

130.40.400 Wineries

A. **Content.** The winery ordinance:

1. Provides for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses (General Plan Policy 2.2.5.21.)
2. Encourages the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products (General Plan Policy 10.1.5.4.)
3. Implements General Plan policies that encourage development of agriculturally-related uses while protecting the agricultural character and long-term productivity of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2., 8.2.4.3, 8.2.4.4, and 8.2.4.5)

B. Applicability. Except as provided in Subsection H (Micro-Wineries and Small Vineyards) below, the regulations and standards of this Section shall apply to wineries, as defined in Article 8 (Glossary), where allowed in the use matrices for the zones, on lots that are a minimum of 10 acres or more in size with a commercial vineyard.

C. Definitions. As used in this Section, the terms below will mean the following:

“Commercial Vineyard” means a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner.

“County Maintained Road” means a road that is listed on the current County Maintained Mileage List by the Department of Transportation. This list does not typically include County Service Area (CSA) or Zones of Benefit (ZOB) roads.

“Properly maintained” means that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including, but not limited to, the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.

“Winery” means an agricultural processing facility that produces wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine, that is bonded through the Alcohol, Tobacco Tax and Trade Bureau, and that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower’s License.

D. Table of Allowed Uses. Uses allowed under Table 130.40.400.1 are subject to compliance with all applicable provisions of this Title and the County Code of Ordinances. Allowed uses may require a discretionary permit in compliance with Subsections F.1 and G.5 (Use Compatibility Limitations, and Access Standards, Subsections F.1 and G.5 (Use Compatibility Limitations, and Access Standards,

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respectively) below. The following winery and accessory uses are further defined in Subsection E (Winery Uses) below:

Table 130.40.400.1 – Wineries Allowed Uses Matrix

<p>LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands RE: Estate Residential</p>	<p>A Administrative Permit MUP Minor Use Permit P Allowed use CUP Conditional Use Permit required (Section 130.52.020) TUP Temporary Use Permit — Use not allowed in zone</p>					
USE	PERMIT REQUIRED BY ZONE					
	AG & PA 20+ Acres	PA 10 -19.9 Acres; In Ag District	PA 10 - 19.9 Acres; Out of Ag District	RE-10 & RL 10+ Acres; In Ag District	RE-10 & RL 10+ Acres; Out of Ag District	LA 10+ Acres
Winery	P	P	MUP	MUP	CUP	CUP
Tasting Facilities	P	P	MUP	MUP	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	MUP	MUP	CUP	CUP
Art/merchandise Sales	P	P	P	A	CUP	MUP
Campground						
Temporary	TUP	TUP	TUP	TUP	TUP	TUP
Permanent	CUP	CUP	CUP	CUP	CUP	CUP
Picnic Areas	P	P	P	P	A	A
Events						
Marketing/Promotional	P	P	A	MUP	CUP	MUP
Special Events	P	P	MUP	MUP	CUP	CUP
Agricultural museums	P	P	A	MUP	CUP	CUP
Commercial Kitchen						
Food preparation, on-site	P	P	A	MUP	CUP	MUP
Catering, off-site	P	P	A	MUP	CUP	MUP
Dining facilities	CUP	CUP	CUP	CUP	CUP	CUP
Distilleries	CUP	CUP	CUP	CUP	CUP	CUP
Lodging						
Agricultural Homestays	See Table 130.40.170.1 (Agricultural Lodging)					
Agricultural & Timber Lodging	See Table 130.40.170.1 (Agricultural Lodging)					
Special Events (in excess of E.3)	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP
Music Festivals & Concerts	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP

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E. Winery Uses: The following provisions shall apply to all wineries, accessory structures, and accessory uses:

1. General Winery Provisions.

- a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.
- b. Wineries include those areas of a winery where grapes are crushed, fermented, or pressed; where bulk wine is stored in tanks or

barrels; where winery operations such as racking, filtering, blending, or bottling of wines are carried out; and where on-site case goods are stored.

c. Multiple lots under the same ownership are not considered to be a single lot for purposes of this Section.

2. Tasting Facilities.

a. **Subordinate to Winery.** Tasting facilities shall be clearly related and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared, or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.

b. **Wine Sales.** Retail sales of wine fruit products shall be limited to those produced, vinted, cellared, or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower's license. (The ABC Type 2 Winegrower's license requires that at least 50 percent of the wine sold be produced by the winery).

c. **Marketing.** Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to live music, catered food, food prepared on the premises, winemaker dinners, releases, library wines, discounted sales, "bottle- your-own", and similar activities. Live music is subject to Subsection G.8 (Outdoor Amplified Music) below. Concerts or events sponsored by or for the benefit of an organization other than the winery shall not be allowed as marketing events, but may be allowed as special events subject to Subsection E.3 (Special Events) below.

3. **Special Events.** Special events, as defined in Article 8 (Glossary), are any events such as charitable events, promotional events, and facility rental events that are not the tasting and marketing activities described in Subsection E.2.c (Tasting Facilities: Marketing) above.

a. **Number Allowed.** Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. Facility rental events are a type of special event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total special events allowed, but are further limited to the following:

- (1) Lots less than 20 acres in size: 12 days per calendar year.
- (2) Lots 20 acres or more in size: 24 days per calendar year.

b. **Capacity Limitation.** All special events are limited to 250 persons at one time.

c. **Ranch Marketing.** The number of special events shall not be added to or combined with those allowed by right under Section 130.40.260 (Ranch Marketing).

d. **Temporary Use Permit.** Those special events, such as fundraisers, concerts, or other special functions where the number of attendees will exceed 250 persons at any given time and where such events are held no greater than three times per calendar year and no more than one time per calendar month, may be allowed by Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit).

4. **Dining Facility.** The dining facility, as defined in Article 8 (Glossary), shall be subordinate to the sale of wine. Areas of a winery that are temporarily set up for winemaker dinners are not considered to be part of the dining facility.

5. **Distilleries.** A distillery, as defined in Article 8 (Glossary), shall be bonded through the Alcohol and Tobacco Tax and Trade Bureau and have a current California ABC License. Distilleries are only allowed with a Conditional Use Permit in conjunction with a winery on the same lot. Allowed activities include, but are not limited to, blending, aging, storing, bottling, and warehousing operations; tasting facilities; wholesale and retail sales; and administrative functions.

6. **Commercial Kitchen.** A commercial kitchen, as defined in Article 8 (Glossary), shall be accessory to the winery, tasting room, and any other authorized accessory use.

7. **Museum.** Agriculture-related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.

8. **Picnic Areas.** Picnic areas shall be subordinate to the winery and tasting room.

9. **Retail Sales.** Retail sales of merchandise, art, and prepackaged food items shall only be allowed within the tasting facilities and shall not be located in a separate structure. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. Sale of non-wine merchandise shall be subordinate to the wine sales.

10. **Catering.** As defined in Article 8 (Glossary), use of an on-site commercial kitchen for catering off-site events may be allowed by Conditional Use Permit and only when the catering use is found to be subordinate to the winery's wine sales.

F. Special Provisions.

1. **Use Compatibility Limitations.** Proposed winery facilities that are not located within an Agricultural District and that have property lines adjacent to a lot with a noncompatible zone designation shall require a Conditional Use Permit. For purposes of this Subsection, noncompatible shall be RM, R1, R20K, R1A, R2A and R3A. The use compatibility determination will be made

prior to issuance of a building permit for a winery building. Subsequent expansion of the facility's structures or uses will require additional use compatibility determinations.

G. Development Standards. These standards are the minimum required for all wineries, accessory uses, and structures listed in Subsection E (Winery Uses) above. Additional requirements may be added through the discretionary permitting process, if applicable.

1. Commercial Vineyard. Should the minimum acreage of wine grapes cease to exist or be properly maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Ag Commission whose decision shall be final.

2. Setbacks. The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:

a. Adjacent to non-residential zones: 50 feet from all property lines.

b. Adjacent to residential zones: 200 feet from all property lines.

c. The 200 foot setback in 2.b above in this Section may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver).

3. Signs. See Chapter 130.16 (Signs).

4. Parking. The following parking standards shall apply to wineries, tasting rooms, and accessory uses:

a. Permanent parking spaces shall be provided for wineries, tasting rooms, and retail sales areas in compliance with Chapter 130.35 (Parking and Loading).

b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.

c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off street parking in compliance with Chapter 130.35 (Parking and Loading). All temporary parking shall be accommodated on-site and shall meet any fire district requirements.

5. Access Standards. Access standards shall be as follows:

a. Direct access from a non-county maintained road, regardless of whether the road is located on or off-site, shall require the following:

- (1) **In an Agricultural District.** An Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver), following a recommendation by the Ag Commission.
- (2) **Not in an Agricultural District.** A Conditional Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits).

b. Road Maintenance. The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.

c. Fire Safe/Code Standards. Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on-site and off-site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal processes identified in the SRA Fire Safe Regulations.

d. Facilities Not Open to the Public. A winery that is not open to the public and does not provide on-site sales may be accessed by a non- county maintained road.

6. Size Limitation.

a. The winery, accessory buildings, and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.

b. All new wineries and expansions of existing wineries that exceed 10,000 square feet of floor area and are visible from a county maintained road shall require a Design Review Permit in compliance with Section 130.52.030 (Design Review Permit).

c. Tent structures that exceed 1,200 square feet of floor area and are visible from a county maintained road shall be limited to a 30 day period, three times per calendar year, unless additional time frames are approved by a Temporary or Conditional Use Permit.

d. The total enclosed square footage of all floors of a winery building shall not exceed the square footage shown in the Table 130.40.400.2 (Allowed Square Footage for Winery Buildings) below. Any winery building or group of winery buildings and accessory buildings exceeding the square footage in Table 130.40.400.2 (Allowed Square Footage for Winery Building) below shall require a Conditional Use Permit. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

LOT ON WHICH THE WINERY IS LOCATED	MAXIMUM ALLOWABLE WINERY BUILDING SIZE
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

7. Cultural Resource Protection.

a. Winery development on a lot identified by the county as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets county guidelines.

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b. Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

8. Outdoor Amplified Music. All events featuring outdoor amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards). For any events occurring between 7pm and 10pm, a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10 p.m.

9. Wine Caves. The use of subterranean space for winery facilities in natural or manmade caves shall be in compliance with all applicable building and fire codes, and permit requirements.

H. Micro-Wineries and Small Vineyards. Wineries that do not meet the minimum acreage requirement for a commercial vineyard, as defined under Subsection C (Definitions), or the minimum lot size under Table 130.40.400.1 (Wineries Allowed Uses Matrix) below, shall be allowed in compliance with Table 130.40.400.3 (Micro- Winery and Small Vineyards Use Matrix) below, subject to the following requirements in this Subsection:

Table 130.40.400.3 – Micro-Winery and Small Vineyards Use Matrix

USE	PA & AG 10+ Acres; In Ag District	LA, PA, AG, RL, & RE 5+ Acres; In/Out of Ag District
Small Vineyard Winery	CUP	—
Micro-Winery	—	CUP

1. Small Vineyard Winery Standards. Wineries with a minimum of one to less than five acres of a planted wine-making crop (wine grapes or other

fruit) shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:

- a. The only accessory use allowed shall be a distillery; and
- b. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County.

2. Micro-Winery Standards. Micro-wineries shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:

- a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;

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b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA may exceed these amounts in compliance with the Conditional Use Permit if:

- (1) The lot is within an Agricultural District, and
- (2) The Ag Commission finds that the land is not capable of supporting five acres of vineyard and potential on-site agricultural land is not being precluded from future agricultural production;

- c. No other accessory uses described in this Section are allowed on the site.
- d. On-site signs are limited to one, single-faced, non-illuminated sign advertising the name of the winery and owner, and stating "Not Open to the Public". The sign face shall measure a maximum of six square feet in area and shall stand no higher than six feet from natural grade, as measured directly below the sign; and
- e. The total enclosed floor area(s) of the micro-winery shall measure no greater than 2,000 square feet.

3. General Standards. The following standards shall apply to both small vineyard wineries and micro-wineries:

- a. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines;
- b. The wine grapes or fruit crop shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum acreage cease, as determined by the Agricultural Commissioner, the right to operate the winery becomes void;
- c. Wine sales shall be conducted off-site or by internet, mail order, telephone, facsimile, or similar means, only. No on-site sales, tasting, or public access shall be allowed either directly or by

appointment;

d. Compliance with all applicable local, State, and federal laws shall be verified prior to operation. At a minimum, the following shall be required:

- (1) Fire district review of the facility for consistency with the fire code;
- (2) Waste Discharge Permit or Waiver of Discharge Permit from Regional Water Quality Control Board;
- (3) Winegrower license from the ABC;