

D. Criteria for Land to be Zoned TPZ Pursuant to Government Code Section [51113](#). The following criteria shall be met by land requested by the landowner to be included in TPZ after November 1, 1977:

1. A map shall be prepared showing the legal description of the property desired to be zoned TPZ.
2. A plan for forest management must be prepared or approved as to content for the property by a registered professional forester. Such plan shall provide for the eventual harvest of timber, including trees, within a reasonable period of time as determined by the preparer of the plan.
3. The parcel shall currently meet the timber stocking standards as set forth in Section [4561](#) of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner shall sign an agreement with the board of supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned TPZ and such stocking standards and forest practice rules are not met within this time period, the county may initiate rezoning from TPZ pursuant to Government Code Section [51121](#).
4. The land area requested for TPZ shall be comprised of a single parcel containing no less than forty acres or one quarter quarter section.
5. The land requested for TPZ shall be of site quality Classes I through V for pine-mixed conifers regions.
6. The land area requested for TPZ shall be in the ownership of one person as defined in Section [38106](#) of the Revenue and Taxation Code, or may be in the ownership of more than one person; providing such owners submit a joint timber management plan prepared or approved as to content by a registered professional forester, and such owners enter into a binding contract with the board of supervisors to manage and harvest timber on the timberland jointly, and are bound by the provisions of such management plan for a minimum period of ten years. (Ord. 585 §2, 1977).

**19.24.036 AG district--Use regulations.<sup>1</sup>**

- A. AG zoning shall be applied to those lands designated by the board as agricultural preserves and subject to contracts under the provisions of the California Land Conservation Act. Rezoning to AG district shall be initiated only at the request of the landowner.
- B. AG zoning shall run concurrently with the California Land Conservation Act contract. Upon termination or expiration of the contract, subject property shall automatically be deemed to be zoned X special use district unless zoning to another district has been approved by the board.
- C. Request for rezoning to AG district shall be accompanied by the required fee as set by board resolution.
- D. No property shall be rezoned to AG district unless the following requirements are met:
1. a. No parcel less than forty acres shall be zoned AG except that contiguous parcels under common ownership totaling forty acres or more may be zoned AG if said parcels are merged into an assessor's parcel. Said parcels shall be considered as one parcel for purposes of subdivision under the State Subdivision Map Act and Title [17](#) of this code.

b. A parcel comprised of less than forty acres may be zoned AG despite the forty-acre minimum for AG parcels set forth in paragraph a; provided, that a variance is first obtained pursuant to Chapter [19.52](#) of this code; provided, however, that in addition to the requirements of that chapter, the board must find that special circumstances have caused the size of the parcel to be less than forty acres, that the parcel substantially complies with the forty-acre minimum set forth herein, and that the owner thereof or his predecessor in interest did not, within three years preceding the application for rezoning, voluntarily reduce the size of the parcel below the forty-acre minimum. The foregoing notwithstanding, no parcel of less than forty acres shall under any circumstances be zoned AG unless it is contiguous to a parcel zoned AG, which parcel is subject to a California Land Conservation Act contract and which has a size of forty acres or more.

2. Parcels to be zoned AG containing one hundred sixty acres or more shall indicate a potential ability to produce an annual gross income from agriculture of not less than two thousand dollars, or shall have permanent agricultural improvements thereon with a value of not less than ten thousand dollars. The amounts set forth in this subdivision shall be adjusted for inflation each year beginning January 1, 1981, in accordance with any increase or decrease in the Consumer Price Index for Northern California published by the United States Department of Labor or any other appropriate index or combination of indices selected by the board, which amounts shall be rounded to the nearest hundred dollars.

3. Property less than one hundred sixty acres but not less than one hundred acres shall meet both of the criteria listed in subdivision D2.

4. Property less than one hundred acres but at least forty acres or qualifying pursuant to Paragraph D1b shall meet the criteria listed in subdivision D2 and additionally shall demonstrate unique characteristics of an agricultural industry.

5. Property less than one hundred sixty acres may be considered to satisfy requirements of subdivisions D1 through D4 if the property is a portion of and contiguous to the adjacent tract under the same ownership which is within an agricultural preserve in an adjoining county and which, when considered as a whole, would meet the appropriate requirements.

6. A parcel may be found to meet the income requirements set forth in subdivisions D1 through D4 if the owner of the parcel demonstrates to the satisfaction of the board that the owner has planted at the time of this application for rezoning to AG, or that he shall plant during the calendar year following his application for rezoning to AG, crop-bearing trees or vines or other slowly maturing crops, or that he has made or will make agricultural improvements which shall ensure that there will be, within five years from the date of the rezoning to AG, annual agricultural income from the parcel in the minimum amount set forth in this section. Any California Land Conservation Act contract entered into on the basis of this subdivision shall contain a provision that, in the event such income is not produced within such period, the board may terminate the contract at its sole discretion, which termination shall require the immediate payment to the county of any property taxes saved by the property owner and/or his predecessor in interest resulting from the formation of the contract. The board may for good cause extend the five-year period if the board finds that such income level may be reached in such extended period.

E. No property zoned AG and under California Land Conservation Act contract shall be approved for division under the provisions of the State Subdivision Map Act and Title [17](#) of this code or have boundary line adjustments approved therefor unless a finding is made by the board of supervisors after recommendations from the agricultural advisory

committee that each parcel to be created by the proposed division satisfies the requirements for AG zoning as set forth in subsection D hereof or the provisions of either subdivision 1 or 2 hereof.

1. A finding is made by the board of supervisors after recommendations from the agricultural advisory committee that the parcel to be created by the proposed division is for the purpose of providing security for financing on a parcel already encumbered by an existing security instrument of record and is for a second dwelling, or a farm improvement to be utilized in conjunction with the agricultural use of the property, including but not limited to, barns, wineries, dairies, food processing plants, or other uses of a similar nature. Such parcel shall be five acres in size.

a. A tentative and parcel map shall be required for divisions of land allowed by subsection E1 of this section. Land divisions approved for the purpose of financing shall be restricted to the land uses and immediate members of the owner's family as permitted under subdivision 9 of subsection G of this section. Parcel maps shall contain a notation which states the following: "This land division is for the purposes of financing only and any parcel hereby created shall be merged or reverted to acreage with the remainder upon satisfaction of the indebtedness."

b. Prior to the filing of the parcel map with the board of supervisors, the financial instrument shall be reviewed and approved by the county counsel. The financial instrument shall contain a reversionary clause which merges the parcel with the remainder parcel upon satisfaction of the indebtedness. The financial instrument shall be restricted to a loan from a federally or state-chartered bank, savings and loan association or credit union, or a state-regulated mortgage company.

2. The board of supervisors, after hearing recommendations from the agricultural advisory committee shall make all of the following findings before any subdivision or boundary line adjustment is approved pursuant to subsection E2 of this section.

a. Definitions:

i. "Original parcel" means the real property before the proposed subdivision, which property may consist of one or more contiguous parcels under one ownership and under one Land Conservation Act Contract.

ii. "Remainder parcel" means the largest individual parcel remaining after the subdivision of the original parcel.

iii. "New parcel" or "new parcels" means the parcel or parcels other than the remainder parcel remaining after the subdivision of the original parcel.

iv. "Resulting parcels" means all the parcels after the subdivision, i.e., the remainder parcel and the new parcel or new parcels, which together had comprised the original parcel.

v. "Landowner" means the owner of the original parcel.

vi. "Subdivision" as used in subsection E2 of this section means subdivisions, land divisions, and boundary line adjustments.

vii. "Immediate family" means the spouse, natural, step or adopted children, parents, grandchildren or the siblings of the landowner.

b. The subdivision shall meet the goal of the providing of residential parcels for immediate family members of the landowner while continuing the agricultural use of the resulting parcels.

c. The remainder parcel shall meet all county qualifications set forth in the contract and the AG district regulations.

d. All the resulting parcels shall remain subject to the same contract as the original parcel. Any notice of nonrenewal of the contract shall be filed by all of the owners of all of the resulting parcels.

e. The number of resulting parcels shall conform to the maximum density limitations set forth in the general plan for the area and subsection D hereof. No new parcel may be less than five acres in size and is permitted only if the remainder parcel meets said subsection D requirements. If one new parcel is created, the remainder parcel shall be no less than seventy-five acres. One additional new parcel may be created for every additional forty acres in the remainder parcel.

f. All of the resulting parcels shall be subject to one written agreement for joint agricultural management as one agricultural unit. The written agreement for joint agricultural management shall have been reviewed and approved by the board of supervisors and shall have been recorded in the office of the Amador County recorder as a covenant running with the land. Said written agreement shall be between the landowner and the immediate family members who take title to any resulting parcel after the subdivision. The written agreement shall require that the land which is subject to the contract, which shall include all of the resulting parcels shall be operated under the joint agricultural management of the parties subject to the terms and conditions and for the duration of the contract. The resulting parcels jointly managed under one agreement and one contract shall total at least forty acres in size multiplied by the number of resulting parcels (e.g., one new five-acre parcel requires a seventy-five acre remainder parcel).

g. The landowner or his/her immediate family shall have owned the original parcel for at least ten years prior to the application for the subdivision.

h. New parcels shall be located where they are not disruptive to the agricultural use of the remainder parcel.

i. The landowner may transfer title and the right to occupy the resulting parcels only to members of his/her immediate family.

j. A member of the immediately family who is the transferee of the landowner or successor transferee shall not voluntarily sell, lease, or rent any new parcel or improvement thereon while the land is subject to the contract except to a member of the immediate family of the transferee.

k. This section E2 hereof shall not authorize a subdivision of land subject to a contract when any of the following has occurred:

i. The Amador County Local Agency Formation Commission has approved the annexation of any part of the original parcel to a city and the city will not succeed to the contract as provided in Government Code

[51243](#) and [51243.5](#).

ii. Written notice of nonrenewal of the contract has been served upon the county.

iii. The board of supervisors has granted tentative approval for cancellation of the contract as provided in Government Code [51282](#).

F. The agricultural advisory committee shall be composed of at least the following members and shall make recommendations on applications for AG zoning, proposed divisions of AG zoned property, and other agricultural matters to the decision-making bodies of the county:

1. County assessor;
2. County farm advisory;
3. County agricultural commissioner;
4. Five persons in various agricultural pursuits, one from each supervisorial district to be appointed by the board of supervisors; and
5. One member of the county planning commission. Any member designated pursuant to subsection F4 of this section (agricultural members) who fails to attend two consecutive committee meetings without cause as determined by the planning department shall be deemed to have voluntarily resigned said position and upon said resignation the board may thereupon designate another person to fill the vacancy created thereby.

G. The following agricultural and compatible uses are permitted in AG districts without a use permit being required:

1. General farming, including but not limited to the raising, growing, and harvesting of vegetable, field, forage, vine, bush, berry, tree, or other plant crop including plant nursery stock;
2. Grazing, maintaining, breeding, training, and raising of poultry and livestock of all kinds including horses, cattle, sheep, goats, hogs, and agricultural species such as fish and fur-bearing species provided there is no feeding of refuse, garbage, sewage, or offal;
3. Nurseries, greenhouses, mushroom rooms, floriculture;
4. Boarding of horses or other farm animals;
5. Growing and harvesting of timber, Christmas trees, or other plants;
6. Dairies and production of dairy products from milk produced on the premises;
7. Poultry farms;
8. Raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl in household numbers for family use;

9. Single-family dwellings and appurtenant structures allowed in R districts and such other structures normally associated with agricultural activities, including but not limited to barns, stables, sheds, and silos; provided, however, that only one single-family residence shall be allowed for each forty acres on any parcel or contiguous parcels subject to one California Land Conservation Act contract. One said single-family dwelling on any parcel or contiguous parcels under one such contract may be an occupied mobile home as defined in Title [19](#) of this code provided, a use permit is obtained as required by Section [19.48.080](#). All structures or dwellings on a parcel or contiguous parcels subject to one such contract shall be directly used for the furtherance of the agricultural use of said property; and shall be limited to immediate members of the owner's family and his employees;
10. Home occupations, including any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof;
11. Wells, water storage, and reservoirs, including on-site excavation or removal of materials for construction thereof;
12. Storage of petroleum products for use by the occupants of the premises;
13. Veterinary clinics and services, animal hospitals, kennels;
15. Harvesting, curing, processing, packaging, packing, selling, and shipping of agricultural products on a parcel devoted to agricultural use and the treating of products grown or raised on and off the premises where such activity is carried on in conjunction with or as part of an agricultural use; excepting therefrom the commercial slaughtering of livestock, small animals, fish, poultry, or fowl;
16. Holding of nonproducing land for future agricultural use;
17. Maintenance of land in its natural state for the purpose of preserving open space for recreation or the creation of plant or animal preserves;
18. Apiaries and honey extraction plants;
19. Nonintensive recreation when carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation, including but not limited to fishing, hiking, hunting, rifle and pistol practice range, skeet field, archery range, or gun club when such activities do not involve the construction of any permanent structure;
20. Sale of food products produced on the premises;
21. Feed lots and feedyards, provided there is no feeding of refuse, garbage, sewage, or offal;
22. Airport or aircraft landing facilities for use of owner or tenant of the property or for agricultural service use;
23. The following uses when carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten percent of the total land is used and where no more than three persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises:

- a. Manufacturing, maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements and equipment of all kind,
  - b. Storage or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals, and pesticides,
  - c. Transportation of agricultural products, supplies, or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment therefor;
24. Public utility and public services, structures, uses and buildings provided such uses are clearly secondary and in conjunction with a bona fide agricultural operation;
25. Commercial radio, television, or microwave antennas and transmitters;
26. Gas, electric, water, and communication utility facilities and public service facilities of like nature operated by a public agency or mutual water company;
27. Public highways;
28. Fire protection works and facilities; flood-control works, including channel rectification and alteration; public works required for fish and wildlife enhancement and preservation; improvements for the primary benefit of the lands within the preserve; state improvements for which the site or route has been specified by the state legislature in such a manner as to make it impossible to avoid the use of subject AG zoned property;
29. Livestock auctions and sales yards;
30. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses;
31. Fruit and nut dehydrating plants;
32. 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. Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year,
  - 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. 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,
- k. Indoor or outdoor amplified music until ten p.m.

H. Uses described in this subsection may be granted by the planning department, without public hearing, following public notice of the application.

1. Wine tasting may be conducted under a duplicate 02 license only if the winery with the master 02 license is located in Amador County and the following standards are met:
2.
  - 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 noncompensated 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.

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.

I. The following uses are permitted in AG districts upon obtaining a use permit as provided for in Chapter [19.56](#) of this code:

1. Turkey farms, provided there is a cover crop or other dust control;
2. Any garbage, sewage, refuse, or offal feeding;
3. Commercial small animal and fowl specialty farms, including but not limited to chinchillas, minks, foxes, rodents, aviaries, rabbits, frogs, pigeons, ducks, and geese;
4. Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl;
5. Rendering plants and fertilizer plants;
6. Commercial recreation, dude ranches, and boarding and guest facilities when carried on as a clearly secondary use in conjunction with a primary agricultural use;
7. Oil and gas wells, including the drilling and installation, and use of such equipment, structures, and facilities as are necessary or convenient for oil-drilling and oil-producing operations customarily required or incidental to usual oil field practice, including but not limited to the initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of such oil, gas, and water to and from the premises; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation;

8. Development of natural resources including mines, open pits for extraction of minerals, borrow pits, and quarries, with necessary buildings, apparatus, or appurtenances thereto; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation;
9. Any use determined by the planning commission after recommendations by the agricultural advisory committee to be compatible with the purposes of the California Land Conservation Act and which do not significantly adversely affect agricultural operations;
10. Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit;
11. Farm-labor camps and farm-labor quarters as defined in this title;
12. Social gatherings or weddings at winery facilities which exceed either of the limits set forth in subsection G(32)(j) of this section. (Ord. 1708 §3, 2011; Ord. 1320 §§3,4, 1993; Ord. 1262 §§1--6, 1991; Ord. 1208 §2, 1989; Ord. 1139 §§3, 4, 1987; Ord. 934 §3, 1983; Ord. 883 §3, 1982; Ord. 773 §12, 1981; Ord. 743 §1, 1981; Ord. 600 §2, 1977).

#### **19.24.038 PD district--Regulations and procedures.<sup>2</sup>**

- A. The purpose of the PD district is to provide procedures for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans and of those areas that require special planning to provide for appropriate planned development in harmony with their natural features and other environmental consideration.
- B. Application for the establishment of a PD district shall be made by the written request of all owners of property to be included in the PD district. Application shall be submitted to the county planning department and shall be accompanied by a one-hundred-dollar nonrefundable fee.
- C. Application for the establishment of a PD district shall include the following:
  1. Both a request for the zone change to PD and for a use permit for all proposed developments, in which case the use permit application shall be considered concurrently with the rezoning request; or
  2. Both a request for the zone change to PD and a master plan of proposed development, in which case the master plan shall be considered concurrently with the rezoning request.
- D. In addition to the requirements of Chapters [19.68](#) and [19.56](#) for zoning and use permit applications, the following data shall be submitted for PD zoning and use permit or master plan applications:
  1. Topographic map showing natural features of site and adjacent property, and location of proposed facilities and roads;
  2. Description of existing site, including vegetation, wildlife, natural features, and present services, access, and land use;
  3. Description of clearing, grading, excavating, filling, and other land alterations to be performed;