

# STAFF REPORT - Development Title Text Amendment

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## Application Information

Applicant: San Joaquin County  
File Number: PA-1400149  
Location: Applicable Countywide

Supervisorial District: All  
CEQA Determination: Negative Declaration  
Staff: Jennifer Jolley

## Project Description

This project is a Development Title Text Amendment application to amend the Wineries and Related Facilities Section of the Development Title (Chapter 9-1075) relating to development standards for existing and proposed wineries. The purpose of the proposed regulations is to revise the guidelines for the wine industry. The proposed amendments consist of defining the types of events a Winery or Off-Site Wine Cellar may have and modifying development regulations for Wineries and Off-Site Wine Cellars.

## Recommendation

Approval.

\*\*All correspondence received during the Winery Ordinance update process can be viewed on the [SJ County Community Development Department website](#) under Winery Ordinance Staff Report Application No. PA-1400149.

# Referrals and Replies

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The application referrals were mailed on July 18, 2014, with responses due by August 12, 2014.

<b>AGENCY</b>	<b>RESPONSE DATE (through August 13, 2014)</b>
Environmental Health	August 13, 2014
Public Works	July 28, 2014
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	August 14, 2014
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	
Delta Protection Commission	August 8, 2014

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A legal ad for the public hearing was published in the **Stockton Record** on August 25, 2014.

# Analysis

## Background

On July 24, 2001, the Board of Supervisors approved Text Amendment Application No. 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 was to establish regulations that would acknowledge the distinctive pairing of wine grape growing, wine making, and tourism. Marketing Events are supposed to be accessory and subordinate to the primary agricultural use. A strong nexus must exist between the Marketing Event and the production or storage of wine. (Development Title Section 9-1075.1). Since that time there have been a number of conflicts between wineries/off-site wine cellars hosting events such as concerts and weddings that interfere with their neighbor's peaceful enjoyment of their own property. The majority of the problems are related to traffic impacts and noise issues from outdoor amplified sound, which has resulted in land use compatibility conflicts. There have also been numerous complaints that in some cases the primary use of the wineries are weddings and Marketing Events rather than the production of wine. 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 General Plan update.

## Winery Ordinance Revision Process

The proposed amended winery ordinance was created through an extensive public input process, including consideration of the draft ordinance prepared by Wine Ordinance Task Force (WOTF) in November of 2012, and feedback from the Lodi Wine Commission, winery owners, and the public at large. On January 23, 2014, the Community Development Department held the first meeting to receive the public's comments on changes they would like to see incorporated into an amended winery ordinance. A proposed draft winery ordinance was released for public comment on April 1, 2014. On April 24, 2014, the Community Development Department held a second meeting to receive public comments on the draft changes.

## Winery and Off-Site Wine Cellar Statistics

There are sixty-five (65) wineries and/or off-site wine cellars in the unincorporated San Joaquin County. Thirty-two (32) of these wineries and/or off-site wine cellars have approved land use permits that permit Marketing Events and thirty-three (33) have land use permits; but are not approved to have Marketing Events. The following is a breakdown of the wineries and/or wine cellars based on production size:

- Wineries and/or Wine Cellars, Off-Site that are permitted to have Marketing Events (32):
  - Six (6) Large Wineries
  - Two (2) Medium Wineries
  - Seventeen (17) Small Wineries
  - Three (3) Boutique Wineries
  - Four (4) Wine Cellars, Off-Site
- Wineries and/or Wine Cellars, Off-Site that are not permitted to have Marketing Events (33):
  - Fifteen (15) Large Wineries-one (1) Legal Non-Conforming
  - One (1) Medium Winery
  - Thirteen (13) Small Wineries

- o Two (2) Boutique Wineries
- o Two (2) Wine Cellars, Off-Site

**Definitions**

The Community Development Department is proposing three (3) separate categories to clarify types of event a winery and/or off-site wine cellar may have as accessory to the winery or off-site wine cellar. The categories are defined as follows (removal of wording of the existing ordinance is shown as ~~strikethrough~~ and addition of wording is shown as underline):

- **Accessory Winery Event:** An event hosted by the on-site winery or off-site wine cellar and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Accessory winery events may include but are not limited to: wine release parties, barrel tasting and wine club activities, and always include wine tasting and the sale of wine. Accessory winery events exclude events that are open to the public and/or where the facility is rented (or otherwise made available) to a second party. Marketing of wine as an accessory winery event may include food service and/or food and wine pairings provided all such food service is provided on a fixed cost basis and not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425. Accessory winery events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c).
- **Industry Event:** A regional event where the wineries and/or off-site wine cellars in the area are participating and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Industry events always include wine tasting and the sale of wine. Industry event participation details shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c).
- **Marketing Calendar:** A document that identifies all events (Marketing, Accessory, and/or Industry) a winery or off-site wine cellar may have on-site. The details included in the Marketing Calendar shall include but are not limited to: dates of events, number of attendees, hours of event and type of outdoor amplified sound used, if any.
- **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 include but are not limited to: such as educational wine tours for the public, non-profit community fund raising, weddings, concerts, and/or any other event where the winery or off-site wine cellar facility is rented (or otherwise made available to) a second party or the public and wine is served. private seminars for distributor and sales representatives and events for wine industry groups that enhance awareness of wine and wine-related groups that enhance awareness of wine and wine-related products and services are considered to be a marketing event. Marketing events may include food service (but not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425). Marketing events shall be identified in the a supplemental marketing plan Marketing Calendar filed with the Department pursuant to 9-1075.9(c).
- **Winery.** “Winery” means a type of bonded wine premises that is composed of an agricultural processing facility that produces where the primary purpose is to produce wine on-site by fermenting grape juice that results in an alcoholic beverage that is ready for consumption. A winery shall include the following activities: crushing, fermenting, bottling, blending, and aging and may include the following activities and/or facilities: shipping, receiving, tasting room(s), laboratory equipment, maintenance facilities, conference room space, sales and administrative offices. Wineries have a current California Alcohol Beverage Control Winegrowers License and

a bonded winery permit from the Bureau of Alcohol, Tobacco and Firearms. Bonded wineries may include an on-site wine cellar. Wine must be produced from the bonded wine premises and available for consumption prior to a winery hosting any Marketing, Accessory or Industry Event.

The Community Development Department also recommends amending the definition for Wine Cellar, Off-Site to address growing grapes used for production of wine sold at an off-site wine cellar. The purpose of the modification is to codify the Community Development Department's policy that a minimum of one (1) gross acre of grapes be grown on the same site and used for production of wine sold at the off-site wine cellar.

- **Wine Cellar, Off-Site.** "Wine cellar, off-site means a type of bonded premises that is located on a parcel or parcels of land under the same ownership with a vineyard, and where wine made from the grapes of the vineyard(s) is stored. A minimum of one (1) gross acre of grapes shall be grown on the site and used for production of wine sold at the off-site wine cellar. The stored wine is made at an off-site winery. Wine must be produced using grapes from the vineyard where the off-site wine cellar is located and available for consumption prior to the off-site wine cellar hosting any Marketing, Accessory or Industry Event.

In addition to the types of events listed above, a maximum of four (4) special outdoor events may be permitted with an approved Improvement Plan permit on an annual basis for parcels located in the agricultural zone and/or industrial zone (where wineries or off-site wine cellars are permitted); or with an approved Site Approval permit in commercial zones (where wineries or off-site wine cellars are permitted). Development Title Section 9-110.4, defines a Special Outdoor Event as follows:

- **Special Outdoor Event.** "Special outdoor event" means any temporary event or activity generally attracting large numbers of people, requiring the importation of temporary facilities such as portable bleachers, food stands, and portable toilet facilities, conducted out-of-doors and not already defined within a specified zone as an allowable "temporary" activity. Excluded from this definition are parades, carnivals, circuses and marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. Each special outdoor event may not exceed a length of three (3) consecutive days.

### **Boutique Winery**

The Community Development Department is proposing to remove the use type Boutique Winery. The definition of Winery, Boutique is as follows:

- "Boutique winery" means a winery that has a minimum production capacity of 1.1 tons of grapes or approximately two hundred one (201) gallons of wine and a maximum production capacity of twenty (20) tons of grapes or approximately three thousand six hundred (3,600) gallons of wine per year. A boutique winery grows all of its own wine from vineyards in San Joaquin County or from vineyards within any recognized American Viticultural Area of which a majority of the designated area is within San Joaquin County.

The Boutique Winery and Small Winery use type are very similar in nature. They have the same minimum production capacity (201 gallons); however, the Boutique Winery is restricted by what vineyards are used for wine production and are limited to a maximum of four (4) marketing events per year. The removal of the Boutique Winery use type will affect five (5) Boutique Wineries (two with Marketing Events and three without Marketing Events). These existing wineries would be reclassified to the use type Winery, Small.

**Winery Regulation Revisions**

Sections 9-1075.3 (Large Wineries), 9-1075.4 (Medium Wineries), 9-1075.5 (Small Wineries), and 9-1075.7 (Wine Cellars, Off-Site) are proposed with the following summarized revisions:

- **Minimum Lot Size.** The revised ordinance proposes a minimum lot size requirement for new wineries/off-site wine cellars in the agricultural zone. Wineries located on parcels in non-agricultural zones are exempt from this requirement. The minimum lot sizes are proposed as follows:
  - *Large Winery*-10 acre minimum
  - *Medium Winery*-10 acre minimum
  - *Small Winery*-5 acre minimum
  - *Off-Site Wine Cellar*-5 acre minimum

The minimum lot sizes are recommended to ensure there is adequate area to accommodate activities associated with wineries/off-site wine cellars that produce or store different volumes of wine.

- **Setbacks.** The revised ordinance proposes a minimum setback for new wineries/off-site wine cellars in the agricultural zone. Wineries located in non-agricultural zones are exempt from this requirement but are subject to the setback requirement for the zone in which the winery/off-site wine cellar is located. The minimum setback requirement is proposed as follows:
  - New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed (large, medium, small) winery or off-site wine cellar would be set back a minimum of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road.
    - There is an exception for overflow parking spaces which may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is met pursuant to Section 9-1015.5(h).
    - For expansion of existing wineries and/or off-site wine cellars that require a new land use permit, the three-hundred (300) foot minimum setback would only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.
  - For wineries or off-site wine cellars located adjacent to a parcel with a residence, the following standards are recommended:
    - All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed winery/off-site wine cellar shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.
  - If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the winery/off-site wine cellar's parcel, then the minimum setback may be reduced to one-hundred (100) feet.
  - For wineries or off-site wine cellars located adjacent to a parcel without a residence, the following standards are recommended:

- The required minimum yard setbacks for wineries or off-site wine cellars in agricultural zones shall be determined by the zone in which the winery or off-site wine cellars is located.
  - The revised minimum setback requirement will not apply to the expansion of the existing buildings used by said wineries or off-site wine cellars provided the expansion is in compliance with Development Title Section 9-605.3 and that the area expanded is not used for Marketing Events, Accessory Winery Events and/or Industry Events.
- **Noise.** The current ordinance states that amplified sound is permitted at both indoor and outdoor special events and both indoor and outdoor marketing events, and shall end by 10 p.m. The proposed revision would permit indoor amplified sound at wineries and off-site wine cellars while outdoor amplified sound may be conditionally permitted and is subject to the requirements of Development Title Section 9-1075.9(g). As proposed outdoor amplified sound would only be permitted between 10 a.m. and 7 p.m. and be permitted a maximum of two (2) times per calendar month (but no more than one (1) time per week). Outdoor Special Event permits are exempt from the revised requirements.
- **Permits.** The current ordinance states that the use types Small Winery and Off-Site Wine Cellar are required to obtain an approved Site Approval application which is reviewed under the Staff Review with Notice Section of the Development Title (Chapter 9-215). The proposed revision would require any Small Winery or Off-Site Wine Cellar to obtain an approved Use Permit application if proposing Marketing Events. Use Permit applications are reviewed under the Public Hearing Review Procedure (Chapter 9-220). Large Wineries and Medium Wineries are required to obtain an approved Use Permit application whether or not Marketing Events are proposed.
- **Wine Tasting Room(s).** Currently, the ordinance specifies that a maximum of one (1) tasting room is allowed for each winery or off-site wine cellar and one (1) wine tasting room located off site pursuant to an ABC Winegrowers License. The revision would permit more than one (1) wine tasting room if permitted by the ABC Winegrowers License. The maximum square footage permitted for multiple wine tasting rooms would be calculated by adding up the square footage cumulatively.
- **Retail Sales.** Currently, the maximum retail sales area within a wine tasting room is calculated using a maximum thirty percent (30%) of the area used for wine tasting and is restricted to selling wine and “promotional items”. The revision would permit a maximum of five hundred (500) square feet of contiguous retail sales area to be used for displaying any retail items (wine related or not). The sale of the winery/off-site wine cellar’s wine would be permitted in addition to the designated retail sales area.
- **Miscellaneous Revisions.** The text amendment also proposes minor changes to the Signs, Parking, and Permitted Uses and Structures for each Large, Medium and Small Winery and Off-Site Wine Cellar Section.

**Marketing Events, Industry Events, & Accessory Winery Events**

The Community Development Department is proposing to add a new Section (9-1075.9) to the Wineries and Related Facilities Section of the Development Title (Chapter 9-1075). This Section addresses all new Wineries and Off-Site Wine Cellars and existing Wineries and Off-Site Wine Cellars who request to add Marketing Events or modify an existing Marketing Event approval, have Accessory Winery Events and/or participate in Industry Wide Events.

- **Permits.** Wineries and off-site wine cellars who propose to host on-site events will be reviewed as follows:
  - **Public Hearing Procedure:** Applies to any new Winery or Off-Site Wine Cellar proposing Marketing Events (Use Permit) or existing Winery or Off-Site Wine Cellar that proposes to modify a previously approved Marketing Plan (i.e. increase attendees, or add outdoor amplified sound) (Revision of Approved Actions that will be reviewed by the Planning Commission)
  - **Staff Review:** Applies to any existing Winery or Off-Site Wine Cellar with no previously approved Marketing Events that wants to only hold Accessory Winery Events or participate in Industry Wide Events without outdoor amplified sound (Improvement Plan).
- **Marketing Calendar.** It is recommended that wineries and off-site wine cellars participating in Marketing Events, Accessory Winery Events, or Industry Events will be required to submit a Marketing Calendar to the Community Development Department on a bi-annual basis. This requirement is to aid the winery or off-site wine cellar, the Community Development Department and the public in determining whether a winery or off-site wine cellar is operating within compliance of its permit. This was a similar recommendation made by the WOTF.
- **Maximum Number of Events.** The text amendment proposes a maximum number of Marketing Events be permitted for each Winery and/or Off-Site Wine Cellar based on the use type classification and production capacity (Large-20 events, Medium-15 events, Small-12 events, Off-Site Wine Cellar-10 events). The maximum number of Marketing Events does not include Accessory Events or Industry Wide Events. The WOTF recommended that Large, Medium and Small Wineries be permitted twenty (20) events per year.
- **Frequency of Events.** The requirement of having a maximum of one (1) Marketing Event per week does not apply to Accessory Winery Events and/or Industry Wide Events.
- **Maximum Attendance at Marketing Events.** The recommendation to limit the number of attendees in proportion to the production capacity of the winery or storage of wine at the off-site wine cellar, and the size of the parcel, is to try to reduce potential land use conflicts (i.e. noise impacts and parking issues).
- **Outdoor Amplified Sound.** The recommendation to reduce the number of times outdoor music can be permitted at an event (no more than 2 times per month and no more than 1 time per week), and reducing the hours that outdoor amplified music can be permitted (between 10 a.m. and 7 p.m.) is intended to reduce the potential land use conflicts related to noise between adjacent properties and the wineries and off-site wine cellars. Indoor amplified sound may be permitted at each facility without time or frequency restrictions provided it complies with the San Joaquin County Performance Standards in Chapter 9-1025. The text amendment also proposes to require a Noise Study for any winery or off-site wine cellar that requests to have outdoor amplified sound. The Noise Study will identify any potential mitigation measures that may be necessary to ensure compliance with the Performance Standards related to Noise in Chapter 9-1025.
- **Parking Requirements.** A minimum of one (1) parking space per two (2) event attendees is recommended to ensure adequate on-site parking is available at events. It is the Community Development Department's current policy to require a minimum of one (1) parking space per three (3) attendees. The increase in on-site parking requirements will reduce the potential for attendees to park on adjacent properties or roadways. Requiring a minimum of one (1) on-site parking attendant

for any Industry Event for any event that exceeds one hundred (100) attendees will do the same thing.

- **Miscellaneous Recommendations.** The recommendation to permit a commercial kitchen as an accessory use to Winery and Off-Site Wine Cellar use types who host events and ending events by 10 p.m. are not new requirements, but were previously located under each Winery or Off-Site Wine Cellar.
- **Applicability.** The Community Development Department recommends that the operational standards listed below apply to existing wineries and off-site wine cellars with previously approved Marketing Events in addition to new wineries or off-site wine cellars:
  - (1) Section 9-1075.9(b) regarding Product Availability;
  - (2) Section 9-1075.9(c) regarding submittal of a Marketing Calendar;
  - (3) Section 9-1075.9(e) regarding Frequency of Marketing Events;
  - (4) Section 9-1075.9(g) regarding Outdoor Amplified Sound
  - (5) Section 9-1075.9(h) regarding Wine Served;
  - (6) Section 9-1075.9(i)(2)(3)(4) regarding Parking;
  - (7) Section 9-1075.9(j) regarding Commercial Kitchens;
  - (8) Section 9-1075.9(k) regarding End of Event; and
  - (9) Section 9-1075.9(l) regarding Event Signs.

The Community Development Department intends to implement a one (1) year grace period, if Text Amendment PA-1400149 is adopted by the Board of Supervisors that will allow existing wineries and/or off-site wine cellars to come into compliance with previously approved/planned events.

### **Enforcement**

The Community Development Department is in the process of working with the County Counsel's office to develop new enforcement procedures that would apply to land use violations.

### **Text Amendment**

The proposed changes to the Development Title are as follows (See the Winery Ordinance Revision Comparison Chart [Attachment A] for a simplified comparison of proposed revisions):

#### **9-110.4 DEFINITIONS**

**Accessory Winery Event.** "Accessory winery event" is an event hosted by the on-site winery or off-site wine cellar and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Accessory winery events may include but are not limited to: wine release parties, barrel tasting and wine club activities, and always include wine tasting and the sale of wine. Accessory winery events exclude events that are open to the public and/or where the facility is rented (or otherwise made available) to a second party. Marketing of wine as an accessory winery event may include food service and/or food and wine pairings provided all such food service is provided on a fixed cost basis and not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425. Accessory winery events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c).

**Industry Event.** "Industry event" is a regional event where the wineries and/or off-site wine cellars in the area are participating and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Industry events always include wine

tasting and the sale of wine. Industry event participation details shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c).

**Marketing Calendar.** A document that identifies all events (Marketing, Accessory, and/or Industry) a winery or off-site wine cellar may have on-site. The details included in the Marketing Calendar shall include but are not limited to: dates of events, numbers of attendees, hours of event and type of outdoor amplified sound use, if any.

**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 include but are not limited to: such as educational wine tours for the public, non-profit community fund raising, weddings, concerts, and/or any other event where the winery or off-site wine cellar facility is rented or otherwise made available to a second party or the public and wine is served. private seminars for distributor and sales representatives and events for wine industry groups that enhance awareness of wine and wine-related groups that enhance awareness of wine and wine-related products and services are considered to be a marketing event. Marketing events may include food service (but not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425). Marketing events shall be identified in the a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c).

**Overflow Parking.** "Overflow parking" means space that is temporarily used for parking or maneuvering purposes for an event or activity that is in addition to the minimum number of permanent parking spaces and/or maneuvering areas calculated based on use type pursuant to Table 9-1015.3(b).

**Parking Attendant.** "Parking attendant" means a person who is dedicated to managing and directing traffic during a Marketing Event, Industry Event or Accessory Winery Event at a winery or off-site wine cellar, to ensure there is no parking on highways, public or private streets, or neighboring properties. This person should also direct traffic off of the public or private roads and into an on-site parking space.

**Wine Cellar, Off-Site.** "Wine cellar, off-site means a type of bonded premises that is located on a parcel or parcels of land under the same ownership with a vineyard, and where wine made from the grapes of the vineyard(s) is stored. A minimum of one (1) gross acre of grapes shall be grown on the site and used for production of wine sold at the off-site wine cellar. The stored wine is made at an off-site winery. Wine must be produced using grapes from the vineyard where the off-site wine cellar is located and available for consumption prior to the off-site wine cellar hosting any Marketing, Accessory or Industry Event.

**Winery.** "Winery" means a type of bonded wine premises that is composed of an agricultural processing facility that produces where the primary purpose is to produce wine on-site by fermenting grape juice that results in an alcoholic beverage that is ready for consumption. A winery shall include the following activities: crushing, fermenting, bottling, blending, and aging and may include the following activities and/or facilities: shipping, receiving, tasting room(s), laboratory equipment, maintenance facilities, conference room space, sales and administrative offices. Wineries have a current California Alcohol Beverage Control Winegrowers License and a bonded winery permit from the Bureau of Alcohol, Tobacco and Firearms. Bonded wineries may include an on-site wine cellar. Wine must be produced from the bonded wine premises and available for consumption prior to the winery hosting any Marketing, Accessory or Industry Event.

**Winery, Boutique.** "Boutique winery" means a winery that has a minimum production capacity of 1.1 tons of grapes or approximately two hundred one (201) gallons of wine and a maximum production capacity of twenty (20) tons of grapes or approximately three thousand six hundred (3,600) gallons of wine per year. A boutique winery grows all of its own grapes and produces all of its own wine from vineyards in San Joaquin County or from vineyards within any recognized American Viticultural Area of which a majority of the designated area is within San Joaquin County.

### 9-1075.3 LARGE WINERIES.

Large wineries shall be subject to the following development standards:

(a) **Production Capacity.** A large winery shall have a minimum production capacity of more than 555.1 tons of grapes or approximately one hundred thousand (100,000) gallons of wine per year. One (1) case of wine is equivalent to 2,377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) Minimum Lot Size. The Winery, Large use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zone. Large wineries located on parcels in non-agricultural zones are exempt from this requirement.

(b)(c) Setbacks. The required yard setbacks shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3 following minimum yard setback requirements shall apply for large wineries developed in agricultural zones:

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed large winery shall be set back a minimum of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall be applied:

- (A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).
- (B) For expansion of existing large wineries that require a new land use permit, the three-hundred (300) foot minimum setback shall only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.

(2) For large wineries located adjacent to a parcel with a residence, the following standards shall apply:

- (A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed large winery shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.
- (B) If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one-hundred (100) feet.

(3) For large wineries located adjacent to a parcel without a residence, the following standards shall apply:

- (A) The required minimum yard setbacks for large wineries in agricultural zones shall be determined by the zone in which the large winery is located pursuant to Section 9-610.3.

(4) The setback requirements for large wineries in non-agricultural zones shall be determined by the zone in which the large winery is located and are exempt from the requirements outlined above in Section 9-1075.3 (c)(1)(2)&(3).

~~(e)~~ **(d) Height.** The maximum height shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3.

~~(d)~~ **(e) Zoning and Use Type.** Large wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

~~(e)~~ **(f) Signs.** The signage requirements shall be determined by the zone in which the large winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Large wineries may also be subject to regulations contained in Section 9-1075.9(i).

~~(f)~~ **(g) Landscaping.** The landscaping requirements shall be determined by the zone in which the large winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

~~(g)~~ **(h) Fencing.** The fencing requirements shall be determined by the zone in which the large winery is located pursuant to Sections 9-1022.1 and through 9-1022.3.

~~(h)~~ **(i) Screening.** The screening requirements shall be determined by the zone in which the large winery is located pursuant to Sections 1022.4 and 9-1022.6.

~~(i)~~ **(j) Parking.** The parking surfacing requirements for large wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for large wineries shall be determined pursuant to Section 9-1015.3. Large wineries may also be subject to regulations contained in Section 9-1075.9(i).

~~(j)~~ **(k) Noise.** Amplified sound is permitted at ~~both indoor and outdoor special events and both indoor and outdoor marketing activities and events.~~ Outdoor amplified sound may be conditionally permitted for large wineries subject to regulations contained in Section 9-1075.9(g).

~~(k)~~ **(l) Permits.** Large wineries shall obtain a Business License and a Use Permit from the Community Development Department. Large wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health ~~Division~~ Department, and the Fire Department, as well as State and Federal regulations.

~~(l)~~ **(m) Permitted Uses and Structures.** Operational uses and production facilities in connection with a Use Permit for a large winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery waste process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;

- (13) ~~Composting of grape byproducts and other agricultural waste; Disposal of grape byproduct solely produced by the permitted winery.~~
- (14) ~~Domestic wastewater treatment plants; On-site wastewater treatment systems;~~
- (15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (16) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (17) Truck scales and a truck inspection station.

(m) (n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a Use Permit for a large winery include, but are not necessarily limited to the following:

- (1) ~~Maximum Number of Wine Tasting Rooms. A maximum of one (1) wine tasting room located on-site for each large winery. More than one tasting room is allowed on the large winery premises if permitted on the ABC Winegrowers License, and one (1) wine tasting room for large winery located off-site pursuant to a Duplicate Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.~~

(A) ~~Maximum Structure Size. The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum size of a stand alone cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building shall not exceed thirty percent (30%) of the area designated for production facilities. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories, equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture.~~

(B) ~~Maximum Size of Retail Sales Area. The retail sales area within the wine tasting room shall not exceed thirty percent (30%) of the wine tasting room structure or the area designated for wine tasting within a multipurpose building;~~

(2) ~~Marketing Events shall end by 10:00 pm;~~

(2) Retail Sales. A maximum of five-hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area and is permitted in addition to the designated retail sales area.

(3) ~~Retail sales of wine and promotional items at a wine tasting room;~~

(4) ~~(3) Outdoor eating areas ancillary to a wine tasting room;~~

(5) ~~Food preparation facilities to be used for marketing events or special events;~~

(6) ~~(4) Display and sales of art and historical items that reflect the history of the wine industry;~~  
and

(7) ~~(5) Child day care centers limited to caring for the children of winery employees.~~

#### 9-1075.4 MEDIUM WINERIES.

Medium wineries shall be subject to the following development standards:

(a) **Production Capacity.** A medium winery shall have a minimum production capacity of two hundred one (201) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine and a maximum production capacity of five hundred fifty-five (555) tons of grapes or approximately ninety-nine thousand nine hundred ninety-nine (99,999) gallons of wine per year. One (1) case of wine is equivalent to 2,377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) Minimum Lot Size. The Winery, Medium use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zone. Medium wineries located on parcels in the non-agricultural zones are exempt from this requirement.

(b)-(c) Setbacks. The required yard setbacks shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3 following minimum yard setback requirements shall apply for medium wineries developed in agricultural zones:

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed medium winery shall be set back a minimum of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(B) For expansion of existing medium wineries that require a new land use permit, the three-hundred (300) foot setback minimum shall only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.

(2) For medium wineries located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed medium winery shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one-hundred (100) feet.

(3) For medium wineries located adjacent to a parcel without a residence, the following standards shall apply:

(A) The required minimum yard setbacks for medium wineries in agricultural zones shall be determined by the zone in which the medium winery is located pursuant to Section 9-610.3.

(4) The setback requirements for medium wineries in non-agricultural zones shall be determined by the zone in which the medium winery is located and are exempt from the requirements outlined above in Section 9-1075.3 (c)(1) (2)&(3).

~~(c)-(d)~~ **Height.** The maximum height shall be determined by the zone in which the medium winery is located pursuant to Section 9-610.2 or 9-510.3.

~~(d)~~ **(e) Zoning and Use Type.** Medium wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

~~(e)-(f)~~ **Signs.** The signage requirements shall be determined by the zone in which the medium winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Medium wineries may also be subject to regulations contained in Section 9-1075.9(i).

~~(f)~~ **(g) Landscaping.** The landscaping requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

~~(g)-(h)~~ **Fencing.** The fencing requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 9-1022.1 and through 9-1022.3.

~~(h)~~ **(i) Screening.** The screening requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 1022.4 and 9-1022.6.

~~(i)-(j)~~ **Parking.** The parking surfacing requirements for medium wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for medium wineries shall be determined pursuant to Section 9-1015.3. Medium wineries may also be subject to regulations contained in Section 9-1075.9(i).

~~(j)-(k)~~ **Noise.** Amplified sound is permitted at ~~both indoor and outdoor special events and both indoor and outdoor marketing activities and events.~~ Outdoor amplified sound may be conditionally permitted for medium wineries subject to regulations contained in Section 9-1075.9(g).

~~(k)-(l)~~ **Permits.** Medium wineries shall obtain a Business License and a Use Permit from the Community Development Department. Medium wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health ~~Division~~ Department, and the Fire Department, as well as State and Federal regulations.

~~(l)-(m)~~ **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Use Permit for a medium winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery waste process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;

- (13) ~~Composting of grape byproducts and other agricultural waste; Disposal of grape byproduct solely produced by the permitted winery.~~
- (14) ~~Domestic wastewater treatment plants; On-site wastewater treatment systems;~~
- (15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (16) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (17) Truck scales and a truck inspection station.

~~(m)~~ ~~(n)~~ **Accessory Uses and Structures.** Accessory uses and structures in connection with a Use Permit for a medium winery include, but are not necessarily limited to the following:

- (1) ~~Maximum Number of Wine Tasting Rooms. A maximum of one (1) wine tasting room located on-site for each medium winery. More than one tasting room is allowed on the medium winery premises if permitted by the ABC Winegrowers License, and one wine tasting room for each medium winery located off-site pursuant to an ABC Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.~~

~~(A) Maximum Structure Size. The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum size of a stand alone cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent (30%) of the area designated for production facilities. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories, equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,~~

~~(B) Maximum Size of Retail Sales Area. The retail sales area within the wine tasting room shall not exceed thirty percent (30%) of the wine tasting room structure or the area designated for wine tasting within a multipurpose building;~~

- ~~(2) Marketing Events shall end by 10:00 pm;~~

~~(2) Retail Sales. A maximum of five-hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area and is permitted in addition to the designated retail sales area.~~

- ~~(3) Retail sales of wine and promotional items at a wine tasting room;~~
- ~~(4) (3) Outdoor eating areas ancillary to a wine tasting room;~~
- ~~(5) Food preparation facilities to be used for marketing events or special events;~~
- ~~(6) (4) Display and sales of art and historical items that reflect the history of the wine industry; and~~
- ~~(7) (5) Child day care centers limited to caring for the children of winery employees.~~

**9-1075.5 SMALL WINERIES.**

Small wineries shall be subject to the following development standards:

- (a) **Production Capacity.** A small winery shall have a minimum production capacity of more than 1.1 tons of grapes or approximately two hundred one (201) gallons of wine and a maximum production capacity of

two hundred (200) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine per year. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) Minimum Lot Size. The Winery, Small use type shall be located on a parcel with a minimum lot size of five (5) gross acres in the agricultural zone. Small wineries located on parcels in non-agricultural zones are exempt from this requirement.

~~(b)(c)~~ Setbacks. The required yard setbacks shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3 following minimum yard setback requirements shall apply for small wineries developed in agricultural zones:

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed winery shall be set back a minimum of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

- (A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).
- (B) For expansion of existing small wineries that require a new land use permit, the three-hundred (300) foot minimum setback shall only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.

(2) For small wineries located adjacent to a parcel with a residence, the following standards shall apply:

- (A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed small winery shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.
- (B) If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one-hundred (100) feet.

(3) For small wineries located adjacent to a parcel without a residence, the following standards shall apply:

- (A) The required minimum yard setbacks for small wineries in agricultural zones shall be determined by the zone in which the small winery is located pursuant to Section 9-610.3.

(4) The setback requirements for small wineries in non-agricultural zones shall be determined by the zone in which the small winery is located pursuant to Section 9-510.5 and are exempt from the requirements outlined above in Section 9-1075.3 (c)(1)(2)&(3).

~~(e)(d)~~ Height. The maximum height shall be determined by the zone in which the small winery is located pursuant to Section 9-610.2 or 9-510.3.

~~(d)~~ (e) Zoning and Use Type. Small wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

~~(e)-(f)~~ **Signs.** The signage requirements shall be determined by the zone in which the small winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Small wineries may also be subject to regulations contained in Section 9-1075.9(l).

~~(f)~~ **(g) Landscaping.** The landscaping requirements shall be determined by the zone in which the small winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

~~(g)~~ **(h) Fencing.** The fencing requirements shall be determined by the zone in which the small winery is located pursuant to Sections 9-1022.1 and through 9-1022.3.

~~(h)~~ **(i) Screening.** The screening requirements shall be determined by the zone in which the small winery is located pursuant to Sections 1022.4 and 9-1022.6.

~~(i)~~ **(j) Parking.** The parking surfacing requirements for small wineries shall be chip seal or an alternative surfacing material. The minimum number of required permanent parking spaces for small wineries shall be determined pursuant to Section 9-1015.3. Small wineries may also be subject to regulations contained in Section 9-1075.9(i).

~~(j)-(k)~~ **Noise.** Amplified sound is permitted at both indoor and outdoor special events and both indoor and outdoor marketing activities and events. Outdoor amplified sound may be conditionally permitted for small wineries subject to regulations contained in Section 9-1075.9(g).

~~(k)~~ **(l) Permits.** Small wineries shall obtain a Business License and a Site Approval from the Community Development Department. Small wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Division Department and the Fire Department, as well as State and Federal regulations. A Use Permit shall be required for any small winery proposing Marketing Events pursuant to Section 9-1075.9(a).

~~(l)~~ **(m) Permitted Uses and Structures.** Operational uses and production facilities in connection with a Site Approval discretionary land use permit for a small winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery waste process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Composting of grape byproducts and other agricultural waste; Disposal of grape byproduct solely produced by the permitted winery.
- ~~(13) Domestic wastewater treatment plants; On-site wastewater treatment systems;~~
- (14) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;

- (15) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (16) Truck scales and a truck inspection station.

~~(m)~~ (n) Accessory Uses and Structures. Accessory uses and structures in connection with a Site Approval discretionary land use permit for a small winery include, but are not necessarily limited to the following:

- ~~(1) Maximum Number of Wine Tasting Rooms.~~ A maximum of one (1) wine tasting room located on-site for each small winery. More than one tasting room is allowed on the small winery premises if permitted by the ABC Winegrowers License, and one (1) wine tasting room for each small winery located off-site pursuant to a Duplicate Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

~~(A) Maximum Structure Size.~~ The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum size of a stand alone cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent (30%) of the area designated for production facilities or two thousand (2,000) square feet whichever is greater. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,

~~(B) Maximum Size of Retail Sales Area.~~ The retail sales area within the wine tasting room shall not exceed thirty percent (30%) of the wine tasting room structure or the area designated for wine tasting within a multipurpose building:

~~(2) Marketing Events shall end by 10:00 pm;~~

(2) Retail Sales. A maximum of five-hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to the prepackage foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area and is permitted in addition to the designated retail sales area.

~~(3) Retail sales of wine and promotional items at a wine tasting room;~~

~~(4) (3) Outdoor eating areas ancillary to a wine tasting room;~~

~~(5) Food preparation facilities to be used for marketing events or special events;~~

~~(6) (4) Display and sales of art and historical items that reflect the history of the wine industry; and~~

~~(7) (5) Child day care centers limited to caring for the children of winery employees.~~

#### **9-1075.6 BOUTIQUE WINERIES**

Boutique wineries shall be subject to the following development standards:

~~(a) Production Capacity.~~ A boutique winery shall have a minimum production capacity of 1.1 tons of grapes or approximately two hundred one (201) gallons of wine and a maximum production capacity of twenty (20) tons of grapes or approximately three thousand six hundred (3,600) gallons of wine per year. One (1) case of wine is equivalent to 2,377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

~~(b) **Setbacks.** The required yard setbacks shall be determined by the zone in which the boutique winery is located pursuant to Section 9-610.2 or 9-510.3.~~

~~(c) **Height.** The maximum height shall be determined by the zone in which the small winery is located pursuant to Section 9-610.2 or 9-510.3.~~

~~(d) **Zoning and Use Type.** Boutique wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2 under the Wineries and Wine Cellars use type.~~

~~(e) **Signs.** The signage requirements shall be determined by the zone in which the boutique winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b).~~

~~(f) **Landscaping.** The landscaping requirements shall be determined by the zone in which the boutique winery is located pursuant to Sections 9-1020.1 through 9-1020.10.~~

~~(g) **Fencing.** The fencing requirements shall be determined by the zone in which the boutique winery is located pursuant to Sections 9-1022.1 and through 9-1022.3.~~

~~(h) **Screening.** The screening requirements shall be determined by the zone in which the boutique winery is located pursuant to Sections 1022.4 and 9-1022.6.~~

~~(i) **Parking.** The parking surfacing requirements for boutique wineries shall be chip seal or an alternative surfacing material.~~

~~(j) **Noise.** Amplified sound is permitted at both indoor and outdoor special events and both indoor and outdoor marketing events.~~

~~(k) **Permits.** Boutique wineries shall obtain a Business License and a Site Approval from the Community Development Department. Small wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Division and the Fire Department as well as State and Federal regulations.~~

~~(l) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Site Approval for a boutique winery include, but are not necessarily limited to, the following:~~

- ~~(1)Crushing or pressing of grapes outside or within a structure;~~
- ~~(2) Fermenting wine;~~
- ~~(3) Aging wine;~~
- ~~(4) On-site above-ground disposal of winery waste water;~~
- ~~(5) Processing and blending wine;~~
- ~~(6) Bottling and labeling of wine;~~
- ~~(7) Storage of wine in vats, barrels, bottles or cases;~~
- ~~(8) Wine caves and on-site wine cellars;~~
- ~~(9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;~~
- ~~(10)Shipping, receiving and distribution of wine;~~
- ~~(11)Refrigeration systems containing acutely hazardous materials;~~
- ~~(12)Composting of grape byproducts and other agricultural wastes;~~
- ~~(13)Domestic wastewater treatment plants;~~
- ~~(14)Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;~~

- (15) ~~Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and~~
- (16) ~~Truck scales and a truck inspection station.~~

~~(m) Accessory Uses and Structures. Accessory uses and structures in connection with a Site Approval for a boutique winery include, but are not necessarily limited to the following:~~

- ~~(1) Maximum Number of Wine Tasting Rooms. A maximum of one (1) wine tasting room located on-site for each boutique winery pursuant to an ABC Winegrowers License and one (1) wine tasting room for each boutique winery located off-site pursuant to a Duplicate Winegrowers License.~~

~~(A) Maximum Structure Size. The size of the wine tasting room shall be proportionate relative to the size of the wineries' production facilities. The maximum size of a stand-alone wine tasting room structure or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent (30%) of the area designated for production facilities or two thousand (2,000) square feet which ever is greater. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,~~

~~(B) Maximum Size of Retail Sales Area. The retail sales area within the wine tasting room shall not exceed thirty percent (30%) of the wine tasting room structure or the area designated for wine tasting within a multipurpose building:~~

- ~~(2) Marketing Events shall be limited to four (4) events per year and shall end by 10:00 p.m.;~~
- ~~(3) Retail sales of wine and promotional items at a wine tasting room;~~
- ~~(4) Outdoor eating areas ancillary to a wine tasting room;~~
- ~~(5) Food preparation facilities to be used for marketing events or special events;~~
- ~~(6) Display and sales of art and historical items that reflect the history of the wine industry; and~~
- ~~(7) Child day care centers limited to caring for the children of winery employees.~~
- ~~(8) Winery tours shall be limited to individual visitors. Bus tours shall be prohibited.~~

#### **9-1075.7 6 WINE CELLARS, ON-SITE.**

On-site wine cellars shall be regarded as part of the winery operation and shall be subject to the development standards for the winery.

#### **9-1075.87 WINE CELLARS, OFF-SITE.**

Off-site wine cellars shall be regarded as a primary use and shall be subject to the following development standards:

**(a) Storage Capacity.** An off-site wine cellar shall have a minimum storage capacity of three hundred-~~eighty (380) (300)~~ cases of wine or approximately ~~seven nine hundred (900) thirteen (743)~~ gallons of wine and a maximum storage capacity of five thousand (5,000) cases of wine or approximately eleven thousand eight hundred eighty-five (11,885) gallons. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

**(b) Minimum Lot Size.** The Wineries and Wine Cellars, Off-Site Wine Cellar use type shall be located on a parcel with a minimum lot size of five (5) gross acres in agricultural zones. Off-site wine cellars that are located on parcels in non-agricultural zones are exempt from this requirement.

~~(b)-(c)~~ **Setbacks.** The required yard setbacks shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3 following minimum yard setback requirements shall apply for off-site wine cellars developed in agricultural zones:

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of three-hundred (300) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(B) For expansion of existing off-site wine cellars that require a new land use permit, the three-hundred (300) foot setback shall only apply to the expansion of the area that will be used for Marketing Events, Industry Events and/or Accessory Wine Events.

(2) For off-site wine cellars located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, proposed permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of three-hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two-hundred (200) feet from the property line adjacent to the off-site wine cellars parcel, then the setback may be reduced to one-hundred (100) feet.

(3) For off-site wine cellars located adjacent to a parcel without a residence, the following standards shall apply:

(A) The required minimum yard setbacks for off-site wine cellars in agricultural zones shall be determined by the zone in which the off-site wine cellar is located pursuant to Section 9-610.3.

(4) The setback requirements for off-site wine cellars in non-agricultural zones shall be determined by the zone in which the off-site wine cellar is located and are exempt from the requirements outlined above in Section 9-1075.3 (c) (1) (2)&(3).

~~(e)~~ (d) **Height.** The required height limits for stand alone off-site wine cellar structures in the Agricultural and Commercial zones shall be determined pursuant to Sections 9-610.2 and 9-410.3.

~~(d)~~ (e) **Zoning and Use Type.** Off-site wine cellars shall be allowed in the General Agriculture (AG) zone, and the Community Commercial (C-C), General Commercial (C-G), and the Rural Service Commercial (C-RS) zones pursuant to Sections 9-605.2 and 9-405.2, respectively, under the Wineries and Wine Cellars use type.

~~(e)~~ (f) **Signs.** The signage requirements shall be determined pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Off-site wine cellars may also be subject to regulations contained in Section 9-1075.9(i).

~~(f)~~ (g) **Landscaping.** The landscaping requirements shall be determined pursuant to Sections 9-1020.1

through 9-1020.10.

~~(g)~~- (h) **Fencing.** The fencing requirements shall be determined pursuant to Sections 9-1022.1 and through 9-1022.3.

~~(h)~~ (i) **Screening.** The screening requirements shall be determined pursuant to Sections 1022.4 through 9-1022.6.

~~(i)~~ (j) **Parking.** The parking surfacing requirements for off-site wine cellars shall be chip seal or an alternative surfacing material. The minimum number of required permanent parking spaces for off-site wine cellars shall be determined pursuant to Section 9-1015.3. Off-site wine cellars may also be subject to regulations contained in Section 9-1075.9(i).

~~(j)~~-~~(k)~~ **Noise.** Amplified sound is permitted at both indoor and outdoor special events and both indoor and outdoor marketing activities and events. Outdoor amplified sound may be conditionally permitted for off-site wine cellars subject to regulations contained in Section 9-1075.9(g).

~~(k)~~- ~~(l)~~ **Permits.** Off-site wine cellars shall obtain a Business License and a Site Approval from the Community Development Department. Off-site wine cellars shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Division Department and the Fire Department as well as State and Federal regulations. A Use Permit shall be required for any off-site wine cellar proposing Marketing Events pursuant to Section 9-1075.9(a).

~~(l)~~~~(m)~~ **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Site Approval discretionary land use permit for an off-site wine cellar include, but are not necessarily limited to, the following:

- (1) Aging wine;
- (2) Bottling and labeling of wine;
- (3) Storage of wine in barrels or cases of bottles;
- (4) Wine caves;
- (5) Administrative offices; and
- (6) Shipping, receiving and distribution of wine.

~~(m)~~ ~~(n)~~ **Accessory Uses and Structures.** Accessory uses and structures in connection with a Site Approval discretionary land use permit for an off-site wine cellar include, but are not necessarily limited to the following:

~~(1)~~ ~~Maximum Number of Wine Tasting Rooms. One (1) wine tasting room or one (1) wine tasting room area; More than one tasting room is allowed on the off-site wine cellar premises. Only wine produced or bottled by the associated winery may be served at the off site wine cellar tasting room(s).~~

(A) **Maximum Size of New Structures.** Two thousand (2,000) square feet shall be the maximum ~~size of a~~ cumulative square footage permitted for a free standing wine tasting room structure that is separate from the building where the wine is stored. Alternatively, two thousand (2,000) square feet shall be the maximum cumulative square footage size of the areas designated for wine tasting within a multipurpose building,

(B) **Maximum Size of Existing Buildings.** An existing multipurpose wine cellar building that is larger than two thousand (2,000) square feet

may be used provided that a Use Permit is obtained, and that a maximum of two-thousand (2,000) square feet of cumulative building space is used for wine tasting.

~~(C) Maximum Size of the Retail Sales Area. The retail sales area within the free-standing wine tasting room or the area designated for wine tasting within a multipurpose building shall not exceed six hundred (600) square feet;~~

~~(2) Marketing events shall end by 10:00 pm.~~

(2) Retail Sales. A maximum of five-hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the off-site wine cellar's wine is not limited to the 500 square foot floor area and is permitted in addition to the designated retail sales area.

~~(3) Retail sales of wine and promotional items at a wine tasting room;~~

~~(4) (3) Outdoor eating areas ancillary to a wine tasting room;~~

~~(5) Food preparation facilities to be used only for marketing events or special events; and~~

~~(6) (4) Display and sales of art and historical items that reflect the history of the wine industry.~~

#### **9-1075.9.8 EXISTING WINERIES AND WINE CELLARS.**

Existing permitted wineries or wine cellars established prior to the adoption of the ordinance codified in this Chapter will continue to be governed by the conditions of approval from their original Discretionary Permit.

#### **9-1075.9 MARKETING EVENTS, INDUSTRY EVENTS, & ACCESSORY WINERY EVENTS**

Notwithstanding any other provision of this Chapter, all new Wineries and Off-Site Wine Cellars and existing Wineries and Off-Site Wine Cellars who request to add Marketing Events or modify an existing Marketing Event approval, have Accessory Winery Events and/or participate in Industry Wide Events will be subject to the following requirements.

(a) Permits. Permits are required as follows:

(1) For any new Winery or Off-Site Wine Cellar that proposes Marketing Events a Use Permit shall be required.

(2) For any existing Winery or Off-Site Wine Cellar that proposes to add Marketing Events, or for any existing Winery or Off-Site Wine Cellar that proposes increasing the number of events, number of attendees, and/or adding outdoor amplified sound, a Revision of Approved Actions application will be required using the Public Hearing Review Procedure as set forth in Chapter 9-220.

(3) For any existing Winery or Off-Site Wine Cellar with no previously approved Marketing Events that proposes to add Accessory Winery Events or participate in Industry Events, an Improvement Plan application will be required using the Staff Review Procedure as set forth in Chapter 9-210.

- (b) **Product Availability.** A sufficient amount of wine shall be produced by the Winery or Off-Site Wine Cellar and be available prior to commencing Marketing Events, Industry Events or Accessory Winery Events.
- (c) **Marketing Calendar.** A Marketing Calendar shall be filed with the Community Development Department on a bi-annual basis and updated monthly as necessary for any Winery or Off-Site Wine Cellar with approved Marketing Events, Accessory Winery Events and/or who will participate in Industry Events. A copy of the Marketing Calendar shall be kept on the Winery or Off-Site Wine Cellar premises at all times. The Plan shall be made available to the Community Development Department for review upon request. See Section 9-1075.9(m) for applicability of operational standards for existing Wineries and Off-Site Wine Cellars with previously approved Marketing Events.
- (d) **Maximum Number of Marketing Events.** The maximum number of annual Marketing Events shall be based on the Wineries and Off-Site Wine Cellar use classification. Industry Events and Accessory Winery Events shall not be included in the maximum number of permitted Marketing Events.
- (1) **Wine Cellar, Off-Site** shall be limited to a maximum of ten (10) Marketing Events per calendar year;
  - (2) **Winery, Small** shall be limited to a maximum of twelve (12) Marketing Events per calendar year;
  - (3) **Winery, Medium** shall be limited to a maximum of fifteen (15) Marketing Events per calendar year;
  - (4) **Winery, Large** shall be limited to a maximum of twenty (20) Marketing Events per calendar year.
- (e) **Frequency of Marketing Events.** A maximum of one (1) Marketing Event (not including Industry Events or Accessory Winery Events) shall be permitted per week. For the purposes of this Section, a week is defined as Monday through Sunday. E
- (f) **Maximum Attendance.** The number of attendees permitted per Marketing Event for Wineries and Off-Site Wine Cellars are subject to the following size restrictions with an approved land use permit:
- (1) **Wine Cellar, Off-Site and Winery, Small.** Off-Site Wine Cellars and Small Wineries located on parcels between a minimum of 5.0-9.99 gross acres in size shall have a maximum of one-hundred fifty (150) attendees. Parcels with a minimum of 10.0 gross acres in size shall have a maximum of three-hundred (300) attendees.
  - (2) **Winery, Medium and Large.** Medium and Large Wineries located on parcels with a minimum of 10.0 gross acres in size shall have a maximum of three-hundred (300) attendees.
- (g) **Outdoor Amplified Sound.** Outdoor amplified sound may be conditionally permitted with an approved land use permit at Marketing Events, Industry Events and/or Accessory Winery Events subject to the following standards:
- (1) **Outdoor amplified sound** shall be permitted between the hours of 10 a.m. and 7 p.m.

- (2) Outdoor amplified sound shall be permitted a maximum of two (2) times per calendar month; but no more than one (1) time per week. For the purposes of this Section, a week is defined as Monday through Sunday.
  - (3) A Noise Study shall be required prior to permitting outdoor amplified sound to ensure compliance with the Noise Standards specified in Section 9-1025.9.
  - (4) Indoor amplified sound may be permitted in compliance with the Noise Standards specified in Section 9-1025.9.
- (h) **Wine Served.** Only wine produced or bottled by the permitted on-site Winery or Off-Site Wine Cellar shall be permitted at Marketing Events, Accessory Winery Events and/or Industry Events. Outside alcoholic beverages are prohibited. Non-alcoholic beverages may be served at Marketing Events, Accessory Winery Events and/or Industry Events, and/or be sold within the designated retail sales area.
- (i) **Parking Requirements.** The following parking requirements shall apply to Wineries and Off-Site Wine Cellars with Marketing Events, Industry Events, and/or Accessory Winery Events.
  - (1) A minimum of one (1) parking space shall be provided for every two (2) event attendees. Overflow parking areas utilized for event parking may be permitted using alternative surfacing materials pursuant to Section 9-1015.5(e) (2).
  - (2) A minimum of one (1) on-site parking attendant shall be required for any Marketing Event or Accessory Winery Event that exceeds one hundred (100) attendees. This person shall be available for the duration of the event.
  - (3) A minimum of one (1) on-site parking attendant shall be required for any winery or off-site wine cellar participating in an Industry Event. This person shall be available for the duration of the event.
- (j) **Commercial Kitchen.** Commercial kitchens shall be permitted as an accessory use to Winery and Off-Site Wine Cellar use types in conjunction with approved Marketing Events, Industry Events, or Accessory Winery Events. Commercial kitchens shall not be used for restaurant purposes in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425.
- (k) **End of Event.** Marketing Events, Industry Events and Accessory Winery Events shall end by 10 pm.
- (l) **Event Signs.** In addition to signage criteria specified in Development Title Section 9-1705, the following shall apply to any signs used by a winery or an off-site wine cellar during Marketing Events, Industry Events or Accessory Winery Events:
  - (1) All signs shall be placed outside County/public right-of-way; unless approved by the Public Works Department.
  - (2) Signs shall not be placed on existing signs and/or poles, or on utility poles or cabinets located within the County/public right-of-way; unless approved by the Public Works Department.
  - (3) Signs shall not be placed in such a way that interferes or obscures traffic signs.

(m) **Applicability.** Notwithstanding any other provisions of the Development Title, the following operational standards shall apply to existing wineries and off-site wine cellars with previously approved Marketing Events, Accessory Winery Events and/or participation in Industry Wide Events:

- (10) Section 9-1075.9(b) regarding Product Availability;
- (11) Section 9-1075.9(c) regarding submittal of a Marketing Calendar;
- (12) Section 9-1075.9(e) regarding Frequency of Marketing Events;
- (13) Section 9-1075.9(g) regarding Outdoor Amplified Sound
- (14) Section 9-1075.9(h) regarding Wine Served;
- (15) Section 9-1075.9(i)(2)(3)(4) regarding Parking;
- (16) Section 9-1075.9(i) regarding Commercial Kitchens;
- (17) Section 9-1075.9(k) regarding End of Event; and
- (18) Section 9-1075.9(l) regarding Event Signs.

**9-1075.10 ENFORCEMENT**

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

# Recommendations

## Action

It is recommended that the Planning Commission:

1. Approve the Negative Declaration; and
2. Forward Text Amendment No. PA-1400149 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. The Development Title is exclusive in nature, and thus, land uses not specifically permitted are prohibited.

WINERY ORDINANCE COMPARISON CHART  
ATTACHMENT "A"

Winery Use Type	Marketing Events (M.E.) Permitted	Accessory Winery Events Permitted	Industry Wide Events Permitted	Special Events Permitted	Retail Sales Area Permitted	Outdoor Amplified Sound (O.A.S.) Permitted
<b>OFF-SITE WINE CELLAR</b>						
<b>Existing Ordinance</b>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max determined by permit</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 4 per year with approved Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max size 30% of wine tasting room</li> <li>• Only sell winery related items</li> </ul>	<ul style="list-style-type: none"> <li>• Yes with approved permit</li> <li>• End by <b>10 p.m.</b></li> </ul>
<b>Current Off-Site Wine Cellar Statistics</b>	<ul style="list-style-type: none"> <li>• Highest number of permitted M.E. on record -30</li> <li>• Lowest number of permitted M.E. on record-4</li> </ul>					<ul style="list-style-type: none"> <li>• 4 permitted for O.A.S.</li> </ul>
<ul style="list-style-type: none"> <li>○ 6 total</li> <li>○ 4 with M.E.</li> <li>○ 2 without M.E.</li> </ul>						
<b>Proposed Ordinance</b>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of <b>10 M.E.</b> per year</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 4 per year with approved Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max 500 sq. ft of contiguous floor area</li> <li>• May sell any retail items</li> </ul>	<ul style="list-style-type: none"> <li>• Yes with approved permit</li> <li>• Allowed between the hours of <b>10 a.m. -7 p.m.</b></li> </ul>



WINERY ORDINANCE COMPARISON CHART  
ATTACHMENT "A"

Winery Use Type	Marketing Events (M.E.) Permitted	Accessory Winery Events Permitted	Industry Wide Events Permitted	Special Events Permitted	Retail Sales Area Permitted	Outdoor Amplified Sound (O.A.S.) Permitted
<b>SMALL WINERY</b>						
<b>Existing Ordinance</b>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max determined by permit</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 4 per year with approved Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max size 30% of wine tasting room</li> <li>• Only sell winery related items</li> </ul>	<ul style="list-style-type: none"> <li>• Yes with approved permit</li> <li>• End by 10 p.m.</li> </ul>
<b>Current Small Winery Statistics</b>	<ul style="list-style-type: none"> <li>• 30 total                             <ul style="list-style-type: none"> <li>○ 17 with M.E.</li> <li>○ 13 without M.E.</li> </ul> </li> </ul>					<ul style="list-style-type: none"> <li>• 8 permitted for O.A.S.</li> </ul>
<b>Proposed Ordinance</b>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 12 M.E. per year</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 4 per year with approved Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max 500 sq. ft of contiguous floor area</li> <li>• May sell any retail items</li> </ul>	<ul style="list-style-type: none"> <li>• Yes with approved permit</li> <li>• Allowed between the hours of 10 a.m. -7 p.m.</li> </ul>

WINERY ORDINANCE COMPARISON CHART  
ATTACHMENT "A"

Winery Use Type	Marketing Events (M.E.) Permitted	Accessory Winery Events Permitted	Industry Wide Events Permitted	Special Events Permitted	Retail Sales Area Permitted	Outdoor Amplified Sound (O.A.S.) Permitted
<b>MEDIUM WINERY</b>						
<b>Existing Ordinance</b>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max determined by permit</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 4 per year with approved Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max size 30% of wine tasting room</li> <li>• Only sell winery related items</li> </ul>	<ul style="list-style-type: none"> <li>• Yes with approved permit</li> <li>• End by <b>10 p.m.</b></li> </ul>
<b>Current Medium Winery Statistics</b>	<ul style="list-style-type: none"> <li>• Highest number of permitted M.E. on record -<b>37</b></li> <li>• Lowest number of permitted M.E. on record -<b>8</b></li> </ul>					<ul style="list-style-type: none"> <li>• 2 permitted for O.A.S.</li> </ul>
<b>Proposed Ordinance</b>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of <b>15 M.E.</b> per year</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 4 per year with approved Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max 500 sq. ft. of contiguous floor area</li> <li>• May sell any retail items</li> </ul>	<ul style="list-style-type: none"> <li>• Yes with approved permit</li> <li>• Allowed between the hours of <b>10 a.m. - 7 p.m.</b></li> </ul>

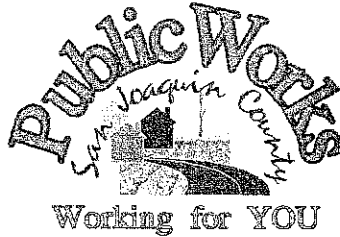
WINERY ORDINANCE COMPARISON CHART  
ATTACHMENT "A"

Winery Use Type	Marketing Events (M.E.) Permitted	Accessory Winery Events Permitted	Industry Wide Events Permitted	Special Events Permitted	Retail Sales Area Permitted	Outdoor Amplified Sound (O.A.S.) Permitted
<b>LARGE WINERY</b>						
<b>Existing Ordinance</b>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max determined by permit</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 4 per year with approved Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max size 30% of wine tasting room</li> <li>• Only sell winery related items</li> </ul>	<ul style="list-style-type: none"> <li>• Yes with approved permit</li> <li>• End by <b>10 p.m.</b></li> </ul>
<b>Current Large Winery Statistics</b>	<ul style="list-style-type: none"> <li>• Highest number of permitted M.E. on record - <b>36</b></li> <li>• Lowest number of permitted M.E. on record - <b>12</b></li> </ul>					<ul style="list-style-type: none"> <li>• <b>4</b> permitted for O.A.S.</li> </ul>
<b>Proposed Ordinance</b>	<ul style="list-style-type: none"> <li>• 21 total               <ul style="list-style-type: none"> <li>○ 6 with M.E.</li> <li>○ 15 without M.E.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No max</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max of 4 per year with approved Improvement Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Max 500 sq. ft of contiguous floor area</li> <li>• May sell any retail items</li> </ul>	<ul style="list-style-type: none"> <li>• Yes with approved permit</li> <li>• Allowed between the hours of <b>10 a.m. - 7 p.m.</b></li> </ul>





THOMAS M. GAU  
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RECEIVED

JUL 29 2014

San Joaquin County  
Community Development

July 28, 2014

MEMORANDUM

TO: John L. Funderburg, Principal Planner  
Community Development Department  
CONTACT PERSON: Mo Hatief

FROM: Alex Chetley, Engineering Services Manager *AC*  
Development Services Division

SUBJECT: PA-1400149; A Development Title Text Amendment application to revise the Winery  
Section of the Development Title (Chapter 9-1075).

PROPERTY OWNER/APPLICANT: San Joaquin County

ADDRESS: Countywide APN: N/A

RECOMMENDATIONS:

None.

Note: The Department of Public Works reviewed and provided comments on the draft ordinance.

AC:SC

F:\COMMENTS\TA (Text Amendment)\YR 2014\PA-1400149\PA-1400149.docx



**DELTA PROTECTION COMMISSION**

2101 Stone Blvd., Suite 210  
West Sacramento, CA 95691  
Phone (916) 375-4800 / FAX (916) 376-3962  
Home Page: [www.delta.ca.gov](http://www.delta.ca.gov)



*Contra Costa County Board of Supervisors*

August 08, 2014

*Sacramento County Board of Supervisors*

Mo Hatef  
San Joaquin County  
Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

*San Joaquin County Board of Supervisors*

*Solano County Board of Supervisors*

Re: Winery Ordinance Update (PA-1400149(TA))

*Yolo County Board of Supervisors*

Dear Ms. Hatef:

*Cities of Contra Costa and Solano Counties*

Thank you for providing the Delta Protection Commission (Commission) the opportunity to review the Development Title Text Amendment application to revise the Winery Section of the Development Title of Chapter 9-1075 (Project). Proposed projects within the Primary Zone of the Legal Delta must be consistent with the Commission's Land Use and Resource Management Plan (LURMP). Staff also provides comments on proposed projects in the Secondary Zone that have the potential to affect the resources of the Primary Zone. Given that the Project applies to land in both the Primary and Secondary Zones of the Delta, we want to emphasize the importance of prioritizing agricultural land use, production and operations within the Primary Zone of the Delta. In addition, both the LURMP and the Commission's Economic Sustainability Plan (ESP) provide policies and recommendations for supporting agritourism and value added production that is compatible with adjacent agricultural land uses.

*Cities of Sacramento and Yolo Counties*

After careful review, we find that the Project is not inconsistent with the LURMP. The following policies pertain to the proposed project:

*Cities of San Joaquin County*

*Central Delta Reclamation Districts*

*North Delta Reclamation Districts*

*South Delta Reclamation Districts*

*CA State Transportation Agency*

*CA Department of Food and Agriculture*

*CA Natural Resources Agency*

Land Use Policy 2 (LURMP): Local government general plans, as defined in Government Code Section 65300 et seq., and zoning codes shall continue to promote and facilitate agriculture and agriculturally-supporting commercial and industrial uses as the primary land uses in the Primary Zone; recreation and natural resources land uses shall be supported in appropriate locations and where conflicts with agricultural land uses or other beneficial uses can be minimized (Pg. 8).

*CA State Lands Commission*

Mo Hatef,  
San Joaquin County, Community Development Department  
Page 2

Land Use Policy 3 (LURMP): New non-agriculturally oriented residential, recreational, commercial, habitat, restoration, or industrial development shall ensure that appropriate buffer areas are provided by those proposing new development to prevent conflicts between any proposed use and existing adjacent agricultural parcels. Buffers shall adequately protect integrity of land for existing and future agricultural uses and shall not include uses that conflict with agricultural operations on adjacent agricultural lands. Appropriate buffer setbacks shall be determined in consultation with local Agricultural Commissioners, and shall be based on applicable general plan policies and criteria included in Right-to-Farm Ordinances adopted by local jurisdictions (Pg. 8).

Agriculture Policy 5 (LURMP): Local governments shall encourage implementation of the necessary plans and ordinances to: maximize agricultural parcel size; reduce subdivision of agricultural lands; protect agriculture and related activities; protect agricultural land from conversion to non-agriculturally-oriented uses. An optimum package of regulatory and incentive programs could include: (1) an urban limit line; (2) minimum parcel size consistent with local agricultural practices and needs; (3) strict subdivision regulations regarding subdivision of agricultural lands to ensure that subdivided lands will continue to contain agriculturally-oriented land uses; (4) require adequate buffers between agricultural and non-agricultural land uses particularly residential development outside but adjacent to the Primary Zone; (5) an agriculture element of the general plan; (6) a Right-to-Farm ordinance; and (7) a conservation easement program (Pg. 13).

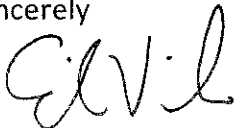
Agriculture Policy 9 (LURMP): Support agricultural tourism and value added agricultural production as a means of maintaining the agricultural economy of the Delta (Pg. 14).

Recommendations for Economic Sustainability of Agriculture (ESP):

- **Support growth in agritourism.** Agritourism is currently a very small contributor to the Delta's agricultural value, but is fast growing. Most agritourism is currently in the Secondary Zone close to urban areas, but could also be further developed in and around Legacy Communities and focal point recreation areas. Local area plans should support agritourism where appropriate.
- **Support local value-added processing of Delta crops.** Yolo County's agricultural and industrial zone that facilitated local expansion of the successful Bogle Winery is an example of a successful strategy. In addition to the growth in wineries, this strategy can be applied to other emerging sectors such as olive pressing that have growth potential in the Delta. (Pg. 274)

Thank you for the opportunity to provide input. Please contact Raymond Costantino, Associate Environmental Planner, at 916-375-4534 for any questions regarding the comments provided.

Sincerely



Erik Vink  
Executive Director

CC: Larry Ruhstaller, San Joaquin County Board of Supervisors and Commission Chair



# DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE [conservation.ca.gov](http://conservation.ca.gov)

August 14, 2014

**Via Email [mhatef@sjgov.org](mailto:mhatef@sjgov.org)**

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

PA-1400149 (TA) - PROPOSED REVISIONS TO THE WINERY SECTION OF THE DEVELOPMENT TITLE (CHAPTER 9-1075), SAN JOAQUIN COUNTY- SCH # 2014072076

Dear Ms. Hatef:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the subject project and offers the following comments and recommendations.

### PROJECT DESCRIPTION

The project is an amendment to the Winery Section of San Joaquin County's (County) Development Title (Chapter 9-1075). The changes include minor edits, clarifications, and changes to address issues not initially considered. These changes include, but are not limited to, additions of definitions for "Accessory Winery Event" and "Industry Event," amendments to the definition of "Marketing Event," and the addition of regulations specific to these events.

### DIVISION COMMENTS

The Williamson Act enables local governments to enter into 10- and 20-year contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or compatible uses. California Government Code (GC) §51230 enables local governments to enter into Williamson Act contracts, which have an initial term of

10 years. Section 51296 enables local governments to enter into Farmland Security Zone (FSZ) contracts, which have an initial term of 20 years. Both types of contracts are entered into between private landowners and the County. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual agricultural and/or open space use, as opposed to potential market value. Because the Williamson Act provides a preferential tax assessment on contracted land in exchange for limiting the land to agricultural uses, any use other than the agricultural or open space use for which the property was placed under contract must be found to be compatible.

Per Government Code §51206,

*The department may research, publish, and disseminate information regarding the policies, purposes, procedures, administration, and implementation of [the Williamson Act]. This section shall be liberally construed to permit the department to advise any interested person or entity regarding [the Williamson Act].*

The proposed amendments to the Winery Section of the County's Development Title have the potential to expand the allowable uses on Williamson Act contracted land, however, it appears the County has not fully considered the requirements of the Williamson Act statute (Government Code §51200 et seq.). Specifically, the County's definitions of the types of events and associated regulations that have the potential to be held on land under contract, and the compatibility of such uses with the Act.

#### COMPATIBLE USES

An agricultural use is the use of the land for the purpose of producing an agricultural commodity for commercial purposes (GC §51201(a)). Government Code §51201(e) defines a compatible use as:

*"any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. 'Compatible use' includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational, or open-space use to which the land is restricted by contract pursuant to this chapter."*

An example of a compatible use under the Williamson Act would be a winery/tasting room on property where the primary agricultural use is a vineyard. A board of supervisors or city council may allow compatible uses consistent with the principles of compatibility as outlined in GC §51238.1. Although statute provides latitude for non-agricultural uses to be considered compatible, this latitude has never been so great as to allow local governments to "make uses that are not inherently related to, or beneficial

*to, the agricultural or open space character of contracted land permissible under the compatible use provisions of the Williamson Act.”<sup>1</sup>*

Government Code §51238.1 states:

*(a) Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:*

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.*
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.*
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open space use.*

*In evaluating compatibility a board or council shall consider the impacts on noncontracted lands in the agricultural preserve or preserves...*

In addition to GC §51238.1 the board or council must also consider all relevant sections of the Williamson Act, including GC §51220.5 which states:

*The Legislature finds and declares that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area. For this reason, cities and counties shall determine the types of uses to be deemed “compatible uses” in a manner which recognizes that a permanent or temporary population increase often hinders or impairs agricultural operations.*

The Division supports activities of an agribusiness venture on land under a Williamson Act contract as long as the facilities and activities support and promote the agricultural commodity being grown on the premises. However, it must be shown that these uses and facilities would be inherently related to the site’s existing agricultural operation (e.g., wine tasting facilities); and the number of attendees does not abuse the Williamson Act’s leniency in allowing counties to determine the permanent or temporary human population of the agricultural area (GC §51220.5). This section was written to protect agricultural lands from uses that can hinder or impair agricultural operations and as such should not be taken lightly. Activities that claim to promote products grown on site should be validated by being shown that their attributes are unique enough to justify the

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<sup>1</sup> SB 985, Chapter 1018, Statutes of 1999, Section 1(i).

tax benefits meant for agricultural production, as opposed to a use that could occur on non-contracted or urban lands. The events, as described in the proposed amendment, will increase the temporary population of the site multiple times throughout the year, which can hinder agricultural operations on- and off-site.

The County has approved past projects making the findings required in GC §51238.1 (Principles of compatibility) by asserting that events that promote wine produced on-site are consistent with statute and therefore compatible. As noted earlier, the latitude provided to counties and cities to determine compatibility has never been so great as to allow jurisdictions to determine uses not inherently related to, or beneficial to, the agricultural or open-space character of the contracted land permissible as a compatible use.

While the Department has typically found tasting rooms to be similar in nature to stands selling produce grown on-site, and therefore compatible; the marketing events, accessory winery events, and industry events, as proposed, are not consistent. These events bring large numbers of people into an agricultural area multiple times per year, thus increasing the temporary population of that area. For example, a single winery on a parcel 10 acres or larger in size could have up to 20 Marketing Events per year with up to 300 people per event. This equates to a temporary increase in population of up to 6,000 people per year per winery. This does not account for the potential increase in population associated with any Accessory Winery Events or Industry Events for which a winery may receive approval. The proposed changes to the Winery Ordinance do not address the total number of Accessory Winery Events or Industry Events or the total number of people allowed at those events. Presumably, those numbers would be evaluated on an individual basis at the time a Marketing Events Use Permit is evaluated.

The expansion of winery facilities in this manner becomes akin to an event center, which is more appropriate for noncontracted land or urban land. Because the Williamson Act which provides tax benefits in exchange for devoting land to agriculture or open space, the types and scale of the proposed events, and their associated facilities, are not consistent with the Act's intent.

The state courts have recognized that the purpose of the Williamson Act is to protect agriculture and open space by extending tax benefits to those who voluntarily subject their land to "enforceable restriction," making the land eligible for taxation based on the agricultural use value rather than market value. Lax compatibility findings would defeat the intent of the Legislature to reduce the taxes on agricultural land in return for long term binding commitments on the land restricting the use to open space and agriculture.

It may also be worth noting that events such as these, that bring large numbers of people into a rural area, often times result in neighborhood complaints. Pursuant to GC §51251, not only does the county or city have the authority to enforce any contract but statute also provides for the enforcement of contracts by landowners. *"An owner of land may bring any action in court to enforce a contract on land whose exterior boundary is within one mile of his land. An owner of land under contract may bring any action in court to enforce a contract on land located within the same county or city."*

## DEPARTMENT RECOMMENDATIONS AND CONCLUSIONS

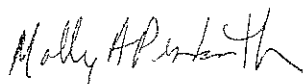
It is recommended that the ordinance include language that would make it clear that accessory winery events, industry events, and marketing events proposed for Williamson Act contracted land must be found to be compatible with the Williamson Act, specifically GC § 51238.1 and GC §51220.5. Because such uses are not typically considered to be compatible with contracted land, it is recommended owners of land currently subject to a Williamson Act contract that want to have events and associated facilities on their property file for nonrenewal for the portion of the property where the events and associated facilities would be located. It is preferred the landowner wait for the contract to expire via nonrenewal prior to the County considering such a use. However, the landowner may choose to submit a petition for cancellation or partial cancellation in order to terminate the contract (or portion of the contract) prior to its expiration via nonrenewal.

Cancellation of a contract is an option under limited circumstances and conditions as set forth in Government Code §51280 et seq. There must be substantial evidence that awaiting the normal termination of the contract would fail to serve the purpose that purports to justify the cancellation. Cancellation, if approved, would eliminate any conflicts with the Williamson Act. The Division has prepared a Cancellation Advice Paper for guidance regarding the cancellation process. It can be found online at:

[http://www.conservation.ca.gov/dlrp/lca/basic\\_contract\\_provisions/Documents/Cancellation%20Advice%20Paper%20Final\\_02\\_14\\_13.pdf](http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Documents/Cancellation%20Advice%20Paper%20Final_02_14_13.pdf)

Thank you for giving us the opportunity to comment on the County's proposed revisions to the Winery Section of the Development Title (Chapter 9-1075). We request copies of any subsequent notices or staff reports as well as the Board of Supervisors findings, including supporting documentation. If you have any questions regarding our comments, please contact Heather Anderson, Environmental Planner at (916)324-0869 or via email at [Heather.Anderson@conservation.ca.gov](mailto:Heather.Anderson@conservation.ca.gov).

Sincerely,



Molly A Penberth, Manager  
Division of Land Resource Protection  
Conservation Support Unit

cc: State Clearinghouse  
San Joaquin County Farm Bureau



We still have not fully defied what is a winery? Other great wine growing regions have defined a winery by stating that a winery must make wine and is not allowed to import wines to sell from out side the appellation. The wines must contain 75% to 100% of winegrapes produced with-in that appellation. This definition has allowed the world's premier wine destinations to preserve both agriculture and the life style for residents and tourist. This is true in Burgundy, Bordeaux, Piedmont, Chianti, Alsace, Paarl and Stellenbosch South Africa, and Napa.

These were not easy paths to follow, full of fights and frustrations, yet forward thinking community planning and vision did succeed in the end.

As pointed out in the attached article by Michael Flitzgerald, Stockton Record columnist, Napa is a global tourist destination "But here's the thing: Wines from the Lodi "Cush district" command only \$658 a ton. Wines (grapes) from the Napa crush district command \$3,564 a ton. The lesson is clear: Stay classy, Lodi"

I have also enclosed a great summary of the 40 year history of the Napa Valley winery and agricultural ordinance. It is not unique only to Napa. In my travels and role with the Robert Mondavi family's global wine operations for 16 years I learned first hand the immense success of appellations which have taken up the responsibility to protect both the image and protect agricultural. As the honorable Jerry Fry from Lodi has stated, "If you want to preserve green space keep me in farming." Green space is why tourists visit.

I have enclosed the following articles to show there is no need to reinvent the wheel of "ordinance", we can learn from other great wine growing regions.

As a foot note there are world famous vineyards in Europe, where people have their picture taken; as people do at the edge of the Grand Canyon or Yosemite. The vineyards and wines of San Joaquin County can achieve that same recognition and status if the types of events are good for agricultural. This will raise the tourism bar for everyone visiting our hotels, restaurants, vineyards and wineries; that as history has shown, will create more profitability.

As Robert Mondavi said so many times, "I believe we can craft wines that belong at the table with the worlds finest" His family started in San Joaquin County.

Enclosed: "Lodi Should Learn From Napa", Michaela Fitzgerald  
"How 40 years of Agricultural Preservation Transformed the Napa", Paul Franson  
"Discussion of the Winery Definition Ordinance" Jon Ruel, Napa Valley Grape grower's president.

Thank you for your time and consideration and the great effort,

David Lucas

The Lucas Winery

**LODI APPELLATION WINES**

# The Lucas Winery

18196 North Davis Road  
Lodi, California 95242  
Phone 209-368-2006

August 7, 2014  
Mr. Mo Hatef  
Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Subject: Draft Winery Ordinance, July 15, 2014

Dear Mo,

A thank you to everyone in the Community Development Department and the Board of Supervisors for participating in the winery ordinance meetings and discussions, we have come a long way. Congratulations!

In reviewing the draft the question still remains, are all of San Joaquin Counties winery events “good for tourism and agriculture?”

There are significant concerns still hanging, like sour grapes, regarding the Draft Winery Ordinance Text Amendment dated July 15, 2014. A major concern is regarding Noise and Outdoor Amplified sound.

Requiring a Noise Study prior to permitting is a step in the right direction. It will address some of the concerns expressed by existing winery neighbors.

It is important to understand that rural neighbors are upset with winery noise, traffic, road safety, and a lack of consideration.

Neighbors and farmers are not inclined to complain knowing that little will be accomplished to control problems that did not exist before a winery was a “new” neighbor; the proposed draft still leaves the complaint process resting on their shoulders.

The comments from the rural community is they are mad.

How can this ordinance be written so that Noise and Outdoor Amplified sound is the responsibility of the winery? Currently the draft is written that Outdoor Amplified Sound “may be” conditionally permitted 9-1075.9 (g)

**Rewritten this should be stated as “may be” conditionally permitted and “may be” reviewed every five years before the permit is renewed.**

A five (5) year review of the above permit places full responsibility where it belongs, on the shoulders of the winery..... not a time consuming burden for department staff or rural residents.

Additionally the proposed ordinance should include that a winery will have an active evening phone number for their neighbors to contact.

**Zimbra****mhatef@sjgov.org**

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**winery ordinance**

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**From :** Jorja Lerner <jorja@harneylane.com>

Wed, Aug 06, 2014 01:38 PM

**Subject :** winery ordinance**To :** Mo Hatef <mhatef@sjgov.org>

Mo,

Thanks for your and the county's work on this winery ordinance. I think for the most part it works to find solutions that will work for all parties. I did have one concern or question regarding amplified music. I see that the ordinance only allows amplified music on 1 day of the week. I am not sure if anyone else has brought it up but so many of the Lodi Wine Country Events as well as local wine club events are held over 2 days of the weekend. Only allowing music on one of these days limits the marketability of the event for any such winery. I am also wondering about the limitation to end amplified music by 7pm. Music isn't currently a large part of our events, in fact we do very few that go after hours but I can see how it limits our options as our customer base increases and how it limits new businesses in any type of events they can host. Has any consideration been given to different music allowances for different sized sites? For example, having amplified music when you have a neighbor a few hundred feet away is very different from having music when your closest neighbor is several thousand feet away.

Thanks for your time!

**Jorja Lerner**

Harney Lane Winery

9010 E. Harney Lane

Lodi, CA 95240

209.365.1900

[www.harneylane.com](http://www.harneylane.com)

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SAN JOAQUIN COUNTY  
ENVIRONMENTAL HEALTH DEPARTMENT

1868 East Hazelton Street, Stockton, CA 95205  
Telephone (209) 468-3420 Fax (209) 464-0138

August 13, 2014

To: San Joaquin County Community Development Department  
Attention: Mo Hatf

From: Michael F. Escotto; (209) 468-3443 <sup>WIN</sup> <sup>RE</sup>  
Senior Registered Environmental Health Specialist

RE: PA-1400149 (TA), SU0010154  
Countywide

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The Environmental Health Department recommends that under section (m) **Permitted Uses and Structures** – “Domestic wastewater treatment plant” language be changed to: “On-site Wastewater Treatment Systems”.

# Lodi should learn from Napa

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By *Michael Fitzgerald*

Record Columnist

July 19, 2013 12:00 AM

If you've ever gone wine tasting in Napa, you've experienced California at its iconic best. Maybe you spent some money. And found wines you enjoyed ever after.

That's what's interesting about the ongoing debate over San Joaquin County's winery ordinance. The Lodi area is evolving naturally toward Napa-type tourism.

It's a marvelous, organic development. If you're good at the vision thing, you may see a very bright future for the local wine industry and for local quality of life.

But there are tensions. Some rural residents don't want a lot of hullabaloo. Some farmers don't want tourism. Some tourists don't want farmism. Picture the bride and groom getting married at a winery while farmer Bill jounces by on his Kubota tractor.

"Brides don't like to be covered with dust," said Ken Vogel, chairman of the San Joaquin County Board of Supervisors.

The upside of a burgeoning wine tourism is that when wineries eliminate the wholesaler and direct-market to consumers, they make more profit.

Winery visits strengthen brands; visitors see the familiar label on a restaurant menu or supermarket shelf and go for it. A stronger brand allows wineries to charge more.

Tourism helps local hotels and restaurants.

The downside: By early 2012, demand drove local wineries to hold more and bigger events; not only weddings, but parties and outdoor concerts. That, in turn, triggered complaints.

The county cried whoa.

"The concern is that some marketing events have not remained accessory

to the intended primary agricultural use of producing wine," a county staff report said.

Translation: At some wineries, events became the tail wagging the winery dog.

Supervisors tried to impose a moratorium on new event permits and expansion of existing permits. There was a big fight. The county Planning Commission rebuffed that approach.

But everybody is seeking regulations that balance all interests. The issue remains unsettled. The planning commissioners had it up for discussion again just last night.

The question is, what does the Lodi region want to be when it grows up?

Maybe a better question is, how did Napa get to be Napa?

Two ways, said Hillary Gitelman, Napa County's planning director.

In 1968, Napa put its land in an ag preserve. That's why Napa County is farmland and not strip malls and Bay Area sprawl.

And in 1990, Napa passed a winery definition ordinance, laying out what wineries can and cannot do.

Napa's "WDO" is actually more restrictive than the status quo in San Joaquin County. Most wineries cannot hold weddings, parties or concerts at all.

Most can offer wine tastings by appointment only.

A few of Napa's 400-plus wineries are exempt, though, because they pre-date the 1990 law. So Mondavi has a concert series grandfathered in. But most do not.

"Where we've come down is some types of events are good, because they serve agriculture ... and other events are not good because they don't serve that objective," Gitelman said. "They are about people coming here and having a party. We want people to do that in our cities and hotel accommodations."

Though no one would say it on the record, invitation-only wine-tasting appeals to a more exclusive (read: monied) crowd than do tastings that admit the hoi polloi.

Patsy McGaughy, a spokeswoman for the Napa Valley Vintners, says there's no magic formula for wineries, even in Napa.

"Even today in Napa Valley where we've had the agriculture preserve in place for more than 45 years, there remains that tension (she corrected herself) ... "Tension might be might be too strong of a word - the desire to create balance."

But here's the thing: Wines from the Lodi "crush district" command only \$658 a ton. Wines from the Napa crush district command \$3,564 a ton.

And Napa is a global tourist destination.

The lesson is clear: Stay classy, Lodi.

Contact columnist Michael Fitzgerald at (209) 546-8270 or [michaelf@recordnet.com](mailto:michaelf@recordnet.com). Visit his blog at [www.recordnet.com/fitzgeraldblog](http://www.recordnet.com/fitzgeraldblog).

HOME



# How 40 years of Agricultural Preservation Transformed Napa Valley

BY PAUL FRANSON

If Prohibition was society's worst social experiment, Napa Valley's Agricultural Preserve is one of its best. For more than a century, our country had set aside land for national parks, scenic byways, historic sites, cultural attractions and recreation areas, but never for agriculture. That changed in 1968 with the establishment of the Napa Valley Agricultural Preserve.

2008 marks the 40th anniversary of the act that protected much of Napa Valley for agriculture. You only need to look around the valley to recognize its success: the valley is lush with grapevines, not tract housing and shopping malls. It has maintained a rural character long lost by adjoining counties around San Francisco Bay.

If Prohibition was society's worst social experiment, Napa Valley's Agricultural Preserve is one of its best.

If the act hadn't succeeded, there's little doubt that Napa Valley would have gone the way of Santa Clara Valley, which was called the Valley of Heart's Delight for its orchards and vines long before it became a symbol for technology and urban development. If Napa Valley hadn't been saved, a major divided highway would run through what are now some of the world's finest vineyards, and Yountville, St Helena and Calistoga would be a sea of housing development and their quaint downtowns would be bypassed and largely unused.

Instead, Napa Valley is America's premier wine destination, and its communities offer the lifestyle that both residents and visitors value so highly. The fact that Napa Valley wasn't lost is primarily due to the vision of vintners and growers of Napa Valley's wine community. That vision has led to great success, and the world-wide acclaim for Napa wines has helped support ever-heightened protection and leadership.

## NAPA'S UNIQUE ENVIRONMENT

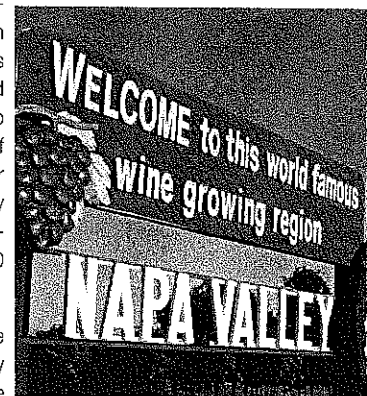
To understand why Napa Valley has maintained its unique character while much of coastal California has been overtaken by development, you have to start with its environment. Part of the answer is in Napa Valley's unique suitability for growing premium wine grapes. It boasts an incomparable combination of climate, geography and geology ideal for producing some of the world's best wines. The valley's natural beauty has captivated visitors to return time and again.

As one of the nine counties that front the San Francisco Bay, Napa County residents don't often consider themselves part of the Bay Area at all. Residents feel more on the fringe, but distance from the hub would not have kept the valley safe from development, as a drive through neighboring counties attests. As the Bay Area prospered in the years after World War II, progress inevitably spread. Though Prohibition had ended in 1933, there were only about 25 wineries in Napa Valley in the mid-1960s, and only a few small wineries had begun operation until Napa County's landowners and farmers could see development creeping toward them. The state of California talked of building a major highway through the valley while regional plan-

ners had considered placing the Bay Area's fourth major airport in the marshes south of Cameros, and the Army Corps of Engineers suggested turning the Napa River into a concrete channel like the once-flowing Los Angeles River. Projections envisioned 200,000 people in the city of Napa by 2000, half a million by 2020. Most people here think it's fine with today's 75,000.

Locals saw that rising land values would soon mean that property would be worth far more for development than for the nuts, fruit, dairy and cattle, grapes and other agricultural products then grown in the county. Grape growers were getting only \$300 a ton for Cabernet Sauvignon but the most widely planted grapes were Napa Gamay, Petite Sirah and other varieties that sold for even less. In 1968, the county had less than 12,000 acres planted to grapevines compared to about 45,000 acres planted today. That price per ton for Cabernet Sauvignon has risen to nearly \$4000 and the value of the grape crop from \$6 million to nearly half a billion dollars. From 25 or so wineries in 1968, today there are over 325 producing wineries, and nearly 400 brands.

L. Pierce Carson came to the valley as a cub reporter only a month or so before the original proposal for the Ag Preserve was formulated, and he wrote the article about it when it was passed in April of 1968. "It sounded reasonable to me," he says. "I couldn't understand why some people were so adamantly against it." He says that emotions ran high, and as written in the local headlines, long-time friendships dissolved.



### "Dirt Farmers Rebel Against Ag. Pres."

*St Helena Star*, February 25, 1968

### "Landowners Launch Heavy Attack On Ag. Preserves"

*St Helena Star*, February 22, 1968

### "Agricultural Preserves: Why They Are Needed"

*St Helena Star*, January 11, 1968

### "Agricultural Preserves Under Heavy Fire Here"

*St Helena Star*, January 4, 1968

Back in the '60s, many landowners felt that their only attractive economic course was to sell their land to developers, or develop it themselves, as had already occurred on prime farm land from San Diego to Redding. Others wanted to maintain the special environment that is Napa Valley—beautiful views, slow pace and enchanted lifestyle. They recognized that Napa Valley had unique properties for

growing fine wine grapes: people could live most anywhere, but rare few places allowed noble grapevines to flourish. Conservationists felt that the highest and best use of the fertile valley and foothills of the county was in growing grapes—not in homes and development. They also knew that it would take a strong legal change to preserve that environment.

Basing their argument on the Williamson Act that allowed lower valuation, and hence lower taxes on land kept in agriculture, they mounted a campaign to create an agricultural preserve. Opponents charged that the measure would destroy the value of their land, restricting it to the low \$2000 to \$4000 per acre of farmland, not the far higher amount that would be paid by developers. Carson notes that the county assessor, George Abate, kept telling people that land would be worth more in agriculture than in subdivisions, but many didn't believe him. Ironically, later as the county's viable vineyard property

As a result of the establishment of the Ag Preserve, agriculture remains the leading source of revenue in Napa County, unlike other Bay Area counties where farmland has largely been displaced by development.

approached its limit, land value skyrocketed. Scarcity combined with the mounting reputation of Napa's wines, and its attractive lifestyle, had created land prices 100 times what they were. It's unlikely that even the original supporters of the preserve could have anticipated such a benefit.

"A lot of people believed that Napa Valley was a good spot for agriculture, but I don't think anyone expected the rise we've seen," says Carson.

Thus in 1968, encouraged by a small group of vintners and growers, Napa enacted changes in its county code that implemented an agricultural preserve. This tough-won, forward-thinking act, the best-known part called the Napa Valley Agricultural Preserve (zoning AP) lies primarily between the towns of Napa and Calistoga. It originally protected 26,000 acres of the valley floor and foothills and has since grown to more than 38,000 acres. No land has ever been taken from the preserve.

Beyond the protection of the valley floor, the county also designated a huge area as Agriculture, Watershed and Open Space (AW zoning), which is also protected, and in some ways, even more so. Together, the two total 482,000 acres and represent 91 percent of the county's 505,859 acres.

According to the county general plan, the "...Agricultural Preserve classification is intended to be applied in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use...the Agricultural Watershed classification is intended for areas of the county where the predominant use is agriculturally oriented, where watershed areas, reservoirs and floodplain tributaries are located..." This latter designation covers most of the mountainous areas as well as developed and undeveloped farm and range land, forests and some very remote areas indeed. Only a fraction of Napa County is seen by most visitors. More than half of the county lies over the mountains to the east of the Vaca range and another large portion is contained in the Mayacamas range to the west.

In these areas, the minimum new lot size is 160 acres, but that's only the start of the obstacles to building the allowed single-family home

or winery, since intense environmental review must be passed to build or even plant vineyards in most cases.

#### AGRICULTURE RULES

Beyond county regulations, Napa landowners, many of whom are vintners and growers, formed the Land Trust of Napa County in 1976. They have placed their property in trust, some of which could have been used for vineyards, forever saving it from development. Now more than 50,000 acres of the county are in the Land Trust and will forever remain in agriculture or open space.

The success of establishing regulations to preserve Napa County for agriculture in 1968 led to further protection. In 1980, county voters adopted Measure A, which restricted growth via building permit limits, in the unincorporated areas of the county to 1 percent per year.



Again restating their approval of agricultural preservation, in 1990 voters approved Measure J which requires a two-thirds vote of the county's citizens to rezone any ag land. Only a handful of these rezoning attempts have passed, and all were very specific, such as allowing the sale of pumpkins and produce in a rural site and allowing a local restaurant to serve meals on its existing patio.

The resistance to rezoning attempts clearly reflected the residents' desire to maintain the integrity of the Ag Preserve. No one wants to let that camel's nose in the tent, fearing that its body would soon follow. Though seemingly innocuous, the challenges to the measures have historically been condemned as the first steps to weakening the protection and have been soundly defeated.

Another contentious point was defining what is a "winery." In other regions, wineries are sometimes considered to be in the entertainment and hospitality businesses as much as winemaking. Some offer extensive gift shops, restaurants, inns and wedding chapels, and derive much of their revenue from parties, wedding receptions, corporate dinners and non-wine retail sales. In Napa County, this issue was resolved with a hard-fought battle that ended in 1990 with the Winery Definition Ordinance that prohibited new wineries from engaging in ancillary activities like weddings, restaurants, inns and gift shops, and required all visitors to make appointments. Many

In an analysis of agricultural resources, approximately 43,000 acres, or about 9 percent of the county is planted to vineyards, with very limited opportunity for expansion.

have severe restrictions on the number of visitors allowed, some not even allowing the public to visit.

It seems as though 1990 was a watershed year for Napa County, for that year, the county also adopted a hillside erosion control ordinance. Also adopted were rules regarding setbacks from streams designed to protect the waters and wildlife. The stream setbacks were largely supported by the wine community even though the rules reduced plantable acreage in many vineyards.

Again in 1998, Napa County voters followed the wine community's lead and endorsed the common good by approving another measure, a project to control the periodic flooding of the Napa River in a forward-thinking plan that chose natural controls such as wide floodplains and acceptance of occasional flooding of certain areas instead of the all or nothing approach of fighting nature that has historically been favored by the Army Corps of Engineers.

In this effort as in the others noted, vintners and growers were strong supporters even though any of these measures could potentially affect their individual property rights.

#### THE AG PRESERVE AS A FOUNDATION FOR CONTINUING LEADERSHIP

Protecting the land is just one part of protecting Napa Valley. The success Napa has enjoyed by protecting its agricultural heritage, restricting development and focusing on its wines has encouraged Napa Valley Vintners to persist in their quest—and provided them with the resources to continue. The Napa Valley was the first recognized American Viticultural Area or appellation in California, and it remains by far the best known here and abroad.

"Napa" means quality, so much so that consumers understand the value and rely on the reputation for quality when a label reads "Napa," and outsiders have repeatedly tried to hijack the name. In 2000, a state law prohibited the selling of wines labeled "Napa" or its geographic subdivisions unless the wine contained at least 75 percent Napa grapes. This was contested by Bronco Wine Company, which had bought the Napa Ridge and other Napa place name brands and produced and marketed wines made from grapes from outside Napa, leading consumers to believe the products to be from the Napa Valley Appellation. The Napa Valley Vintners fought this practice all the way to the US Supreme Court and after a six-year court battle, Bronco lost. California state law SB25241 is now fully enacted requiring brands with a Napa place name on the label to contain at least 75 percent fruit from Napa County. Following Napa's lead, last year, Sonoma County requested and received similar legislation from the state.

Even the European Union has recognized Napa's renowned role, and granted Napa Valley status as a Geographic Indication in 2007. It was the first wine region outside a member state of the EU to receive this designation. Indeed, it's the first American product of any kind recognized with this status in Europe, and hence guaranteed protection from counterfeiting.

In the same way, Napa has also been a leader in protecting all wine appellations. It was a founding member in the Joint Declaration to Protect Wine Place and Origin signed by leading European and New World wine regions.

The quality of the wine, and the leadership of Napa's vintners, led them to create the first consumer charity wine auction in the United

States in 1981. Auction Napa Valley has given nearly \$78 million to local healthcare, affordable housing and youth services, and it's also been the inspiration for every other charity wine auction in the U.S. Napa Valley vintners have also donated wines and experiences that have helped make these other charities successful.

Napa Valley Vintners has also been at the forefront of wine education, including programs to teach consumers, educators, the media and the trade about the region's wine through programs like Master Napa Valley for advanced level MS and MW candidates, Napa Valley Wine Educators Academy for professional educators, Napa Valley Rocks for on- and off-premise trade and the Symposium for Professional Wine Writers for journalists. The NVV also supports the Rudd Center for Professional Wine Studies at the Culinary Institute of America in Napa Valley through part of the proceeds from Premiere Napa Valley.

Sustainable agriculture applies to a sustainable work force as well, and Napa County vintners and growers have been leaders in working conditions, pay, housing and opportunities for their workers. About 6,000 farm workers and 7,000 winery workers are employed by Napa's wine industry. Wages are higher than average in the Napa Valley, but housing costs are also higher, and Napa's leaders initiated a local, self-assessed tax whereby vineyard owners tax themselves nearly \$10 an acre to subsidize the valley's three farm worker housing centers for seasonal workers. This tax along with a very affordable daily rate for residents provides the funding for this work force's housing.

The NVV is setting the standard with green programs such as Napa Green Certified Land. This program, begun in 2003, looks at all aspects of a grower's property from vineyards to roads, buildings and non-farmed land to curtail erosion, reduce or eliminate pesticide use and adopt practices that will ultimately enhance the Napa River watershed and preserve or restore wildlife habitat through sustainable agriculture practices. Currently, 22,000 acres are enrolled in the program. Nearly 90 percent of the Napa River watershed is in private ownership and this public/private partnership is vital to the long term viability of the Napa Valley winegrowing community.

As a complement to Napa Green Certified Land, the NVV developed a companion program for winery production facilities. Napa Green Certified Winery extends Napa Green through the winemaking process into the winery. The program covers such issues as water and materials recycling and energy conservation to reduce the carbon footprint of wine production facilities. One example is the many Napa Valley wineries powered by the sun. A winery's solar power system can generate as much power as that



used by 20 to 30 homes, and will keep more than 7 million pounds of greenhouse gasses out of the atmosphere.

Napa Green Certified Land and Winery go beyond compliance, meeting or exceeding environmental regulations to help the businesses become more sustainable through economically viable, environmentally sensitive and socially equitable practices.

As Napa looks ahead, one major concern is potential changes in climate that could affect grape growing. Some climate models suggest Napa Valley might be heavily affected as global temperatures rise, therefore, the NVV created a Climate Study Task Force and hired two of the state's leading climate researchers from Scripps Institute and Stanford University to investigate the situation, project climate models specific to Napa Valley and help prepare tools for the future.

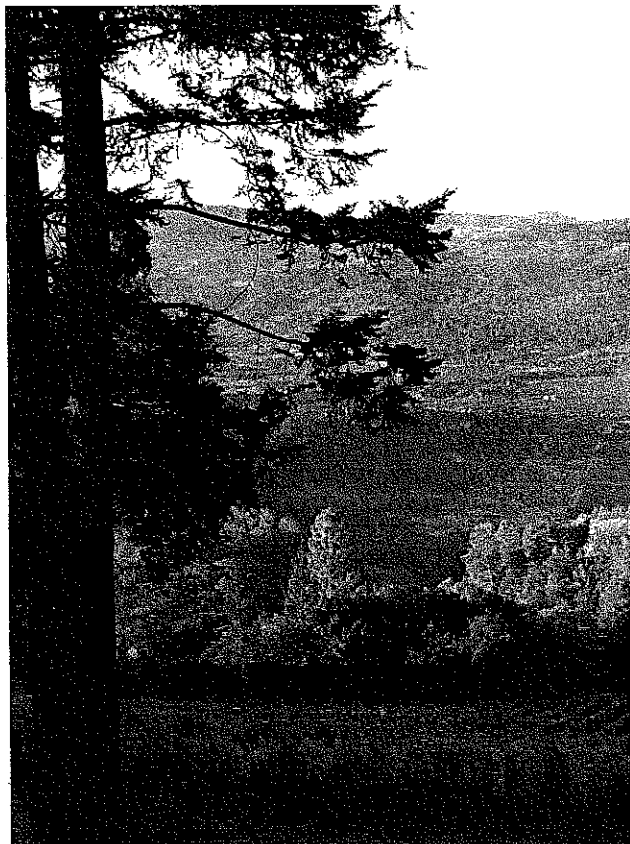
#### WHAT THE FUTURE HOLDS

Napa Valley continues to maintain its commitment to agriculture with leadership from the NVV. The county sets a very high priority on maintaining the agricultural preserve and its recent draft of a new general plan states clearly: "Napa County in 2030 will remain a world-famous grape growing and winemaking region, with a viable and sustainable agricultural industry. Under this General Plan, the amount of land designated for agriculture will increase, assuming no further annexations of county land by incorporated cities and towns. New non-agricultural development will continue to be focused in the incorporated cities and already developed areas." The report continues, "Policies supporting agriculture include the long-standing 'right to farm' which ensures that new residents and new users of

land understand they inhabit an agricultural area where the viability of agriculture comes first. These policies also define all the components of agriculture encompassed by the right to farm, and perpetuate the county's longstanding commitment to protections for agricultural land. "The Plan also establishes agriculture and rural residences as the principal users of ground water aquifers and calls for data collection and long-term monitoring to ensure adequate supplies remain in the future and states that vineyard development is expected to continue, and will become increasingly environmentally sensitive as business practices and conservation priorities converge. The Napa River will increasingly run clean and healthy, supporting native fish, plants, and animals and serving as an important part of the life of the county's people. The plan emphasizes, "Napa County in 2030 will retain its rural character and outstanding quality of life."

The Napa Valley Agricultural Preserve, established forty years ago did more than protect the land and make Napa Valley a desirable place to live and grow grapes. Long-time observer Carson believes the preserve has played a key role in helping create Napa's reputation as the top spot in the United States to make wine. "After it passed, growers could concentrate on what they do best, growing grapes, not fending off the tax collector or worrying whether their neighbors were going to sell out or develop their land."

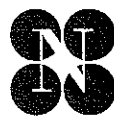
The experiment was a complete success. Carson concludes, "It was the foundation for great winemaking in Napa Valley," and the foundation for other leadership efforts that followed.



Photos © Jason Tinacci

#### Napa Valley Vintners

Now in our seventh decade, the Napa Valley Vintners (NVV) non-profit trade association is the sole organization responsible for promoting and protecting the Napa Valley Appellation as a winegrowing region second to none in the world. Respect for our history reinforces our commitment to the preservation and enhancement of the Valley's land, wine, and community for future generations. We address the shared interests of our more than 300 member wineries and aspire to be the essential organization for all Napa Valley vintners. To learn more about our organization and our programs, visit [www.napavintners.com](http://www.napavintners.com).



napa valley vintners

David Lucas

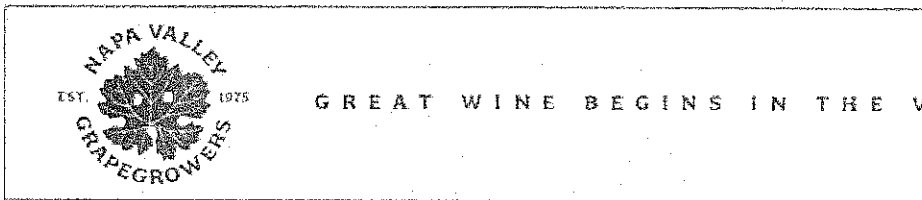
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**From:** Heather [pyle.lucas@gmail.com]  
**Sent:** Thursday, January 24, 2013 6:26 PM  
**To:** David Lucas  
**Subject:** Fwd: Discussion of the Winery Definition Ordinance

Heather Pyle  
707-486-3106

Begin forwarded message:

**From:** "Napa Valley Grapegrowers" <info@napagrowers.org>  
**Date:** January 24, 2013, 12:05:31 PM PST  
**To:** "Napa Valley Grapegrowers" <info@napagrowers.org>  
**Subject:** Discussion of the Winery Definition Ordinance



**DISCUSSION OF THE  
WINERY DEFINITION ORDINANCE**

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TO: All NVG Members

FROM: Jon Ruel, NVG President

Since our founding in 1975, the Napa Valley Grapegrowers has worked to preserve Valley's world-class vineyards. We have a legacy of consistent support for the zoning laws, including the Winery Definition Ordinance (WDO), in protecting Napa the foundation of our local economy. In fact, the 75% rule contained therein was put forth by the Napa Valley Grapegrowers in 1987 and we played an active r ordinance that continues to serve the industry well today.

Last summer, Napa County staff asked for our input on some specific questic interpretation and enforcement of the WDO. With an approach that has worke convened a group of representatives from four local industry groups to meet and c We reached agreement on many aspects but, with one area of disagreement remain submit a joint response. Since that time, the boards of the NVG and the Napa Co agreed to submit a response together and the text of that letter to the County appea

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January 17, 2013

Hillary Gitelman, Napa County Planning Director  
1195 Third Street  
Napa, Ca 94559

Dear Director Gitelman,

The Napa Valley Grapegrowers, representing 620 members, and the Napa County Farm Bureau, representing 867 members, appreciate this opportunity to comment on the County's enforcement of the "75% rule" as contained in the Winery Definition Ordinance (WDO).

We believe that the 75% rule is an integral component of the WDO, which itself serves to protect agriculture in Napa County, the foundation of our local economy. Protecting agriculture is a clearly stated goal in the County's General Plan. The 75% rule protects Napa County agriculture by creating a direct link between winery development on agricultural land and demand for Napa County grapes. Generally speaking, the rule does not place grape sourcing restrictions on previously existing "grandfathered" facilities but was designed to apply, going forward (as of January 23<sup>rd</sup>, 1990) to all new wineries located in the Agricultural Preserve and the Agricultural Watershed (lands zoned AP and AW). Any expansion of "grandfathered" facilities that includes further development on land zoned AP or AW is also subject to the grape sourcing restrictions. Given that the rule applies specifically and exclusively to development on lands zoned agricultural, it does not apply to winery development on lands in the county with other zoning, such as those zoned Industrial or those within the incorporated cities.

It is important that compliance with the WDO, including the 75% rule, is enforced by the County. One opportunity for control is at the time of application for a new winery use permit or an expansion of an existing permit. Staff reports on some recent applications, part of the discretionary review process, show that the County has increased its consideration of the grape source and potential for compliance with the 75% rule. We support this increased attention and ask specifically that each applicant is required to provide a plan for grape sourcing and compliance.

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David Lucas

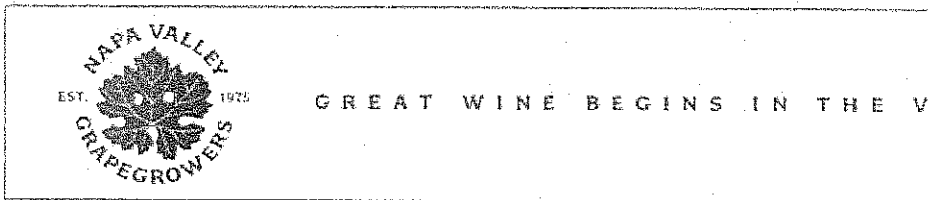
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**Zimbra****jjolley@sjgov.org**

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**Winery Ordinance**

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

Wed, Aug 27, 2014 01:41 PM

**Subject :** Winery Ordinance

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

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

Mo,

thank you for your prompt reply. Below are my recommendations for the proposed ordinance.

Ken Warburton

Recommended revisions to the DRAFT SJCO Ordinance Text Amendment  
PA-1400149

(1.) In all the references to the parcel sizes the terminology "gross acres" is used.

I recommend that you consider changing this wording to read contiguous acres or contiguous gross acres. It seems the terms "gross" and "Contiguous" mean very different things.

(2.) On page 12 I recommend you place limitations or directions on how the byproducts are to be disposed of.

(3.) Do keep the set back distances of 300 Feet from the street and neighbors property line as they are presented in PA-1400149 JULY 15, 2014.

(4.) Do keep the requirement for a minimum lot size of 5 contiguous acres.

