

We want to call attention to the so-called "marketing events" held at Abundance Vineyards, 1150 West Turner Road in Lodi. These events are currently allowed by county regulations regarding wineries.

As residential neighbors of the Abundance property we strongly believe that "events" (they refer to them as "bashes" themselves) are primarily aimed at, and attended by locals, by which we mean residents of San Joaquin county. Thus the stated purpose of the county's winery program of promoting tourism is thwarted and ignored. Money spent at the "bashes" held at Abundance simply subtract from the money that would otherwise have been spent at other county businesses such as restaurants, bars, liquor stores, movies, ballgames, etc. So Abundance events do nothing to economically benefit San Joaquin county as a whole.

Considering that there quite likely will be a negative effect on neighboring property values and there is most certainly an increased risk of traffic accidents caused by persons who have "bashed" away the evening, there is NO justification for allowing such parties. Or, if somehow it is believed that there is, why not allow all county residents to hold parties outside with loud amplified music and to profit from it by selling alcoholic beverages? Why should wineries have a monopoly?

BARRY RAMACHER

11/18/2013

MR. VOGEL

WOULD YOU BE SO KIND AS TO
FORWARD THIS TO THE PERSON
IN CHARGE OF THE COMMITTEE
TO REVIEW COUNTY RULES REGARDING
SO CALLED "MARKETING EVENTS"

THANK YOU
BR

HALLOWEEN BASH!

JOIN US FOR OUR
**CREEPY
CARNIVAL**

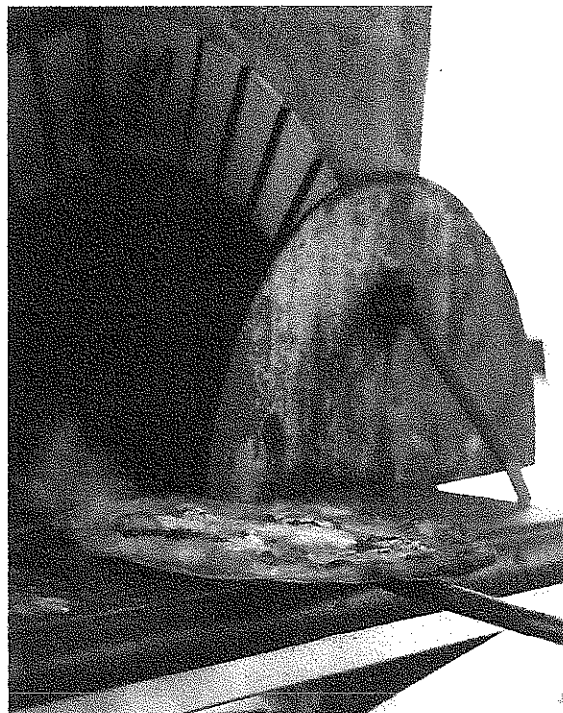
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AT FIVE O CLOCK PM
TILL NINE-THIRTY PM

TICKETS
\$10 BON AMICI WINE CLUB MEMBERS
\$15 GENERAL ADMISSION
(THERE IS A 21+ EVENT!)

YOUR TICKET INCLUDES:
COMMEMORATIVE AV HALLOWEEN BASH WINE GLASS
UNLIMITED PHOTOS IN THE PHOTO BOOTH
CANDY GOODIE BAG
TARGET CARD READING
ENTRY INTO OUR COSTUME CONTESTS
-- MOST CREATIVE, SCARIEST, AND FUNNIEST CATEGORIES
VINTAGE CARNIVAL GAMES AND A CHANCE TO WIN PRIZES
DJ AND DANCING ALL NIGHT!

**QUANTONIO'S PIZZA WILL BE HERE SELLING THEIR
DELICIOUS PIZZAS!**

Guantonio's Wood Fired Cuisine will be selling their gourmet pizzas made to order! Come hungry because you wont want to miss out on one of these.



Costa's Finest Kettle Corn will also be here selling their delicious Kettle Corn and fresh squeezed lemonade!!

Zimbra**jjolley@sjgov.org**

Tracy Hills Wine Growers Association Events

From : maureen troiano <moet59@sbcglobal.net>

Fri, Jan 17, 2014 03:54 PM

Subject : Tracy Hills Wine Growers Association Events**To :** Jennifer Jolley <jjolley@co.san-joaquin.ca.us>**Reply To :** maureen troiano <moet59@sbcglobal.net>

Jennifer,

It has been brought to my attention that for some reason the county does not want Tracy area wineries to have events. This truly saddens me as our wine events are one of the highlights of our Tracy area. It brings together people of our community where we can have an enjoyable afternoon with friends as well as make new friends, and take pride in our local wineries as well as help support the local economy. These vintners take pride in what they produce and it seems sad that we may not be able to support them.

Many neighboring cities have winery events and they are supported by their communities.

I think it would be a great loss to our county and city if we lost that opportunity.

Please ask the San Joaquin County Development Department to rethink their position against winery events. It would really put a hardship on our local wineries as well as affect our community, by taking away some of the most enjoyable events in our city.


Respectfully,
Maureen Troiano

Zimbra

jjolley@sjgov.org

County Winery Ordinance

From : Scott Shelby <scott@stanforddistributing.com> Fri, Jan 17, 2014 03:57 PM

Subject : County Winery Ordinance  1 attachment

To : Jennifer Jolley <jjolley@co.san-joaquin.ca.us>

Reply To : Scott Shelby <scott@stanforddistributing.com>

I am an 11 year resident of Tracy and want to voice my support for wineries being allowed to hold events. As a resident of Tracy and my work is in Livermore I first hand get to see the positive effect Wineries have had in the growth of Livermore and if wineries are able to continue to hold events that will only strengthen the wineries in the Tracy and other valley areas. These events make those areas more appealing as a draw and a recreational destination like Lodi & Livermore, thus becoming a benefit for all in the areas and not just the wineries.

This brings more business to our small cities, and increases all of our real estate values. I can see no negatives.

Sincerely;

Scott & Mona Shelby
1484 Roger Dr.
Tracy, Ca. 95304

Scott Shelby
Vice President
Stanford Distributing Corporation
6909 Las Positas Rd. Unit A
Livermore, Ca. 94551
ph: 925-245-1370
fax: 925-245-1376
email fax: 866-258-8351
cell : 510-305-5271
We Deliver Everything But The Baby

Zimbra**jjolley@sjgov.org**

Winery Ordinance

From : kath1452@aol.com

Fri, Jan 17, 2014 04:22 PM

Subject : Winery Ordinance**To :** Jennifer Jolley <jjolley@co.san-joaquin.ca.us>**Cc :** chevallier@zinnianet.net

Dear Ms. Jolley,

I don't quite understand the reason why wineries should be limited to just wine tasting. I have enjoyed the events at the wineries and it is great to have joyful celebrations in the country. I certainly understand that there needs to be parameters and rules regarding noise, etc., for various reasons but the winery owners should have the benefit of supplementing their income and promoting their establishments.

The cost of operating farms and wineries with maintenance, taxes and insurance makes it very difficult to make a decent income at times. So having the freedom of making extra income by having events should be allowed.

Thank you,
Kathleen Gasta

Zimbra

jjolley@sjgov.org

Wineries in San Joaquin County

From : Gary San Julian <gcsj@att.net>

Fri, Jan 17, 2014 06:26 PM

Subject : Wineries in San Joaquin County**To :** Jennifer Jolley <jjolley@co.san-joaquin.ca.us>**Cc :** gcsj@att.net**Reply To :** Gary San Julian <gcsj@att.net>

Dear Ms. Jolley

I'm prompted to write this letter out of concern for an ordinance being discussed in SJ County.

In regards to opinions from others such as the San Joaquin Farm Bureau-which we are members

I cannot imagine why on God's green earth anyone would fight wineries hosting events. I can tell you that from personal experience in Tracy, the two wineries we have are wonderful! I have been to countless fundraising events at these lovely venues as well as evenings with music/wine tasting. The events are low key but wonderful for our community.

I can only imagine the biggest 'whiners' (pun intended) are those who have recently decided to build their new home or barn they turned into a home. next to a winery that has existed for 20 years. Mind you this family freely cuts off pieces of their farming ground to build large lot homes. It's just a matter of NIMBY not in my backyard- The wineries were long in place before these new uprisings of homes...so my husband and I say fair is fair. You know where you moved.

Excluding these wineries from opening their doors to lovely events for our community would really be a negative mark on what our community needs and thrives on.

Please don't listen to a few-those with the largest pocket books. Please consider the countless citizens of Tracy who enjoy these wineries/businesses for what they add to our rural community and local citizens.

Wineries go hand in hand with events-Take a look around at Livermore and Lodi...and how successful the economy in those areas has grown. We need this in Tracy-have it on a much smaller scale and it has already added a new flair to our community.

We are very concerned about this and hope you get an overwhelming response from

supporters such as my husband and I.

Sincerely
Gary and Cynthia San Julian
Tracy CA

Zimbra**jjolley@sjgov.org**

Resident who would like to see Tracy Wineries grow

From : ScottRhondaKayseaZaxary Mattson
<srkzmattson@yahoo.com>

Sat, Jan 18, 2014 12:27 PM

Subject : Resident who would like to see Tracy Wineries
grow

To : Jennifer Jolley <jjolley@co.san-joaquin.ca.us>

Reply To : ScottRhondaKayseaZaxary Mattson
<srkzmattson@yahoo.com>

To Whom It May Concern:

The San Joaquin County Community Development Department is in the process of revising the County Winery Ordinance. This has been an ongoing battle for over a year without any result. What seems to be their direction is to stop wineries from having events. This is being fueled by the San Joaquin Farm Bureau who believes wineries need to sell wine only. Most start up wineries are small and need various events to promote their wines as well as business growth. It also benefits local wine grape growers and the community. As a reference, look at the downtown areas of Livermore, Pleasanton and Lodi. These are vibrant areas seven days a week, and are influenced by wineries being a destination; a win win for all.

Rhonda Mattson
srkzmattson@yahoo.com
209/830-1678 h
209/609-4851 c

Zimbra**jjolley@sjgov.org**

Windmill Ridge & Ramon Rios Wineries

From : Donald McCaleb <dmccaleb480@att.net>

Sat, Jan 18, 2014 06:47 PM

Subject : Windmill Ridge & Ramon Rios Wineries**To :** Jennifer Jolley <jjolley@co.san-joaquin.ca.us>**Reply To :** Donald McCaleb <dmccaleb480@att.net>

Dear Jennifer,

It has come to our attention that the county wine ordinance revision may outlaw small wineries from having events at their facilities. My wife & I were married at Windmill Ridge in 2008 and it was the perfect venue and setting for our event. Many wineries only offer wine sales and tastings, it is nice to have wineries that offer other events not necessarily focused on alcohol.

Moreover, these small wineries need the additional sources of income that events provide to stay in business. We have wine clubs in Lodi and other counties that offer movie nights; concerts; dinners with the winemakers and theme parties. In this time of water rationing and just emerging from a recession, the county should be focusing on helping Stockton emerge from bankruptcy and encouraging growth in our county, not taking steps to limit growth! We hope that the San Joaquin County Community Development Department chooses a visionary approach to policies that affect much needed growth in our home!

Sincerely,

Don & Jami McCaleb
480 W. Deerwood Lane
Tracy, CA 95376
209-836-5234

Zimbra

jjolley@sjgov.org

Suggested changes to the Winery Ordinance

From : Ken & Barbara Warburton
<bnkwarburton@gmail.com>

Mon, Jan 20, 2014 07:00 AM

Subject : Suggested changes to the Winery Ordinance

To : A Seecrat Person <bnkwarburton@gmail.com>

Cc : Ken & Barbara Warburton
<bnkwarburton@gmail.com>

Dear Jennifer and Mo,

Here are some suggestions for consideration to be put into the Winery Ordinance which you are formulating.

Ken Warburton
14472 N. Davis Road
Lodi, California
bnkgotrocks@gmail.com
(209)401-8589

Suggested changes to the Winery Ordinance.

-

(1.) No event center will be allowed if it's less than 1000 feet from any neighboring residence.

Rational: This would essentially eliminate complaints from neighbors about establishing a winery/event center.

(2.) If amplified music is played, the maximum allowed decibel level at the point of origin shall not exceed 50 db.

Rational: Scientific evidence shows that excessively loud noise, especially prolonged noise, is harmful to ones hearing. Lowering the allowed decibel level will, in addition to, minimizing complaints from neighbors eliminate the

unnecessary damage to their customer's ears. Something to consider is that some enterprising lawyer will figure out that if the county approves a higher limit it contributed to the loss of hearing of his or her client setting up the county for a lawsuit.

(3.) All vehicles of employees and customers shall all be parked on the property. Any vehicles parked on the roadside will be cited and/or towed.

Rational: Requiring parking to be on the property will eliminate highway congestion, provide greater safety to those involved and in the event that people do park off site, it will bring revenue to the county or state from the tickets issued.

(4.) No winery or event center shall be allowed on a piece of property of less than 5 contiguous acres.

Rational: Most of the other wine producing counties seem to have reached the conclusion that less than 5 acres of land is not prudent for the establishment of wineries and or event centers.

(5.) Any winery or event center must construct a substantial sound wall on the property line of the requesting adjoined neighbors.

Rational: A sound wall would go long ways in eliminating intrusive noise.

Zimbra**jjolley@sjgov.org**

Winery Events are Vital to Local Communities

From : Jenny Masquelier <j_masquelier@hotmail.com> Mon, Jan 20, 2014 09:16 AM
Subject : Winery Events are Vital to Local Communities
To : Jennifer Jolley <jjolley@co.san-joaquin.ca.us>

Hello Ms. Jolley,
We are writing with regard to the San Joaquin County Farm Bureau's desire to stop local wineries from having events. We live in Tracy and feel that the local winery events have been, and are very important to drawing people to Tracy. If you look at Livermore Valley, the reason they have such a vibrant community it is largely because of the weekend events their wineries hold. We applaud the wineries in Tracy and we're thankful that they have events that draw people to the city of Tracy. Without the events, Tracy would suffer and it would be a backward step for our community. These events are important to the survival of new and existing wineries. We urge the Farm Bureau to stop this campaign to end events at wineries.

Sincerely,
Don and Jenny Masquelier
Tracy, CA

Zimbra

jjolley@sjgov.org

San Joaquin County Winery Ordinance

From : Grace E Merritt <gmerritt@sjcoe.net>

Tue, Jan 21, 2014 08:19 AM

Subject : San Joaquin County Winery Ordinance**To :** Jennifer Jolley <jjolley@co.san-joaquin.ca.us>

Good Day,

I live in Tracy near the three operating wineries: La Bonne Vie, Windmill Ridge and Ramon Rios. They have been very good neighbors and I have enjoyed some of the special events put – small concerts, private parties, art shows, etc.

I would urge you to take into consideration the sense of community that these businesses bring to our rural community. If these events were no longer allowed, there would be a great loss of venues available for private parties and, more importantly, **charity events**, which these folks generously support.

Thank you for your consideration,

Grace Merritt
29281 S. Bird Road, Tracy

January 17, 2014

To Whom It May Concern:

The San Joaquin County Community Development Department is in the process of revising the County Winery Ordinance. This has been an ongoing battle for over a year without any result. What seems to be their direction is to stop wineries from having events. This is being fueled by the San Joaquin Farm Bureau who believes wineries need to sell wine only. Most start up wineries are small and need various events to promote their wines as well as business growth. It also benefits local wine grape growers and the community. As a reference, look at the downtown areas of Livermore, Pleasanton and Lodi. These are vibrant areas seven days a week, and are influenced by wineries being a destination; a win win for all.

If you would like to have a voice in this please email Jennifer Jolley at the Community Development Department. jjolley@sigov.org

Please submit by January 31, 2014

Thank you,
Bill Prioste, President
Tracy Hills Growers & Vintners Assn.

La Bonne Vie Cellars
291811 S. Lehman Road
Tracy, CA. 95304
209 836 2188
info@labonneviecellars.com

Zimbra

jjolley@sjgov.org

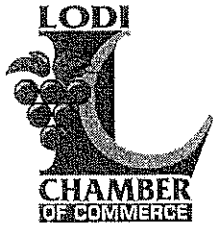
Suggestions for Revisions to Wine Ordinance

From : Judy Isola <judyisola@msn.com>

Tue, Jan 21, 2014 12:10 PM

Subject : Suggestions for Revisions to Wine Ordinance**To :** Jennifer Jolley <jjolley@co.san-joaquin.ca.us>

I am sending this E-Mail with some of my ideas for new rules for wineries. Having been involved in a long term legal process with perhaps the winery that has caused the most problems with all its illegal activities I feel that there are certain new rules that will make life better for both neighbors and wineries. First I must say that I am not against wineries, I know that there are just a few that have caused a lot of problems and the majority have done the right thing. (1) Before a winery is given a permit the area where the winery is to be built should be taken into consideration, how many residences will be effected, how close are the buildings to the nearest neighbors property line, how will he winery change the property values and life style of neighbors. (2) Events for wineries are not birthday parties, showers, anniversary parties. weddings or concerts in my opinion those are entertainment center events. Winery events are more along the line of pairing dinners and special tasting events.(3) NO AMPLIFIED MUSIC. (4) Wine club events should be part of the number of events permitted to a winery, it is very easy and has been done to call a wedding or other celebration type party a wine club event. (5) I realize that there is a shortage of funds but it would be very helpful to have an enforcement office on duty on the weekends when events are happening at wineries also a surprise visit by an enforcement officer could help to keep wineries in line. (6) A calendar of events should sent to the enforcement department that way the county would have some idea of what is going on at wineries. (7) Heavy punishment and fines should be in place for those who break the rules. In closing I would like to say I have heard it stated that Lodi wine area wants to be the second Napa perhaps Napa's rules should become Lodi's.



January 17, 2014

Kerry Sullivan
San Joaquin County Planning Commission
1810 E. Hazelton Ave.
Stockton, CA 95205

Dear Kerry:

The Lodi District Chamber of Commerce will not be able to participate in the Community Listening Session for the re-writing of the Wine Ordinance as Thursday, January 23rd is the date of our Annual Meeting and Outstanding Citizens of the Year Celebration. In fact, as we are recognizing Bruce Fry as Ag Person of the Year there could be many people missing from this Listening Session.

Therefore, I wanted to write down the Lodi Chamber's position and ideas for the new Wine Ordinance:

1. Work of the Wine Ordinance Task Force (WOTF)

The angry neighbors of noisy wineries, grape growers, winery owners of all sizes, the Farm Bureau, and the Chamber made up the WOTF. The only thing we had in common and were in agreement on when we started was we knew there were better solutions than a blanket moratorium. I still subscribe to comments you have heard me make before. I believe the solutions we reached consensus on can solve the problems that we all have endured as of late and be the basis for a future Wine Ordinance.

The first, and I think one of the most important items, was our idea of being a winery first – meaning no Operational Permit would be granted unless crushing grapes on the premises was done in Phase I of any application and plan. This one change would eliminate event centers and would eliminate wineries continuing to create problems.

2. Good Neighbor Policy

When this was first brought up by one of our wineries who has never received a complaint, I didn't think much of the idea. As the weeks of our meetings rolled by, I came to see the wisdom in it. It is really a pledge by a winery to their neighbors to be a good neighbor in the sense that they will respect their privacy, their property, and the country ambiance that they enjoy. That is powerful when you sign your name and put your cell phone number down and tell your neighbors they can count on you.

3. Enforcement

We do believe there needs to be some teeth put into any law that a government body wants enforced. It is unfortunate in this world that there will always be those that want to "color outside the lines". Again, I will recommend the work that the Task Force did where any first infraction on noise and parking received a \$1,000 fine, the second infraction for the same offense earned a loss of some of the winery's permitted events, and a third infraction would be a visit before the Planning Commission and possible revocation of all permitted events. I don't know how this could be any stiffer in terms of getting a rogue winery back into compliance.

4. Sales of Non-Wine Items in a Winery


I know of a recent complaint received by Berghold Winery for selling gifts. I think this is a case of singling out one winery when all wineries are guilty of selling logo-wear, pre-packaged gourmet foods and snacks, cheese and crackers to go with a bottle of wine all to be consumed on the premises picnic style, art and handcrafted items. I know that there are those that fear a Walmart in the middle of the country but I think these cases are far from that. Items that are bought at Harney Lane, Van Ruiten, or Michael/David or any other of a dozen wineries I could name cannot be found on the shelves of a regular grocery or retail store.

These items are expected by the consumer and are there as marketing tools to entertain the consumer, creating a small percentage of the winery's total sales. These items are not the dog, they are the tail and the tail will never wag the dog. Therefore, I believe a new Wine Ordinance should allow the sales of these items but define them, and recognize them as market unique specialty products that compliment the wine lifestyle of the visiting consumer. The word, "Ag-Tourism" appears in the County's General Plan many times. Understanding that for this particular product (wine), the market comes to the producer. Traditionally, San Joaquin County ag products were shipped to the market.

The wine tasters that come to San Joaquin County wineries do have alternatives – they can go to Livermore, Clarksburg, or throughout the Foothills to enjoy good quality wine. If San Joaquin County is serious about attracting "Ag-Tourism", we will need to market to the consumers' tastes, shopping preferences, giving them a level of entertainment that they expect. I believe these "go with" specialty items are very important to the consumers' experience.

In conclusion, I want to thank you and Mo for your speedy work on this re-write. I was very pleasantly surprised at the Supervisors' Meeting on Tuesday to hear of your progress. The Chamber and I personally thank you for your good work and your efforts in expediting this process.

Sincerely,



Robert "Pat" Patrick
President and CEO

[REDACTED]

Received 1/23/14

San Joaquin County Community Development Department
1810 E. Hazelton Ave. Stockton, CA 95205-8232
January 17, 2014

Dear Members of the Committee,

We want to call attention, once again, to problems caused by the current definition of "marketing events." We, neighbors of a winery, have suffered from shortcomings of the current definition of "marketing event."

Our issue with the existing "marketing event" ordinance

A weakness of the current ordinance is the fact that there is no specific decibel limit for low frequency sound, the "boom, boom, boom" that we often hear coming from teenagers' audio high amp systems. This low frequency is much better than other frequencies at penetrating house windows and walls, and this is what causes the discomfort to winery neighbors when the bands play. Our going indoors doesn't help - nor should we have to retreat from our own gardens for relief from a winery's event. The highly intrusive amplified music from winery "marketing events" will most certainly be a negative effect on neighboring property values.

Another weakness with "marketing events" is that there is no consequence for wineries' disregard of regulations. There is no enforcement of the rules. Sheriffs tell us there is nothing they can do.

Finally, it is very important that all changes to the definition of "marketing event" be made retroactive. If all wineries currently having marketing events are exempt from new regulations, many, many neighbors will be stuck with a neighborhood nuisance. This is not good for our greater community.

We realize that community business interests support the wineries, and so do we. We don't, however, support the marketing events as they are now allowed. The wineries are "Johnny come lately" to our neighborhoods, and we feel invaded and victimized when we cannot enjoy the peace and tranquility of our properties.

Conclusion

The new definition of "marketing event" must include some regulation on low frequency decibel limits. Preferably, musical events will be held indoors, but if outside, they should not have amplified instrumental or vocal music. There must be enforcement of all regulations, and all currently established wineries must adhere to all new regulations of marketing events.

The current situation is neither tolerable nor just.



January 21, 2014

Kerry Sullivan
San Joaquin County Planning Commission
1810 E. Hazleton Ave.
Stockton, CA 95205

Dear Ms. Sullivan:

I will be unavailable to attend the Community Listening Session for the re-writing of the Wine Ordinance this Thursday evening due to a previous commitment. I wanted to submit in writing the position of Visit Lodi! for your consideration:

We ask that as you move forward with the rewrite of the Winery Ordinance that you incorporate into the language the recommendations from the Winery Ordinance Task Force. The recommendations from the Task Force were the result of months of work by a diverse group of invested partners including neighbors, growers, winery owners, the Farm Bureau, Visit Lodi! and the Lodi Chamber of Commerce. The recommendations of the group addressed the very nature of the problems that were the impetus of the rewrite - items like parking, noise, winery first, cumulative effects of events and more. In addition to recommendations on number of events and problem solving language, we also believe that there needs to be a strong enforcement component.

Visit Lodi! has always felt that the solution and rewrite should be driven by the people it impacts. We believe that the WOTF recommendations meet that objective.

If you have any questions, please feel free to contact me. Mamie Starr a Board Member from Visit Lodi! will be in attendance at the meeting.

Regards,

A handwritten signature in black ink that reads "Nancy Beckman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Nancy Beckman
President and CEO

Visit Lodi! Conference & Visitors Bureau
25 N School St. Lodi, CA 95240 t [209] 365-1195 f [209] 365-1191

www.VisitLodi.com

Received
1/23/14

Winery Ordinance Revision
Joe Berghold, Owner Berghold Vineyards & Winery

Being both a Lodi vineyard owner for 28 years and a winery owner for the past 9 years gives me a keen interest in the Winery Ordinance Revision. I served on the task force to revise the Winery Ordinance and agree with its recommended "Winery First" and "Good Neighbor" policies.

However, due to the recent "Selective Prosecution" actions by the Enforcement Department of SJC against Berghold Winery for non-wine merchandising, I now realize that further revision and clarification is also required for that part of the ordinance because we were unaware that we were in violation. "You can do anything, but don't arouse a complaint" is neither a fair nor constructive way to oversee an industry. Supporting an effective Wine-Ag Tourism program is vital to the success of building "Brand Lodi" with its resultant increased employment and tax revenue.

San Joaquin County Wine Industry

San Joaquin Counties (SJC) largest and most important industry is the wine industry. Historically, SJC has suffered from an undeserving "jugwine brand image" reducing grape pricing below competitive California Appellations on a price/value basis (i.e. Paso Robles). Over the past 10 years, the Lodi Appellation, primarily through the Lodi Winegrape Commission (Grower sponsored), wineries, and the tourist agencies have worked hard and invested large sums (approximately \$4 Million annually) to develop brand Lodi and the overall reputation of San Joaquin County for tourism. While impressive progress has been made, much is left to be done. The current wine ordinance, not constructively revised, will waste much of the money and effort spent by not offering a competitive Wine- Ag Tourism experience.

Build Brand Lodi Thru Ag-Wine Tourism

A most important element to the building of Brand Lodi is a successful wine tourism program. Napa, the most recognized and appreciated wine brand was primarily developed by attracting 3 Million tourists annually over many years. It is second only to LA's Disneyland with 5 Million tourists annually. I know, as the Chief Financial Officer of Six Flags, we competed against both entities nationally for tourist dollars. As a result, the Napa Brand has catapulted to a global leadership position with the highest grape prices, tax revenues and employment. Lodi has never had a better chance to elevate its brand than under current excellent market conditions and capture increases in tax dollars and jobs.

Studies commissioned by the Lodi Woodbridge Winegrape Commission (LWWC) have indicated that visitors who come to Lodi leave with a much higher regard for the region and its wine than before the visit. Increased positive visitations will lead to greater demand/prices with higher resulting tax dollars and employment.

Craft & Specialty Merchandise is a Very Important Part of the Winery Visit Experience

I seriously question whether the importance of the positive impact of craft merchandise being offered during a winery visit is currently fully appreciated by those who will influence the outcome of the Ordinance Revision. Not all persons who visit a winery with friends or spouses drink wine or choose not to because of being the designated driver. When visitors are not tasting wine they prefer to view the wineries' art, architecture, grounds or shop. They too want to be entertained while their

companion enjoys the wine. Shopping is entertainment to most people. On the average nationally, merchandise sales for wineries amount to 10-20% of wine sales. While these numbers are not large, they are much needed revenue for financially struggling small wineries. The dirty little secret is that most small wineries in Lodi, without vineyard ownership, are not profitable. Why unnecessarily take an opportunity from wineries when it doesn't violate "Good Neighbor" policy or threaten undue competition because of their small scale or operation.

The big selling periods for tasting rooms are the holidays; especially, Christmas. It is important to potential visitors that they have an opportunity to view beautiful handcrafted holiday decorations and be able to buy wine as well as the season's gifts. The overall entertainment value of the seasonal visit drives an outstanding experience.

Since the passing of the ordinance some ten years ago, many Lodi wineries have developed successful merchandise programs for wine and non-wine items which have increased their visitations and revenue. These programs do not have a negative effect on neighbors due to noise or parking. All the wineries I have spoken to were unaware of a non-compliance issue due to the vagueness of the existing ordinance and the widespread non-wine merchandise programs. I have never been notified of any action against wineries accused of violating this provision. The stated position of "you can do anything unless a complaint is filed against you" also causes a lack of clarification of the vague ordinance and leads to unfair "Selective Prosecution".

Recently, the Enforcement Office of the SJC Planning Staff has targeted, knowing full well of the widespread winery merchandise programs, Berghold Winery with "violations of existing land use permits". This action was met with confusion since we have had a Christmas program for 9 years and didn't realize that we were in violation. Our Christmas program has been for years widely publicized with billboard and newspaper advertising. The Planning Staff does not reveal the person who filed the complaint and the result is "Selective Prosecution" because all other wineries are continuing their merchandising programs. Neither a fair nor positive environment has been created to do business.

Specific Recommendations Regarding Merchandise

It is recommended that the revised winery ordinance increase the merchandising footprint to include specific non-wine related items. This revision is necessary for the success of the Wine-Ag Tourism part of building Brand Lodi. It must detail the seasonal, non-wine and wine related merchandise that can be sold to avoid continuing confusion. Items such as wine-food related and certain handcrafted items, etc. should be included. LWWC's Wine and Chocolate Weekend (Valentine's Day) calls for wine, food and merchandise. However, wineries should sell Valentine's and Christmas items including other holiday merchandise.

Each California Wine Appellation is at a different point in its development and has specific needs. It is of little value to look to other appellations as a basis for creating a revised ordinance. Lodi has specific needs to continue building its brand and create increased tax dollars and jobs. The revised Winery Ordinance must help SJC continue its successful development, not hinder it.

Written by: Joe Berghold on January 21, 2014

✓✓ Received 2/4
responded
jjolley@sjgov.org

Zimbra

County Winery Ordinance

From : Anne Ramsay Estes <adaizy13@hotmail.com>

Thu, Jan 30, 2014 10:22 AM

Subject : County Winery Ordinance**To :** Jennifer Jolley <jjolley@co.san-joaquin.ca.us>

Dear Ms. Jolley,

My husband and I would like to encourage you to support our local wine growers by supporting the idea of events held in local wineries. These types of activities encourage people to support their local communities. The events promoted by our local wineries bring people into our area. People shop, eat in restaurants and stay in hotels. This helps our community grow.

On a personal note we held our wedding in a local winery. If this was not available we would have had to take our business elsewhere.

Livermore, Pleasanton and Lodi all started with small growers and vintners. Give our community the same support.

Thank you for your consideration.

Terrell and Anne Estes
Retired Tracy Fire Chief
Retired California Teacher

✓ Received 2/4
+ responded



Lodi District Grape Growers Association, Inc.

January 30, 2014

Attn: Jennifer Jolley
San Joaquin County Community Development Department
1810 E. Hazleton
Stockton, CA 95205

Re: Winery Ordinance

Dear Ms. Jolley,

The Lodi District Grape Growers Association represents winegrape growers and associated businesses in California Crush District 11, including most of San Joaquin County. Our members are proud of the growth and prosperity of the winegrape industry in San Joaquin County in recent years. This success has allowed our region to enjoy significant economic benefits during a time of otherwise dire financial conditions in many other industries. We attribute a good portion of this success to the entrepreneurial spirit of our local wineries (most of which have been started by local winegrape growers) who have literally put Lodi on the map as a premium wine region.

Our Association commends San Joaquin County for taking on the task of revising the winery ordinance. As the wine industry has grown, a variety of land use issues and community complaints have been brought forward and we agree that these impacts need to be adequately addressed. The vast majority of wineries in San Joaquin County "play by the rules" and are creating jobs, generating tax revenue, increasing tourism, and improving the overall image of our County. We feel that with little revision, the ordinance can address concerns while still allowing growth in the winegrape industry and the direct marketing of local wines.

The revised ordinance should:

- Ensure that the production, storage, and sale of San Joaquin County wine is the primary focus of San Joaquin County wineries and wine cellars.
- Evaluate each winery site on a case-by-case basis regarding noise control, parking, traffic flow, and number of attendees.
- Define "marketing events." The term "marketing events" should be clarified and that the definition should differentiate normal business from other events.
- Provide a reasonable enforcement mechanism to deal with complaints and concerns.

Our organization stands ready and willing to assist the County in any way that we can do address this important issue. Please do not hesitate to contact us at (209) 339-8246 in this regard.

Sincerely,

Amy Blagg
Executive Director
Lodi District Grape Growers Association

PO Box 2004, Lodi, California 95241 • (209) 339-8246 • info@ldgga.org

added to
email list
on 2/4/14

✓✓ Received 2/4
+ responded



January 31, 2014

Ms. Jennifer Jolley
Community Development Department
County of San Joaquin
1810 E. Hazelton Avenue
Stockton, CA 95205

RE: Winery Ordinance Development

Dear Ms. Jolley,

On behalf of the regional winegrape and wine industry here in Lodi I write to provide some of our thoughts and perspectives on the development of the winery ordinance. As the organization working with the over 750 winegrape growers and over 60 wineries in the Lodi area, we are extremely interested in working with you in the development of the ordinance. There are a number of factors to take into consideration in the development process and the following outlines some of our perspectives.

Economics & Marketing

As a region, the Lodi winegrape production area produces over 22% of all grapes grown for wine in the state of California. These grapes not only go into wines locally but are also shipped all over the state, country and internationally. The region continues to see increased interest from major wine companies and smaller family run operations alike to open in the Lodi area as the cache of the Lodi appellation continues to gain greater recognition. As has been seen throughout the wine world, the greater the recognition of the place and the quality of grapes being grown there, the greater the value of the winegrapes. This creates a stronger agricultural community here in the county.

Agri-tourism

The ability for consumers and visitors to come to the area and visit our wineries helps us market Lodi's world-class vineyards and has direct economic benefit to the county and our local communities through dollars spent while visiting. Visit California, the state's travel and tourism board notes that over \$100 billion is spent annually in the state by tourists with 25% of those dollars being spent on wine, culinary and agri-tourism. San Joaquin County has a rich agricultural heritage that is appealing to visitors and the thriving wine destination stands poised to garner an increased share of those visitor dollars. This has significant economic potential and benefit to the county.

Pride & Personality

This county has such a deep history and tradition in agriculture and provides consumers a unique opportunity to enjoy our bounty whether it be in our vineyards, dairies, orchards or others. Showcasing and highlighting value added agricultural products such as wine has benefit to other farmers and ranchers in the region by increasing recognition of San Joaquin County and its history, traditions, personality and the region overall – something to truly be proud to.

January 31, 2014

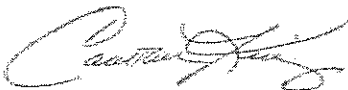
Page 2

All of these items together lead the region to have to undertake a substantive look at the winery ordinance and how it is implemented to allow for growth, development and regular review to ensure success. As you work through the development process, we encourage the following principles and perspectives to be considered:

- The ordinance should allow for wineries to be developed in such a way that wine is the primary focus of the operation and not a tangential component of the operation;
- "Marketing events" should be clearly considered and defined so that there is not any ambiguity or confusion about what may or may not fall into the category and thus allow for wineries to conduct business in such a way that allows them to highlight and market their wines and increase sales and profitability;
- Wineries need to be evaluated on a clear and concise, yet case-by-case basis in terms of parking, traffic, etc. There needs to be transparency and consistency in the application and review processes for winery applications;
- The ordinance should provide clear, concise, consistent and reasonable means of enforcement and response to justifiable complaints and concerns; and
- The ordinance should not be so narrow as to "pigeon-hole" the county or winery community into such narrow interpretations that the region is not allowed to grow, prosper and succeed.

We fully recognize that the development of the winery ordinance is a challenging undertaking and must balance the interests of the wineries, the county, neighbors and our communities. We look forward to working with you to ensure a positive development process on this very important area of interest. Please do not hesitate to contact me with any questions you may have. I can be reached at 209.367.4727.

Kind regards,



Camron King
Executive Director

Zimbra

jjolley@sjgov.org

Fwd: Maley Winery Appeal

From : Kerry Sullivan <ksullivan@sjgov.org> Thu, Dec 05, 2013 10:18 AM
Subject : Fwd: Maley Winery Appeal
To : Mo Hatef <mhatef@sjgov.org>, Jennifer Jolley <jjolley@sjgov.org>

Hey girls,
Something from Ken Vogel.
Kerry

From: "Ken Vogel" <kvogel@sjgov.org>
To: "Ken & Barbara Warburton" <bnkwarburton@gmail.com>
Cc: "Kerry Sullivan" <ksullivan@sjgov.org>
Sent: Thursday, December 5, 2013 6:58:00 AM
Subject: RE: Maley Winery Appeal

Thank you for the email. I will pass your suggestions about the Winery Ordinance on to the Community Development Dept..

From: Ken & Barbara Warburton <bnkwarburton@gmail.com>
Sent: Thursday, December 05, 2013 5:32 AM
To: Vogel, Ken <kvogel@sjgov.org>
Cc: Ken & Barbara Warburton <bnkwarburton@gmail.com>
Subject: Maley Winery Appeal

TO: Mr. Ken Vogel, Supervisor San Joaquin County

We are writing to express our appreciation for your vote to turn down the Maley Appeal at your December 3rd meeting.

We believe you made the correct decision in rejecting the appeal because the property is too small and too close to adjoining residences to serve as such a business as Ms. Maley had proposed.

In the establishment of a wine ordinance for the county, we would like to suggest two changes that should be made.

(1.) The County's current acceptable level of noise should be lowered. The current value of 60 Db. is too high. You can easily make the argument that the loud music played at events is detrimental to the well-being of their customers. The science will back you up.

(2.) The ordinance should also require some stipulation that parking along the highway is strictly forbidden. This is a safety issue that could leave the county subject to lawsuits if an accident occurs.

Both of the above suggestions, or ones close to them were presented to the Planning Commission back in July by the representative from the Farm Bureau.

We would like to extend our gratitude for your service to our county. Thank you again for your vote on this issue.

Mr. and Mrs. Warburton
14472 N. Davis Road
Lodi, California 95242

Zimbra

jjolley@sjgov.org

Fwd: SJ County Winery Ordinance Draft

From : Mo Hatef <mhatef@sjgov.org>
Subject : Fwd: SJ County Winery Ordinance Draft
To : Jennifer Jolley <jjolley@sjgov.org>

Fri, Apr 18, 2014 09:33 AM

Mo Hatef
Senior Planner
San Joaquin County CDD
1810 East Hazelton Avenue
Stockton, CA 95205
(209) 468-8477

From: "Judy Isola" <judyisola@msn.com>
To: "Mo Hatef" <mhatef@sjgov.org>
Sent: Thursday, April 17, 2014 3:29:43 PM
Subject: SJ County Winery Ordinance Draft

Hi Mo, A couple of neighbors got together and we have a few questions. Events are to end at 10:00PM and the way we understand outside amplified music is allowed only from 10:00 am to 5:00 pm? So even though an event can go till 10pm music must stop at 5pm? Also says outdoor amplified music may be conditionally permitted with approved land use permit, is one of the conditions how close the winery is to the neighboring residences? Is amplified music allowed only at Marketing events or is it allowed at all events? Another question is there any limit on the number of Accessory Winery Events? And how are you going to control accessory events like if a winery has a wedding and says its for a wine club member, or any other type of celebration using the wine club excuse? Also if amplified music is allowed at accessory events does that mean taped music can be amplified on wine tasting days? We feel it is great that the county is going to have a calendar of Marketing events something very nice was done by Viaggio winery they sent a letter to their closest neighbors to inform them that they were going to have a large wedding the neighbors really appreciated it that would be kind of a nice thing for wineries to do and in that way if you did not want to be bothered the all the commotion one could be away for the time period. Is there going to be any enforcement officer available on Friday evenings or Saturday or Sundays that has been a problem in the past when the enforcement officer is contacted after the fact it is neighbors word against the

winery owners and we feel telling neighbors to take pictures in unfair. I guess thats about it. Thank you for all your help and understanding. Judy Isola

April 23, 2014

Mo Hatef
Senior Planner
San Joaquin County CDD
1810 East Hazelton Ave
Stockton, Ca 95205

Subject; Winery Ordinance draft

Mo

Over all I believe you and your staff have done a great job in a short time. I think most of the changes are correct. We plan on attending this Thursday, April 24th, 2014. However there may be little time to discuss all the issues that are concerns to us. Therefore we are listing those as follows:

1. **Marketing events** which include weddings, concerts, non-profit fund raising, etc. require approval (marketing plan) and a small winery can have (12). My concern is that your draft only allows outdoor amplified sound from 10AM to 5PM. Most weddings are evening with the possibility of the ceremony needing amplification. I believe the rule on sound should be as it is today with the decibel levels at SJCO standards and end at 10:00PM, as long as an approved sound study has been completed.
2. **Set Back** which would require a new winery like ours to be moved. I know that we can remain as we are because we are an existing winery. My concern is that when we expand and add more events our neighbor will use the new rule to oppose our request.
3. **Wine served** produced by the winery only is not correct. We buy produced wine from other wineries. Sometimes bulk or bottles (called shiners). All of this outside produced wine is labeled with our brand. This would also become a hardship when a winery needs to buy certain bulk wine (already produced) to blend with their own wine. I would recommend you change this rule to Winery Brand (label) only.
4. **County Event Application** (4) additional events are available to everyone in the county providing they meet certain rules and apply. Are these still available and can have outdoor amplified sound?

I hope this will be of help and you can use these recommendations for your final draft.

Vern and Jenise Vierra
St Jorge Winery

Zimbra

jjolley@sjgov.org

Fwd: Winery Ordinance April 2014

From : Mo Hatef <mhatef@sjgov.org>

Wed, Apr 23, 2014 08:23 AM

Subject : Fwd: Winery Ordinance April 2014**To :** Kerry Sullivan <ksullivan@sjgov.org>, Jennifer Jolley <jjolley@sjgov.org>

fyi- letter from Ken Warburton, a neighbor in opposition to the Maley winery project, complimenting us on the draft.

Mo Hatef
Senior Planner
San Joaquin County CDD
1810 East Hazelton Avenue
Stockton, CA 95205
(209) 468-8477

From: "Ken & Barbara Warburton" <bnkwarburton@gmail.com>**To:** "Mo Hatef" <mhatef@sjgov.org>**Cc:** "Ken & Barbara Warburton" <bnkwarburton@gmail.com>**Sent:** Tuesday, April 22, 2014 10:53:22 PM**Subject:** Winery Ordinance April 2014

Mo,

First I would like to commend those of you responsible for your work drafting the San Joaquin County Wine Ordinance to be presented at a public hearing this coming Thursday. It is obvious that a lot of time and effort went into its production.

The only correction I can see is the following:

On pages 3,6 and 9 item m-4 and m-13 refer to disposal of the tailings and juices.

I suggest you include some wording to the effect that **such disposal should be done in accordance with the best practices as dictated by the California Department of Waste Management or which ever agency directs such things.**

Other than that, I have to say I, as one of the "scattered residents", am quite pleased with what you have done.

Thanks to all who worked so hard to produce this document.

Ken Warburton
14472 N. Davis Road
Lodi, CA 95242

Zimbra

jjolley@sjgov.org

Fwd: Winery Ordinance Recap

From: "Ken & Barbara Warburton" <bnkwarburton@gmail.com>
To: "Mo Hatef" <mhatef@sjgov.org>
Cc: "Ken & Barbara Warburton" <bnkwarburton@gmail.com>
Sent: Monday, April 28, 2014 4:32:15 AM
Subject: Winery Ordinance Recap

Letter to Community Development Department RE: Winery Ordinance Draft.

Good Morning Mo,

It was an interesting show last Thursday night, at least from the audience's point of view. I found it amazing that each of the speakers were extremely complimentary of the hard work put into the draft. Then began the next sentence with BUT It sort of reminded me of a wolf who gently licks the fawn it just caught before chomping down on the juggler vein, killing the poor fawn! OK, it wasn't that bad, but I can imagine that you and your group look forward to these public meetings with some trepidation. Well, enough of my Tom Foolery. Let's get down to the business at hand.

The idea of a 300-foot setback and the 300-foot separation between winery buildings and the nearby neighbors is an excellent idea, at least from my vantage point. Either of those two requirements will end my bothersome problem. There was an objection to

this rule by a large winery owner who indicated he wishes to establish a wine tasting facility in the near future. He went on to indicate that this 300-foot set back rule would hinder his ability to expand. While I do not know the details of his land situation, I'd be willing to bet that he could work out the problem even with this rule in place. He may have to be a little creative but, again, I bet it could be done. Since parking, traffic and noise seem to be the greatest issues, requiring these setbacks will alleviate, for the most part, these problems. I recommend you hold your ground on these requirements.

Although I did not hear any opposition to the minimum land requirements last night, I am sure there will be some who will object. As I have said in the past it is a good idea to set the limit at a minimum of 5 acres but you have gone further and set limits by size of the winery. I applaud your idea and hope it makes it to the final draft.

Noise is a problem. It is a problem for those of us living near event centers and it is a problem for you who have to try to decide what to do about it. My suggestion is that you stick to the rules of the ordinance draft. Loud music is not an agricultural endeavor. In fact, an argument can be made that it is detrimental to the customers. There is occurring a huge loss of hearing among persons who attend regularly, loud concerts and to those exposed to loud noises on the job. In fact OSHA has mandated hearing protection for workers. So why do they allow the exposure at concerts and wine tasting events, among others? Someday, some enterprising, hungry young lawyer is going to figure out that these event centers are causing hearing loss in their customers, the customers will sue, then the winery will sue the county for allowing it. Far fetched? Maybe but then maybe not.

Setting limits on the times allowed for amplified music is a great idea for we "scattered residents." Allowing them to have amplified music ONLY if they apply for a permit, limiting the number of permits for each event center to no more than one a week, and having them pay a fee to get the permit, may cause them to decide that indoor amplified music isn't so bad after all. Having loud music does not sell wine, me thinks.

The limit on the number of events is an excellent idea. As you know, without a limit, the wineries are coming back and asking for more and more events. Soon the industry will saturate the event-market that could result in a reduction of attendees. Too much of a good thing is too much.

Bruce Blodgett indicated that the one-acre rule for off site cellars is un-necessary. It was my understanding that the reason this was included in the recommendations was to prevent wineries from other counties from coming into the region to promote out of region wines.

I personally believe that wineries' promoting weddings and concerts is a stretch to justify as wine promoting events, but I'll leave it to you, the planning commission and the BOS to decide that one.

Last, there is the issue of enforcement. People brought this item up several times last night from very different points of view. They all seemed to think that one of the things severely lacking in the ordinance is a method of enforcement. I cannot begin to tell you how to go about accomplishing better enforcement, but I do think it is an item that should be delved into by the county. Perhaps the wineries sponsoring events could pay overtime for the services of a deputy sheriff. Strong enforcement of event centers is going to be necessary to prevent rule breaking both by new applicants and the existing wineries.

So, there are my thoughts for what they are worth. Thanks again to all on the team for your dedication in trying to do the right thing.

Ken Warburton
14472 N. Davis Road
Lodi, CA 95242

Spoke w/ Mamie on 4/30

Cell 209.993.6331
Phone 209.368.9293

Mary Joan (Mamie) Beaumon Starr
21634 North Mann Road
Acampo CA 95220

Fax 209.369.1432
mamiestarr1@gmail.com

April 29, 2014

Ms. Mo Hatef, Senior Planner
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton CA 95205

RE: Proposed Winery Ordinance Revisions

Thank you for the e-mail notification and transmittal of the proposed changes; and for considering my comments.

It is recognized that revising this ordinance is a huge undertaking and the CDD staff are to be congratulated for their efforts and expediting the process. I was unable to attend the meeting on the 24th. I apologize if my questions/issues were addressed at that time.

There are three central issues related to wineries, and most specifically, winery events: 1) noise impacts on neighbors; 2) traffic issues with neighbors; and 3) maintaining agriculture as the primary rural land use while allowing the growth and development of the winery industry and agritourism. Central to the resolution of #1 and #2 is enforcement of whatever the ordinance provisions might be. I submit that a number of the proposed modifications will have little, to no bearing on solving the root problems; and they will hinder the growth of the winery and agritourism industries, without any benefit to the overall agricultural industry

Definitions – Industry Event

An "appellation-wide event" could be applicable in the Lodi area; however, since this ordinance applies to the whole County, a different term, such as "region-wide" would be more appropriate. ✓

Definitions – Accessory Winery Event

The last sentence is awkward – are the words "Marketing of wine as..." necessary? Also, "fixed cost-basis" is not clear.

Definitions – Wine Cellar, Off-Site

The added language about one gross acre of grapes is unreasonable and could be very impractical.

Setbacks

The setback of 300 feet from roadways for what appears to be all winery functions, including parking, is (bluntly) a waste of land. If that area is not cultivated (and it will be hard or impractical in many cases) it must either lie fallow or be landscaped. The beneficial purpose of such a large area, especially if it cannot be used for parking, is not clear. Holding to this setback in the non-agriculturally zoned areas appears to be particularly onerous.

Maintaining a significant setback from neighboring houses in agricultural areas could (arguably) meet the goal of reducing neighbor conflicts. Particularly for very large winery operations. However, that will address new wineries or expansions relative to existing houses. Will new houses on properties adjoining wineries be required to adhere to a setback equivalent to the 300 feet? ✓

Grapes

Requiring a percentage of grapes be from San Joaquin County (or even the Appellation) is unreasonable and definitely not in the best interest of the wineries. ✓

Parking Surfacing

Although there were no changes in the language related to surfacing of the parking areas, it seems that in light of the increasing regulations regarding stormwater runoff and the need to allow maximum percolation of water, it might be beneficial to allow alternative surfaces for parking areas for all winery sizes. ✓

Retail Sales

Limiting the retail sales area to 200 square feet, regardless of winery size is questionable, especially since the genesis of this change appears to be the result of one complaint against one winery. Adding clarifying language is reasonable. Perhaps leave the 30% factor and add "or 200 square feet, whichever is greater."

Off-Site Wine Cellars

Why was the minimum storage capacity increased?

Why should the off-site wine cellar be on a minimum of five gross acres, especially in the non-agricultural zones? This seems contrary to the interest of making maximum use of land, and retaining as much land as possible for agricultural production. The zoning and related development requirements would seem to be sufficient in determining a minimum parcel size. ✓

Events – Product Availability

This provision is unclear. Is this meant to address the "Event Center Syndrome" that was noted by the Winery Ordinance Task Force?

Events – Marketing Event Plan

If the Plan is filed annually with the CDD, what is the purpose of stating it must be available to the CDD – unless it is to facilitate enforcement activities in the field?

Events – Number of Events

The WOTF recommendation of 20 events per year regardless of winery size, and relating the events of the off-site wine cellar to the primary winery is more reasonable than the proposed “sliding scale.”

Events – Maximum Attendance

Relating the number of attendees at an event to the size of the winery and the parcel size may be “enforceable” but seems impractical. Obviously there is a direct relationship between the number of proposed attendees and the parking requirements. Also between the number of people that can “fit” in a building or on the grounds. Since a use permit is required, the number of “attendees” should be determined on the basis of what the applicant “wants” and being able to meet building loading and parking standards.

Events – Outdoor Amplified Sound

Ceasing all outside amplified sound at 5 pm is unreasonable. Outside amplified sound should be permitted into the evening (stopping at 10 pm as suggested by the WOTF). Restricting the dBA to a reasonable level at the property line (or at the nearest residence) is appropriate as recommended by the WOTF.

Events – Parking

What is the parking requirement if the winery does not have a use permit for marketing events? For marketing events, it is assumed that the number of attendees is based on that stipulated in the use permit?

Providing valet parking, or an attendant to give on-site parking direction is a good idea. However, this person cannot “ensure” that there is no parking on roadways (or even neighboring properties) since they have no jurisdiction there.

Events – End of Event

Based on the language, it is assumed that only Marketing Events must be ended by 10 pm, but that there is no time limit on other events.

Sincerely,

Mamie Starr

Mamie Starr



Lodi District Grape Growers Association, Inc.

April 30, 2014

Attn: Mo Hatef
San Joaquin County Community Development Department
1810 E. Hazleton
Stockton, CA 95205

Re: Winery Ordinance

Dear Ms. Hatef,

The Lodi District Grape Growers Association represents winegrape growers and associated businesses in California Crush District 11, including San Joaquin County north of State Highway 4, as well as Sacramento County south of U.S. 50 and east of Interstate 5.

Our Association commends San Joaquin County for taking on the task of revising the winery ordinance. As the wine industry has grown, a variety of land use issues and community complaints have been brought forward and we agree that these impacts need to be adequately addressed. The Draft San Joaquin County Winery Ordinance Text Amendment (April 1, 2014) addresses many of these issues.

Our major concern with the Draft was the inclusion of grape source requirements. We thank you for your realization that this requirement does not work for the San Joaquin County wine grape industry and for removing the following language: "Grapes. A minimum of fifty percent (50%) of the (*large, medium, small*) winery's production shall be from grapes grown in San Joaquin County."

We feel that the 9-110.4 Definitions of "Marketing Event," "Industry Event," and "Accessory Winery Event" are a step in the right direction. We feel that the description of "Industry Event" should be revised. The term "appellation-wide" and "appellation" should not be used in this description. The boundaries of appellations (see attached map 1) and Crush Districts (see attached map 2) do not follow county lines. A general term such as "wine region" may be more appropriate.

We also feel that San Joaquin County should provide a reasonable enforcement mechanism to deal with complaints and concerns.

Our organization stands ready and willing to assist the County in any way that we can do address this important issue. Please do not hesitate to contact us at (209) 339-8246 in this regard.

Sincerely,

Amy Blagg
Executive Director
Lodi District Grape Growers Association

Zimbra

jjolley@sjgov.org

Fwd: winery ordinance

From : Mo Hatef <mhatef@sjgov.org>

Wed, Apr 30, 2014 02:13 PM

Subject : Fwd: winery ordinance**To :** Kerry Sullivan <ksullivan@sjgov.org>, Jennifer Jolley <jjolley@sjgov.org>

Mo Hatef
Senior Planner
San Joaquin County CDD
1810 East Hazelton Avenue
Stockton, CA 95205
(209) 468-8477

From: "Andrea Maley" <ajmaley@sbcglobal.net>**To:** "Mo Hatef" <mhatef@sjgov.org>**Sent:** Wednesday, April 30, 2014 1:53:17 PM**Subject:** winery ordinance

Hi Mo,
Just a few thoughts from last weeks meeting.

The proposal is too restrictive on Wineries.

1) if parking is the problem then address those like, Lucas, who uses the roadway as his own parking on event days. Don't require a 100 yard football field size set back on wineries only.

2) Soon more agri tourism will want to develop like, dried fruits, nut Almond company olive oil, the chocolate company in lockeford did participate in the winery industry wide events too. I think they closed though. Fresh salsas from tomatoes to name a few examples of agribusiness. These will not be subject to the 100 foot set back required of wineries, not a fair proposal. Farm Bureau's has Fork to Farm programs to promote this.

3) Don't limit the retail experience, all wineries offer something different so unique. Michael David has a petting zoo, farm cut wild flowers. Jessies grove has a farm museum. Berghold has antiques. Who cares what they like.

4) Sounds like the farm bureau wants Lodi to remain STUCK in the bulk grape and wine business. The Farm Bureau has a loud voice and seems to have a different agenda than what is good for Lodi. The grape farmers self imposed a tax 20 years ago to promote Lodi

on the label, the Lodi-Woodbridge grape commission, Mark Chandler told the growers to get more money for their grapes they would need to have LODI wineries and put Lodi fine

wine in the bottle. DUH ! it worked and now what.

5) It makes no sense to require grapes to be grown, when wine can be made out of any fruit source. More unnecessary rules.

6) www.details.com/blogs/daily-details/2014/04/why-lodi-is-the-next-napa article

7) I know the Farm Bureau had influence on my own wine project. Some of us have humble beginnings and were not born with hundreds of acres of grapes. A sad day for me and my family. I put my first wine in the bottle in 1987 and would have loved to make some awesome wines.

8) the proposal dated April 1st yes April fools is foolish.

9) I would like to see ideas to grow Lodi's wine business not restrict it. Set aside an area in the country where wineries can grow. Lodi is finally receiving World wide recognition for its wine business. This proposal is a buzz kill for the industry.

AJ



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

Ms. Mo Hatef
San Joaquin County
Community Development Department
1810 E. Hazleton Avenue
Stockton, CA 95205
Re: Draft Winery Ordinance Comments

April 30, 2014

Dear Ms. Hatef:

The San Joaquin Farm Bureau Federation is a private, not for profit, volunteer organization that has remained committed to the promotion and protection of the agricultural industry within San Joaquin County for over one hundred years. The wine industry has seen tremendous growth in the past decade, and unfortunately, riding the coattails of the outstanding wine makers, came event centers that called themselves wineries. The current ordinance is outdated as it does not address the many issues that have come to the forefront; such as traffic and parking, noise, and allowing the phasing of a winery to accommodate the operation of events before a drop of wine is ever made. The Farm Bureau has been engaged in the process for many years, working with members and staff and serving on multiple ad-hoc advisory committees to resolve tensions that arose as a result of the countless unregulated marketing events, mostly weddings and concerts, in agriculturally zoned areas. We appreciate the effort of the Community Development Department to craft a new ordinance that is more reflective of the winery landscape today and we welcome this opportunity to comment on the draft ordinance. Our recommendations are as follows:

I. Marketing Events Should Not Be Permitted On Land That Is Restricted In Use By A Williamson Act Contract.

A. The Williamson Act Is Incredibly Important To San Joaquin County.

Well over 500,000 acres of farmland in San Joaquin County are under Williamson Act contracts. Farmers encumber their land with the restrictions proscribed by the Department of Conservation because they are given a property tax assessment that more accurately reflects the value of the land when it is used solely for agricultural or open space uses. The Williamson Act also incentivizes agricultural production, and because the program is so prevalent in San Joaquin County, agriculture is the leading industry and contributed over 2.8 Billion dollars to the local economy in 2012. We are revered for the tremendous production and also for the diversity of the crops grown locally, and it all starts with maintaining agricultural land for production.

B. Winery Marketing Events Are Not Compatible With The Williamson Act.

The Department of Conservation is very clear in the types of activities that are compatible with the Williamson Act contract restrictions. Uses that significantly displace agricultural operations (such as the construction of a winery) may be deemed compatible if they relate directly to the production of commercial agricultural products including



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activities such as harvesting, processing, or shipping.¹ Winery marketing events, as defined in the draft ordinance, allow wineries to become facilities for hire where the wine produced on site is served. This type of event does not fall under the very narrowly construed definitions of harvesting, processing, or shipping, therefore they are not to be considered a compatible use under the Williamson Act.

C. It Is Necessary And Appropriate For The County To Address The Williamson Act In The Winery Ordinance.

Because the county is the local governmental body that is charged with enforcing the restrictions of the Williamson Act², it must be clearly articulated in the ordinance enacted by San Joaquin County that winery marketing events are not a compatible use. If the county fails to clarify this in the ordinance, it will allow the permitting of such events on Williamson Act land to be left to the discretion of other governmental bodies. Because marketing events are commercial, not agricultural in nature, hosting such activities would constitute a material breach of the Williamson Act contract, which then the county would have to enforce against.

D. Proposed Language For The Ordinance

We propose that the new ordinance state that marketing events are prohibited on Williamson Act land per G.C. §51238.1(a)(2). A reference to the governing ordinance should be sufficient.

II. Minimum Tonnage For A Small Winery Should Be Five Tons.

One ton of grapes is a very low threshold to meet. We are concerned that by maintaining such a low standard, the ordinance perpetuates one of the issues it is intended to resolve. By revising the minimum tonnage for small wineries to five tons, the idea of "winery first" is promoted while also encouraging the crush of more local wine grapes.

III. Off- Site Wine Cellars

The definition of an off-site wine cellar warrants a closer look by the Community Development Department. Active oversight and supervision of the processing of wines sold at the cellar should be mandatory for an off- site wine cellar to host permitted marketing events. That being said, the requirement to grow one acre of grapes on the site is superfluous and is not indicative in and of itself of participation in the process of making the wine.³ As drafted, this language will have unintended consequences of preventing vintners who have a large acreage of grapes off- site and who are engaged in the processing of the wine from being able to have an off-site wine cellar, while affording others who do no more than plant an acre of grapes the opportunity to have such a facility. We propose that the ordinance remove the requirement to grow an acre of grapes and instead require a significant nexus between the cellar and the production of wine as

¹ G.C. §51238.1 (a)(2)

² G.C. §51250, Williamson Act, Material Breach of Contract

³ This sentiment is echoed in the Winery Ordinance Task Force recommendations as well as they suggested that an off-site wine cellar be a winery with ownership before beginning to host marketing events. Winery Ordinance Task Force Report to the Planning Commission, Page 2, Section 5(a)(Nov. 2012)



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determined by the amount of control exercised by the cellar over the processing of the wine.

IV. Marketing Events

A. Commercial Kitchens

We appreciate the language that explicitly forbids the commercial kitchen to be utilized for restaurant purposes. However, the term "commercial kitchen" needs clarification. It is our understanding that a commercial kitchen is one where food is prepared on site for customer consumption and requires annual inspection. Does every winery that would like to prepare cheese or fruit to pair with their wine need a "commercial kitchen"? Is the designation of "commercial kitchen" operational or statutory?

B. Marketing Plans

Marketing plans should be regarded as an integral aspect of procuring and maintaining a permit that allows a specified number of marketing events. However, consumer trends are ever evolving and to accommodate this reality, the County should require marketing plans to be submitted annually. We understand it would not be practical to expect every winery to have all of their marketing events booked up to a year in advance, it should be sufficient to report the number of anticipated events at the beginning of the year and then a full report of how many events were held at the end of the year. This bi-annual self auditing system allows neighbors to anticipate a number of events and encourages accountability.

V. Enforcement

We are aware that the Community Development Department is currently working on the issue of enforcement as it pertains to the new ordinance. It is imperative that new enforcement measures are included in the new ordinance itself because the two work hand in hand. The enforcement provisions included in the draft rely on the revocation or modification of existing permits, which has proven to be ineffective under the current ordinance and the draft ordinance is an opportunity to make a meaningful change by creating a separate fine structure and set of enforcement actions that specifically apply to wineries due to the uniqueness of the industry. We propose the enforcement provisions brought forth by the Winery Ordinance Task Force, as the complete revocation of a use permit would not only prevent a winery from hosting more events, but would also stop wine production. The Winery Ordinance Task Force recommendations are tiered and give wineries two chances to self correct, with penalties, before the ultimate consequence of losing all permitted marketing events, while allowing the winery to maintain wine production.⁴

⁴ Winery Ordinance Task Force Report to the Planning Commission, Page 4, Sections 1-2 (Nov. 2012)



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We look forward to receiving the revised draft of the ordinance shortly. If you have any questions regarding our recommendations, please do not hesitate to contact Farm Bureau staff at (209) 931-4931.

Sincerely,

A handwritten signature in cursive script that reads "Jack Hanna".

Cc:

Kerry Sullivan

Jennifer Jolley