

## SAN JOAQUIN COUNTY PLANNING COMMISSION AGENDA

Public Health/Planning Auditorium  
San Joaquin County Department of Public Health Services  
1601 East Hazelton Avenue, Stockton, California

THURSDAY, November 21, 2013  
6:30 P.M.

Planning Counter

- Flag Salute
- Roll Call
- Minutes From Meeting of November 7, 2013
- Action on Requests for Continuances or Withdrawals (if needed)
- Explanation of Hearing Procedures
- Action Items:
- **Consent Agenda (Item Nos. 1):** Items calendared for consent will be approved in one motion without a public hearing unless a member of the Planning Commission or the audience requests that the item be removed from the consent calendar and heard separately.

### CONSENT

1. **USE PERMIT APPLICATION NO. PA-1300091 OF ANTHONY J. ALEGRE TR, ETAL** to expand an existing Truck Terminal and Parking operation from 80 trucks to 110 trucks and the expansion of a Construction Services Heavy Equipment Storage yard. The project will include the use of an existing 200 square foot commercial coach to be utilized as an office. The project site is located on the south side of State Route Highway 12, 4000 feet east of Thornton Road, west of Lodi (Supervisory District 4).

**Environmental Determination:** An Initial Study has been prepared indicating the project will not have a significant impact on the environment, and a Negative Declaration has been prepared for the project.

2. **DEVELOPMENT TITLE TEXT AMENDMENT NO. PA-1300170 OF SAN JOAQUIN COUNTY** to prohibit marketing events for a proposed winery or off-site wine cellar application, to revise "Marketing Event" in Definitions, and to revise "Wineries and Wine Cellars" in Use Classifications. This text amendment will also prohibit an application to increase the number of marketing events or the number of attendees for existing approved marketing events at existing wineries and off-site wine cellars. Applicable Countywide

**Environmental Determination:** An Initial Study has been prepared indicating the project will not have a significant impact on the environment, and a Negative Declaration has been prepared for the project.

The Public is welcome to address the Planning Commission on items of interest to the public that are NOT listed on the Agenda. Comments to the Commission are limited to a maximum of 5 minutes.

- Other Business:
  - Planning Commissioner's Comments
- Director's Report (Scheduling of Future Meetings – as needed)
- Adjournment

**NOTE:** If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Clerk of the Planning Commission at (209) 468-2218 at least 48 hours prior to the start of the meeting (Government Code Section 54954.2[a]). Materials related to an item on this agenda submitted to the Planning Commission after distribution of the packet are available for public inspection at the Community Development Department at 1810 E. Hazelton Avenue during normal business hours.

MIGUEL VILLAPUDUA, Chairman

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KERRY SULLIVAN, Secretary

# STAFF REPORT - Development Title Text Amendment

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## Application Information

Applicant: San Joaquin County  
File Number: PA-1300170  
Location: Applicable Countywide

Supervisory District: All  
CEQA Determination: Negative Declaration  
Staff: Mo Hatf

## Project Description

This project is a Development Title Text Amendment to prohibit marketing events for a proposed winery or off-site wine cellar application, to revise "Marketing Event" in Definitions, and to revise "Wineries and Wine Cellars" in Use Classifications. This text amendment will also prohibit an application to increase the number of marketing events or the number of attendees for existing approved marketing events at existing wineries and off-site wine cellars.

If approved, this Text Amendment will be effective for twelve months.

## Recommendation

Approval.

# Referrals and Replies

The application referrals were mailed on September 27, 2013, with responses due by October 29, 2013.

AGENCY	RESPONSE DATE (through November 1,2013)
Environmental Health	September 30, 2013
Public Works	October 11, 2013
Stanislaus County	October 17, 2013
Air Pollution Control District	
Sheriff	
Council of Governments	
Parks & Recreation	
OES	
Caltrans	
C.H.P.	
Building Industry Association	
C.V.F.P.B.	
Supervisor Districts 1-5	
All Cities & All Counties	
All SJ Fire Districts & All SJ School Districts	
All Airports	
Public Utilities Commission	
Mosquito and Vector Control	
All SJ Flying Services	
All SJ MACs	
CRWQCB	
Farm Bureau	
Lodi Chamber of Commerce	
Lodi Amateur Vintners Association	
Lodi Dist Grape Growers Assoc.	
Visit Lodi Conference and Visitors Bureau	
Agricultural Commissioner	
Sierra Club	
AT & T	
Verizon Telephone Service	
Pacific Gas & Electric	
Precissi Flying Service	
Kathy Perez	
Delta Keeper	
State Dept. Fish and Game, Region 2 & 3	
Department of Conservation	
State Dept. of Food & Agriculture	
State Lands Commission	
ALUC	
Alcohol Beverage Control	
US Army Corps of Engineers	
US Soil Conservation	
US Dept of Fish & Wildlife	
All S.I.County Wineries	

A legal ad for the public hearing was published in the **Stockton Record** on November 11, 2013. Public hearing notices were mailed on November 8, 2013.

# Analysis

## Background

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 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 pairing 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. Recently, the County has experienced growth in the wine industry with applicants applying for marketing events. The concern is that some marketing events have not remained accessory to the intended primary agricultural use of producing wine.

On February 28, 2012, the Board of Supervisors formed an Ad Hoc Committee of two Supervisors who directed the Community Development Department to process a text amendment that would, if approved, prohibit marketing events at new wineries and off-site wine cellars within the unincorporated area of San Joaquin County as an interim measure until the Department can revisit the winery ordinance during the update of the Development Title after the General Plan update is completed. The Development Title Text Amendment application (PA-1200059) was filed on April 9, 2012. On July 19, 2012, the Planning Commission denied the application.

Since that time, the County has continued to experience growth in the wine industry with applicants applying for marketing events. On September 10, 2013, the Board of Supervisors directed the Community Development Department to begin the process of updating the winery ordinance now instead of after the adoption of the new General Plan. The Board of Supervisors also directed staff to process an application to implement a twelve month moratorium on applications involving marketing events. The subject application (PA-1300170) was filed on September 23, 2013 and is substantially the same as PA-1200059, with the exception of the specified time frame of effect. If this text amendment is approved, the text amendment would be effective for twelve months.

The intent of this amendment is to not permit new wineries and off-site wine cellars from having marketing events and existing marketing plans from being changed while the text of the Development Title is revised. The proposed text amendment will not limit the typical industry wide marketing activities, wine club activities, or the ability to request up to four special events annually for existing or proposed wineries and off site wine cellars.

## Text Amendment

The primary proposed change to the Wineries and Related Facilities Section of the Development Title (Chapter 9-1075) is the following additional section:

### 9-1075.10 PROHIBITION OF MARKETING EVENTS

1. Notwithstanding any other provision of this Chapter, a winery or off-site wine cellar permit approved on or after the effective date of this Section shall not permit marketing events. Revisions of Approved Actions applications to increase the number of marketing events or the number of attendees per marketing event are prohibited.

2. This prohibition shall remain in effect for twelve months after the effective date, after which time it shall be of no force or effect.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. Approve the Negative Declaration; and
2. Forward Text Amendment No. PA-1300170 to the Board of Supervisors with a recommendation for approval based on the ability to make the required Basis for Development Title Text Amendment.

## Basis for Development Title Text Amendment

Prior to approving an application for a text amendment, the Planning Commission and the Board of Supervisors shall determine that the proposed Text Amendment is consistent with the General Plan and any applicable Master Plan.

- This determination can be made because the proposed changes to the Development Title do not conflict with any of the goals, objectives, policies or implementation measures of the General Plan or any applicable Master Plan.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN, RELATIVE TO SECTIONS 9-110.4, 9-115.590, AND 9-1075 CONCERNING MARKETING EVENTS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN ORDAINS AS FOLLOWS:

**Section 1.** Section 9-110.4, Section 9-115.590, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended, by adding the definition, to read as follows:

**CHAPTER 9-110**

**DEFINITIONS**

**9-110.4 DEFINITIONS.**

Unless otherwise specified, the following definitions shall be applicable throughout this Title:

**Marketing Event.** "Marketing event" means the congregation of persons for the purpose of promoting the wine industry and marketing wine. Marketing events always include wine tasting and the sale of wine. Activities or events such as educational wine tours for the public, and non-profit community fund raising, ~~private seminars for distributor and sales representatives and events for wine industry groups that enhance awareness of wine and wine-related products and services~~ are considered to be a marketing event. Marketing events shall be identified in the supplemental information marketing plan.

**9-115.590 WINERIES AND WINE CELLARS.**

The Wineries and Wine Cellars use types refer to the production of wine and the storage of wine. These use types exclude uses that are classified under the Eating Establishment use type. Both wineries and wine cellars may hold ~~marketing events and special events~~. Wineries and wine cellars are considered to be primary land uses. The following are the categories of the Wineries and Related Facilities use type:

(a) **Wine Cellar, Off-Site.** An off-site wine cellar involves a structure or area used for the storage of wine. No wine is produced on-site. An off-site wine cellar is always associated with a vineyard.

(b) **Winery.** The winery category always includes facilities for the production of wine and may include one on-site and one off-site wine cellar. The winery category includes boutique, small, medium and large wineries.

(Ord. 4115 § 2, 2001)

Section 2. Chapter 9-1075, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

Chapters:

**WINERIES AND RELATED FACILITIES**

Sections:

9-1075.1	Intent.
9-1075.2	Applicability.
9-1075.3	Large Wineries.
9-1075.4	Medium Wineries.
9-1075.5	Small Wineries.
9-1075.6	Boutique Wineries.
9-1075.7	Wine Cellars, On-Site.
9-1075.8	Wine Cellars, Off-Site.
9-1075.9	Existing Wineries and Wine Cellars.
9-1075.10	<del>Enforcement.</del> <u>Prohibition of Marketing Events</u>
9-1075.11	<u>Enforcement</u>

**9-1075.1 INTENT.**

The intent of this Chapter is to establish regulations that will acknowledge the distinctive pairing of wine grape growing, wine making, and tourism. The challenge is to provide for agricultural tourism and marketing activities while ensuring that agricultural resources remain vital.

A major purpose of this Chapter is to guarantee that both winery and wine cellar marketing events are accessory and are subordinate to the primary agricultural use. ~~A strong nexus must exist between the marketing event and the production or storage of wine. The focus of marketing events should be wine.~~ Because it is of great importance to protect the long-term quality and uniqueness of grapes grown in San Joaquin County, wine tasting rooms are intended to showcase wines that are produced with grapes that are grown in the County.

The hierarchy or ranked series of regulations is designed to help the wine industry thrive by allowing a variety of events and a variety of facility sizes while simultaneously discouraging or inhibiting on-going uses that would degrade or that would be incompatible with the ambiance of an agricultural area and the production of wine.  
(Ord. 4115 § 10 (part), 2001)

**9-1075.10 PROHIBITION OF MARKETING EVENTS**

1. Notwithstanding any other provision of this Chapter, a winery or off-site wine cellar permit approved on or after the effective date of this Section shall not permit marketing events. Revisions of Approved Actions applications to increase the number of marketing events or the number of attendees per marketing event are prohibited.
2. This prohibition shall remain in effect for twelve months after the effective date, after which time it shall be of no force or effect.

**9-1075.10-9.1075.11 ENFORCEMENT**

Violations of this Chapter shall be enforced pursuant to Chapters 9-230 and 9-1905 of this Title.

**Section 3.** This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Stockton Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote of the Board of Supervisors, to wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
KEN VOGEL,  
CHAIRMAN

Board of Supervisors  
County of San Joaquin  
State of California

ATTEST: MIMI DUZENSKI  
Clerk of the Board of Supervisors  
Of the County of San Joaquin,  
State of California

By \_\_\_\_\_ (SEAL)  
Deputy Clerk