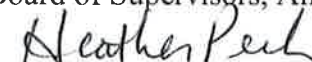
ABSENT: None



Brian Oneto, Chairman, Board of Supervisors

ATTEST:

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



(ORDINANCE NO. 1849)

(07/09/24)