



AGENDA ITEM SUBMITTAL FORM
BOARD OF SUPERVISORS
CLERK OF THE BOARD
 44 N. San Joaquin Street, Suite #627
 Stockton, California 95202

For Clerk's Use Only: AGENDA NUMBER
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SUBMIT ONE COPY OF THIS FORM WITH EACH BOARD AGENDA ITEM.

At the time of submitting your agenda item documents, please provide **ONE ORIGINAL & 7 COPIES OF THE BOARD LETTER AND ANY ACCOMPANYING DOCUMENTS** (Resolutions, Board Orders, Contracts, etc.) for distribution after Board Approval.

If more than one original is required, you must provide the appropriate number of originals to be executed by the Board of Supervisors.

DATE: August 21, 2013

DEPARTMENT: COMMUNITY DEVELOPMENT DEPT.

CONTACT & PHONE #: SONIA SERRANO (9-2218)

AGENDA ITEM TITLE: DIRECT COMMUNITY DEVELOPMENT DEPARTMENT STAFF TO REVISE THE WINERY ORDINANCE SECTION OF THE DEVELOPMENT TITLE

PROPOSED AGENDA PLACEMENT DATE: September 10, 2013 **PROPOSED CALENDAR:** 1:30 p.m.

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TO:	DOCUMENT	# OF COPIES
Board Clerk Community Development Dept.	Board Order "	Original 1

Special instructions to the Clerk of the Board:

AGENDA ITEMS MUST BE REVIEWED AND SIGNED OFF BY THE DEPARTMENT HEAD, COUNTY ADMINISTRATOR AND COUNTY COUNSEL.

Department Head	Signature <u>Kenny Sullivan</u>	Date <u>8/16/13</u>
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<u>County Administrator</u> 8/26/2013 3:47:32 PM	<u>County Counsel</u> 8/26/2013 10:12:09 AM	<u>COB</u>
 CHRIS ROSE	 J. MARK HYLES	8/27/2013 10:02:42 AM



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232
PHONE: 209/468-3121 FAX: 209/468-3163

September 10, 2013

Board of Supervisors
County of San Joaquin
44 N. San Joaquin Street, Suite 627
Stockton, CA 95202

Dear Board Members:

**DIRECT COMMUNITY DEVELOPMENT DEPARTMENT STAFF TO REVISE
THE WINERY ORDINANCE SECTION OF THE DEVELOPMENT TITLE**

RECOMMENDATION:

It is recommended that the Board of Supervisors direct the Community Development Department to revise the existing Winery Ordinance section of the Development Title (Development Title Section 9-1075).

REASON FOR RECOMMENDATION:

On July 24, 2001, the Board of Supervisors approved TA-00-0006 to add a Winery Ordinance chapter to the Development Title establishing development standards for wineries and wine cellars, which became effective on August 23, 2001 (Ordinance No. 4115). The intent of the Wineries and Related Facilities Chapter of the Development Title is to establish regulations that will acknowledge the distinctive association of wine grape growing, wine making, and tourism. A major purpose of the Chapter is to guarantee that both winery and wine cellar marketing events are accessory and are subordinate to the primary agricultural use (Development Title Section 9-1075.1).

The purpose is to provide for agricultural tourism and marketing activities while ensuring that agricultural resources remain vital. When the existing ordinance was approved, the Community Development Department anticipated modifying it over time as the industry evolved. Recently, the County has experienced growth in the wine industry with applicants applying for marketing events. A concern arose that in some wineries, the marketing events appeared to have become the primary use and the agricultural use,

production of wine, had become accessory. On several occasions, your Board has expressed concerns regarding apparent abuses of the existing ordinance. The Community Development Department has also received feedback from various stakeholders and the Planning Commission that the existing ordinance is vague and sometimes difficult to interpret. As a result, the Community Development Department received funding from your Board in the 2013-14 budget for additional staff that will enable the Community Development Department to begin work on a revision to the ordinance ahead of the overall revision to the Development Title at the conclusion of the General Plan Update, as had been originally intended.

The following are areas of concern that will be addressed in the revised Winery Ordinance:

- 1) Minimum parcel size for a winery
- 2) Number of events relative to winery production
- 3) Events on Williamson Act parcels
- 4) On-site vineyards
- 5) Amplified music
- 6) Parking and traffic
- 7) Enforcement and monitoring
- 8) Cumulative effects

The intent of the revision is to clarify and revise standards within the existing Winery Ordinance.

MODIFICATION OR REVOCATION PROCEDURE:

The Community Development Department has also been asked by your Board to include in this report a discussion on the existing process to revoke or modify a winery's discretionary land use permit. Pursuant to the current ordinance, an action to revoke or modify a development permit may be initiated by either the Planning Commission or Board of Supervisors. A public hearing is required pursuant to the Public Hearing Review Procedure set forth in Chapter 9-220 of the Development Title. This would require public notice, application referral, and a public hearing by the Planning Commission. The Planning Commission's action may be appealed to the Board of Supervisors, and the Board of Supervisors may call up for review the decision of the Planning Commission as well. The Planning Commission or Board of Supervisors may, on the basis of the evidence presented at the hearing, take action to revoke or modify the development permit.

The following are the findings for modification or revocation of a permit. In order to revoke or modify a permit the Planning Commission or Board of Supervisors must make at least one of the following findings in the affirmative:

- Section 9-230.4
- (a) **Fraud.** That such development approval was obtained or extended by fraud;
 - (b) **Violation of Condition.** That one (1) or more of the conditions upon which such development approval was granted have been violated; or
 - (c) **Adverse Impacts.** That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.

In order to consider revocation of a permit, your Board would direct the Community Development Department to initiate revocation proceedings pursuant to Chapter 9-230 of the Development Title. Following the public hearing procedure set forth in Chapter 220 of the Development Title the matter would be heard by the Planning Commission. The item then could be appealed to the Board of Supervisors, or called up for consideration by the Board of Supervisors within 10 days of the Planning Commission's action.

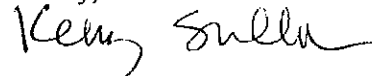
FISCAL IMPACT:

There is no General Fund impact as a result of this action.

ACTION TO BE TAKEN FOLLOWING APPROVAL:

The Community Development Department will begin the process to revise the Winery Ordinance.

Sincerely,



KERRY SULLIVAN
DIRECTOR

KS:MH:ss

DEVSVC/SONIA/BOARD LETTERS/WINERY ORD UPDATE 9-10-13

Before the Board of Supervisors

County of San Joaquin, State of California

B-13-

MOTION:

REVISE THE WINERY ORDINANCE SECTION OF THE DEVELOPMENT TITLE

THIS BOARD OF SUPERVISORS does hereby direct Community Development Department to revise the existing Winery Ordinance section of the Development Title (Development Title Section 9-1075).

I HEREBY CERTIFY that the above order was passed and adopted on September 10, 2013 by the following vote of the Board of Supervisors, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin
State of California
