

DEVELOPMENT GUIDELINES

Land Use Permit for Winery or Olive Oil Mill Contra Costa County Agricultural Zoning Districts

(As Adopted by the Board of Supervisors on 4/9/2004)



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A. Introduction

The following development guidelines, adopted by the Board of Supervisors on April 6, 2004, are to be used as policy guidance for the Department of Conservation & Development and the County's hearing bodies (Zoning Administrator, Planning Commission, and Board of supervisors) in reviewing and approving the land use permit for a winery or olive oil mill, including the uses, activities, and structures normally associated with such uses.¹

B. Winery or Olive Oil Mill Definitions

Winery: a commercial, bonded facility for the fermentation and processing of grapes or other produce into wine, or the refermentation of still wine into sparkling wine

Olive Oil Mill: processing of olives into olive oil

C. Activities and Facilities that are Specific to a Winery Use

The following activities and facilities may be permitted under a land use permit for a winery:

1. Crushing or pressing grapes
2. Fermenting wine
3. Aging wine
4. Processing and blending wine
5. Bottling and labeling wine
6. Storage of wine in cellars, vats, barrels, bottles or cases
7. Laboratory or administrative (including sales) offices (subject to size limits)
8. Shipping, receiving, and distribution of wine produced on site (warehousing/distribution activities are to be limited in size and scope)
9. Truck scales
10. Equipment storage and repair subordinate to primary winery operation
11. Composting of grape by-products and other agricultural wastes: and wastewater treatment

D. Activities and Facilities that are Specific to an Olive Oil Mill

The following activities and facilities may be permitted under a land use permit for an olive oil mill:

1. Harvesting and milling, pressing and/or crushing of fresh olives
2. Extraction and blending olive oil product
3. Bottling and labeling of olive oil product
4. Storage of olive oil product
5. Laboratory or administrative (including sales) offices (subject to size limits)

¹ Nothing in these development guidelines shall prevent an applicant from filing a Land Use Permit to operate a tasting room in conjunction with a vineyard or olive orchard in the Agricultural Core, which may be in advance of a production winery or olive oil mill, so long as such uses promote the goals and values of the General Plan in preserving and protecting the agricultural soils in the Agricultural Core.

6. Shipping, receiving, and distribution of olive oil produced on site (warehousing/distribution activities are to be limited in size and scope)
7. Equipment storage and repair subordinate to primary olive oil mill operation
8. Composting and removal of olive pomace and wastewater treatment

E. **Accessory Uses and Structures for a Winery or an Olive Oil Mill**

The following accessory use and structures may be permitted under a land use permit for a winery or an olive oil mill:

1. **Tasting Area**: Allow for wine (or olive oil) tasting subject to the land use permit setting the size, location, hours of operation of the tasting area, and subject to securing other permits or licenses, as may be required by state or federal law, or by other agencies.
2. **Retail Sales Area**: Allow for the sale of wine or olive oil bottled or processed on the premises and accessory sales related to wine and wine promotion (or olive oil) subject to the land use permit setting the size, hours of operation, and location of the retail sales area, and subject to securing other permits or licenses, as may be required by state or federal law, or by other agencies.
3. **Special Events**: Allow for use of winery (or olive oil mill) facilities for a limited number of special events, such as weddings, fundraisers, anniversaries, winemaker dinners, or similar events, subject to the limitations on the number of days and hours as defined in the land use permit. The applicant for a land use permit shall identify the number of special events that would occur during a typical year, the days for special events (weekday or weekend), the duration and hours for special events, and the maximum size of special events (number of persons expected to attend), when requesting permission to conduct special events at the winery (olive oil mill) as part of the land use permit. The determination on granting special events in conjunction with the land use permit shall be based in part on public safety considerations, including access and parking, compatibility with nearby agricultural operations, and community disruption, such as noise or traffic congestion. The intention is to allow a limited number and size of special events, which are not injurious to public safety, not incompatible with nearby agricultural operations, and not disruptive to the community in winery locations that are appropriate for holding special events.

F. **Minimum Parcel Size and Facility/Site Placement**

1. Consistent with the provisions of the A-2: General Agricultural District, at Code Section 84-38.608, no winery or olive oil mill may be permitted in an agricultural zoning district on a lot of less than five (5) acres.
2. Consistent with the objectives of Measure C-1990: The Contra Costa 65/35 Land Preservation Plan Ordinance and the policies for the Agricultural Core, as referenced in the General Plan, to preserve and protect prime farmland (Class I & II soils), the placement of a winery or olive oil mill on a parcel in the Agricultural Core should be

sized and located where it has the least impact on prime agricultural soils. The intent is to ensure that all facilities, structures, and parking/loading areas related to a winery or olive oil mill are sited or grouped on a relatively small portion of the property so that the conversion of prime agricultural soils is minimized. A land use permit for a winery in the Agricultural Core where parcels are currently zoned for commercial or light industrial, an application for winery or olive oil land use permit will be accepted with a concurrent application to rezone the site to an agricultural zoning district.

G. Parking and Loading Spaces, Access, Signage and Trash Disposal for a Winery or an Olive Oil Mill

1. **Parking and Loading:** Consistent with provisions of the County's Off-Street Parking Ordinance, at Code Sections 82-16.018 (15) and (16) and Section 82-16.022, the following parking and loading space requirements shall apply:
 - Provide one parking space per 500 square feet of floor area devoted to the accessory (or incidental) uses of a winery or olive oil mill (e.g., retail sales, tasting room, etc.);
 - Provide one parking space per 1,000 square feet of storage area (barrel storage and aging);
 - Provide off-street loading space for more than 10,000 square feet of gross floor area of winery building per the schedule at Section 82-16.022.
2. **Access:** Provide for the safe ingress and egress to winery facilities on a public roadway subject to the review and approval by the County Zoning Administrator through the land use permit process. The principle access driveway to a winery, which is open to the public for tours, tasting, or retail sales shall be clearly identified in the land use permit, and subject to review and approval by the County Zoning Administrator that the access driveway is safe and adequate. Due to traffic safety considerations, establishing a new access driveway on to State Route 4 within the Agricultural Core in connection with a winery or olive oil mill land use permit shall be generally discouraged, unless it can be demonstrated to the satisfaction of the County Traffic Engineer and/or CalTrans Traffic Engineer that the new access driveway would not create an unsafe turning movement off or onto State Route 4.
3. **Signage:** Allow for non-illuminated signage on the premises specifically related to the winery or olive oil mill use consistent with existing sign ordinances and subject to review and approval through the land use permit process. In addition, subject to the land use permit allow for up to two directional signs, each of which shall be non-illuminated and of a uniform design, and consisting only of the winery or olive oil mill name, the distance and direction.
4. **Trash Disposal:** The land use permit holder for a winery or olive oil mill shall be responsible for proper disposal of trash originating from their facilities. It is the intent that the trash, litter, and garbage originating from a winery or olive oil mill establishment shall not become a nuisance, unsightly, or interfere with ongoing agricultural operations. Where applicable, the conditions for trash disposal, as defined under County Code

Section 88-16.008 (Chapter 88-16, Take-Out Food Establishments) shall be used for a winery or olive oil mill land use permit.

H. **Compliance with the County Code Chapter 82-38, Alcoholic Beverage Sales Commercial Activities**

1. A land use permit for a winery involving the sale of alcoholic beverages shall only be granted in accordance with the requirements of County Chapter 82-83, *Alcoholic Beverage Sales Commercial Activities Ordinance*. Chapter 82-83 includes restrictions that prevent new alcoholic beverage sales commercial activity from being located within:
 - i. 700 feet of an existing Alcoholic Beverage Sales Commercial Activity;
 - ii. 400 feet of a public or private accredited school, a public park, playground or recreational area, a place of worship, an alcohol or other drug recovery or treatment facility, or county social service office;
 - iii. a Crime Reporting District; or
 - iv. 600 feet of a Crime Reporting District, where the general crime rate exceeds the countywide general crime rate by more than 20 percent (§82-38.604).

These restrictions may be modified through the land use permit process.

2. A land use permit for a winery involving the sale of alcoholic beverages shall only be granted in accordance with the requirements of County Chapter 82-83, including the following findings (Section 82-38.606): a finding of "public convenience and necessity", if the activity will be located in areas determined by the CA Department of Alcoholic Beverage Control to have an undue concentration of liquor sales licenses and a finding that it will not aggravate existing problems created by the sale of alcohol such as loitering, public drunkenness, sale to minors, noise and litter.

I. **Compliance with Other Agency Requirements**

1. Liquid Waste Disposal: An applicant shall provide evidence that the winery or olive oil mill will comply with the wastewater discharge or disposal requirements as may be established by the Regional Water Quality Control Board.
2. Solid Waste Disposal: Pomace (fruit skins or rinds) may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with the Regional Water Quality Control Board, or the requirements of the Environmental Health Division, County Health Services Department.
3. Permits/Licenses: an applicant shall provide evidence that a commercial bonded wine premises permit has been approved or is under review by the Alcohol and Tobacco Tax and Trade Bureau, U.S. Department of Treasury (referred to as the Application for Basic

Permit under the Federal Alcohol Administration Act, OMB No. 1512-0089). Additionally, wine tasting and retail sales may require certain permits or licenses from the State of California, and the applicant shall provide evidence that such a permit or license has been approved or is under review. This licensing requirement is not applicable to an olive oil mill.