

<b>DRAFT WINERIES ORDINANCE COMPARISON TABLE</b>				
<b>AGRICULTURAL COMMISSION RECOMMENDATION, PUBLIC REVIEW DRAFT, AND EXISTING ORDINANCE</b>				
<b>SECTION/TOPIC</b>	<b>AGRICULTURAL COMMISSION RECOMMENDATION January 10, 2007<sup>1</sup></b>	<b>PUBLIC REVIEW DRAFT June 28, 2006</b>	<b>EXISTING ORDINANCE Adopted 2001</b>	<b>COMMENTS</b>
<b>Section B: Definitions</b>				
<i>Charitable Events</i>	Added definition of “Charitable Event”	Does not define charitable event. These are considered special events and not separate and distinct.	Not defined.	Ag. Comm. recommends that events which are “charitable” as defined would not be subject to any limitations in terms of number of events or number of attendees since these would be distinct class of activity from promotional events which are limited as defined or special events which are subject to a conditional use permit. Each event would be in excess of what the Public Review Draft permitted.
<i>Marketing Event</i>	Added definition of “Marketing Event.”	Not defined. Marketing event is not separately distinguished from a promotional event which is defined.	Not defined.	Ag. Comm. added distinct class of activity defined as “marketing” events which would not be subject to any limitations on number of events or number of attendees.
<i>Promotional Event</i>	Modified promotional event to mean an event sponsored by <u>multiple wineries or group of wineries only</u> .	Defined to mean any event sponsored by a single winery, multiple wineries, or association to promote sale of local products.	Defined as events sponsored by the property owner, or group of, or an association, etc., to promote the sale of EDC wines, including winemaker dinners.	Ag. Comm. modified “promotional” events to mean only those events sponsored by a group of wineries or an association, etc. An example would be “Passport Weekend” which is held twice a year. The Public Review Draft does not differentiate between whether the promotional event is sponsored by a group or association or the individual winery which industry classifies as a marketing event and not subject to any limitations. (Promotional events should not to include regular patronage of the winery facility.)
<i>Special Event</i>	Modified special event to include such events having more than 250 persons in attendance. Eliminated charitable functions and donated facilities from list of special events.	Defined to mean functions occurring at a winery for other commercial or social activities other than promotional. (Limitations on use stated in Development and Operational Standards section below.)	Not defined.	Ag. Comm. modified “special” event to be a class of event now excluding charitable events and such events having less than 250 persons in attendance. Therefore, special events, such as weddings, etc., having up to 250 persons in attendance would not be limited in terms of the number of events. The Public Review Draft classifies special event as those events whether commercial or social in nature for purposes other than promoting the wine industry.
<i>Winemaker Dinner</i>	Deleted definition of a “winemaker dinner” as a promotional event from the definitions section.	Strictly defines winemaker dinners to mean a promotional event. Standards included preventing establishment of a restaurant.	Not specifically defined. Included as a promotional event.	Ag. Comm. recommends deletion of a “winemaker dinner” definition. The Public Review Draft included a definition to prevent establishment of a restaurant which is commercial use not permitted in agricultural or residential zone districts.
<b>Section C: Wineries and Accessory Uses</b>				
<i>Review of wineries and accessory uses.</i>	Requires review by the Agricultural Commission <u>or the</u> Agricultural Commissioner.	Requires review by the Agricultural Commission only.	In general, those permitted by right do not require Ag. Commission review when	Ag. Comm. has added language to require the Ag. Commission or Ag. Commissioner to review and make recommendations on wineries and accessory uses. Although unclear, the Ag. Commissioner could review ministerial permits. General Plan Policy 8.4.2.1 requires

			meeting required zoning, parcel size, and vineyard. Those processed by staff under site plan review (ministerial) or SUP req. Ag. Comm. review.	review and recommendation by the Ag. Commission on any discretionary application.
<b>Subsection C.1.a: Agricultural Zone Districts – Permitting/Uses</b>				
<b>Uses by Right/Process</b>	Deleted requirement for review of wineries and accessory uses by site plan review.	Requires review of wineries and accessory uses by site plan review.	Not required by ordinance, however, wineries are processed by site plan review in conjunction with building permit application.	Although the Ag. Comm. recommends deletion of the site plan review process for wineries and accessory uses permitted by right; the existing and proposed site plan review process is and would be a ministerial process. The County would continue to require a detailed site plan and project description as part of the review of the building permit. Having a SPR process standardized allows the county to more formally review the complexity of the project in terms of consistency with development standards, and to allow for appropriate billing of review services performed.
<b>Product Sales</b>	Allows wholesale and retail of products produced, <u>vented, cellared or bottled</u> on the premises.	Allows wholesale and retail of products <u>produced</u> on the premises.	Allows wholesale and retail of products grown on; and grown off premises, bottled on premises and sold in conjunction with product grown on premises.	This raised the questions of the purpose of allowing a winery on agriculturally zoned parcels which is to allow the processing of the agricultural products grown the same parcel. Does this mean that a location where wine is only “cellared” can then sell products?
<b>Commercial kitchens</b>	Allows by right commercial kitchen facilities or food preparation facilities for on-site functions only.	Allowed by special use permit for on-site functions.	Not specifically listed. Inferred that a commercial kitchen is allowed by right for winemaker dinners only.	
<b>Alternating Proprietorship</b>	Expressly prohibits tasting and sales of labels belonging to other wineries having an alternating proprietorship.	Not addressed.	Not addressed.	This proposed prohibition is based on the assumption that the grapes processed would be grown off-site.
<b>Dining facilities</b>	Allows dinning facilities by CUP.	Not addressed directly. (SEE DEFINITION OF WINEMAKER DINNERS)	Not addressed. Winemaker dinners permitted by right or SUP depending on zoning and parcel size.	At issue is the ability to achieve what could effectively be a restaurant which is a commercial use permitted in commercial zone districts.
<b>Subsection C.3a: Estate Residential Zone Districts – Activities by Use Permit (Note: The Agricultural Commission recommended combining the RA and RE zone districts and are treated similarly. This portion of the table may not adequately reflect the January 10, 2007 recommendations.)</b>				
<b>Tasting Rooms</b>	By CUP not exceeding 1,000 sq. ft. or 10% of winery building area, whichever is greater.	By SUP not exceeding 1,000 sq. ft.	By SUP not exceeding 500 sq. ft.	The Ag. Comm. recommendations would allow 1,000 sq. ft. of tasting facility at a 10,000 winery premises (as defined). A 50,000 sq. ft. winery would allow 5,000 sq. ft. of tasting area; and a 100,000 winery would allow 10,000 sq. ft. of tasting area. Wineries average

				approximately 20,000 to 25,000 sq. ft. in the County allowing for a tasting area of 2,000 to 2,500 sq. ft.
<b>Merchandise Retail</b>	Retail of merchandise and art permitted by CUP.	Retail of merchandise and art by SUP.	Retail sales of winery related promotional items gift items and pre-packaged goods by SUP.	
<b>Marketing Events</b>	Allows marketing events, limits established, by CUP	Not permitted. (Promotional and special events not permitted. Only allows public tours.)	Not permitted.(Promotional and special events not permitted. Only allows public tours.)	
<b>Section D: Development and Operational Standards</b>				
<b>Retail sales permitted-grape products.</b>	Retail sales of product limited to produced, <u>vented</u> , <u>cellared or bottled</u> . Also allows sales of custom crushed product at another facility for the winery	Retail sales of wine grape products limited to those produced by the winery operator or grown on the premises.	Allows wholesale and retail of products grown on; and grown off premises, bottled on premises and sold in conjunction with product grown on premises.	An ABC Type 2 Winegrower's license requires that at least 50% of the wine sold be produced by the winery.
<b>Wineries without commercial vineyard.</b>	Allows a winery on agricultural and RA zoned lands in an Ag. District without having the required 5-acre vineyard with a CUP.	Allows a winery on agricultural and RA zoned lands in an Ag. District without having the required 5-acre vineyard with a SUP.	<u>Not permitted.</u> (Wineries would be permitted in Industrial and commercial zone districts without a commercial vineyard.)	Allowing wineries on parcels without agricultural production could have a negative impact on long-term productivity.
<b>Setbacks-within Ag. Districts</b>	Wineries, tasting rooms, and outdoor uses: <u>50 ft.</u> from property boundaries.	Wineries, tasting rooms, and outdoor uses: <u>100 ft.</u> from property boundaries.	Wineries, tasting rooms, and all accessory uses: <u>50 feet</u> from property boundaries.	
<b>Setbacks-outside Ag. Districts</b>	Wineries, tasting rooms, and outdoor activity areas <u>100 ft.</u> from property boundaries.	Wineries, tasting rooms, and outdoor activity areas <u>200 ft.</u> from property boundaries.	Wineries, tasting rooms, and all accessory uses: <u>200 ft. from residentially zoned properties.</u>	
<b>Signs</b>	Allows <u>one on-site or off-site sign of 32 sq. ft.</u> Additional signs by CUP. Added Farm Bureau as example of industry association signs permitted by Board of Supervisors.	Allows <u>one on-site sign of 32 sq ft.</u> Additional signs by SUP. BOS approval for industry association signs exempt from these provisions.	Allows <u>one on-site sign of 32 sq ft. not exceeding 12 ft. in height.</u> Additional signs by SUP. BOS approval for industry association signs exempt from these provisions.	Off-premises signs may be established by special use permit in accordance with Section 17.16.120 of the Zoning Ordinance.

<b><i>Permanent parking surface requirements</i></b>	Requires parking surfaces to consist of Class 2 aggregate base or equivalent.	Requires parking surfaces to consist of 6 inches Class 2 aggregate base or equivalent compacted to 95% and maintained in a dust free manner.	Parking surfaces may be dirt or gravel subject to provisions of Chapter 17.18 (required spaces).	
<b><i>Access-open to public on private road</i></b>	Requires CUP.	Requires SUP.	Requires Planning Director approval of SPR within an Ag. District. Requires SUP outside of an Ag. District.	
<b><i>Building Standards-Maximum area</i></b>	Building includes “production facility” only, excluding tasting rooms. Allowable size based on parcels size:10 acres-15,000 sq. ft.; 20 acres-50,000 sq. ft.; 40 acres-100,000 sq. ft. maximum. Requires CUP for larger size.	Building area includes production facility and tasting rooms. Wineries in excess of 20,000 square feet require a special use permit.	No building size limitations.	Allows substantial wine production facilities based on the parcel size without regard to the amount of acreage in production.
<b><i>Tasting Rooms-Food Service.</i></b>	Deleted prohibition of charging for food; deleted prohibition against establishing a restaurant or deli case serving pre-made food.	Allows providing snack foods free of charge or under a tasting fee. Expressly prohibits establishment of restaurants and deli case.	Allows “preparation of snack foods that are consumed while tasting wine.”	The deletion of prohibiting restaurants and allowing for commercial sales of food is contrary to the purpose and intent of agriculturally zoned lands which do not allow commercial uses. The General Plan does not anticipate commercial enterprises within rural regions or agricultural districts.
<b><i>Tasting Rooms-Building Area.</i></b>	This section defining the maximum size of tasting rooms is deleted. (Allows- Ag. & RA Zoning: 2,500 sq. ft. or 20% of winery whichever is greater; RE: 1,000 square feet or 10% of winery whichever is greater.)	Limited to 1,000 square feet or 10% of the winery, whichever is less.	Limitations established for “gift display and sales area.” Ag. Zones: 500 sq. ft. by right; over 500 to 1,000 sq. ft. max. by Planning Director approval of SPR; SUP over 1,000 sq. ft.	Ag. Comm. recommendations would allow 2,500 sq. ft. of tasting facility at a 12,500 winery premises (@ 20%). A 50,000 sq. ft. winery would allow 10,000 sq. ft. of tasting area; and a 100,000 winery would allow 20,000 sq. ft. of tasting area. Wineries average 20,000 sq. ft. in the County allowing for a tasting area of 4,000 sq. ft.  Ag. Comm. recommendations would allow 1,000 sq. ft. of tasting facility at a 10,000 winery premises (@ 10%). A 50,000 sq. ft. winery would allow 5,000 sq. ft. of tasting area; and a 100,000 winery would allow 10,000 sq. ft. of tasting area. Wineries average approximately 20,000 sq. ft. in the County allowing for a tasting area of 2,000 sq. ft.
<b><i>Distilleries</i></b>	Requires conditional use permit.	Requires special use permit.	Not permitted.	Distilleries are typically considered an industrial use and are currently only allowed in Industrial and R&D Zone District. The County has granted a special use permit for a distillery to operate as a “home occupation” in an SA-10 zone district without a commercial vineyard in conjunction with a winery without a commercial vineyard.
<b><i>Promotional Events-Limitations on use</i></b>	Limited to 24 events per year not having more than 250 persons in attendance at any given time. Outdoor amplified music to comply with the Noise Ordinance.	Limited to 12 events per year not having more than 125 persons in attendance at any given time. Outdoor amplified music limited to 10:00 am and 7:00 pm,	No limitation on number of events or number of attendees. No event shall exceed 3 consecutive days.	Outdoor amplified music subject with attendees exceeding 2,000 persons subject to special use permit per County Code Chapters 5.32, “Out door Music Festivals” and with attendees exceeding 150 persons subject to Sheriff’s Department issued permit per County Code Section 12.39, “Live Outdoor Amplified Concerts.”

		maximum 60 dB at property boundary.		
<b><i>Special Events- Limitations on Use</i></b>	Requires CUP. Limitations to be established through the CUP process. Deleted limitation on a maximum of 12 events per year and a maximum of 24 total promotional and special events per year.	Requires SUP. Limited to 12 events per year. Special and promotional events may not exceed 24 events per year combined.	In agricultural districts: 250 persons or less by right; over 250 require Planning Director approval of Site Plan Review.	The issue is the ability to engage in an amount and level of “events” that effectively creates an “events center” which may be appropriate in certain areas, and not in others. Therefore, a meaningful limitation is warranted for that allowed by right versus a use permit.
Notes: 1. The Agricultural Commission recommended the Commission.  Draft Revised January 11, 2007	Commission recommended Wineries	Ordinance represents The <i>Industry Subcommittee Adopted Proposed</i>	<i>Winery Ordinance Draft</i> , dated January 3, 2007, as amended January 4 and 10, 2007 by	

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