COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

DATE: June 25, 2010

TO: Planning Commission

SUBJECT: AMENDMENTS TO THE SAN DIEGO COUNTY GENERAL PLAN LAND USE ELEMENT TO EXEMPT THE TIERED WINERY ZONING ORDINANCE AMENDMENT FROM THE (18) MULTIPLE RURAL USE AND (24) IMPACT SENSITIVE LAND USE DESIGNATIONS; GPA10-003; POD 08-012 (District: All)

SUMMARY:

Overview
This action consists of an amendment to the County of San Diego General Plan, Regional Land Use Element to exempt the Tiered Winery Zoning Ordinance Amendment from provisions of the (18) Multiple Rural Use and (24) Impact Sensitive Land Use Designations relating to developments which may pose environmental impacts within these designations.

Recommendation(s)
DEPARTMENT OF PLANNING AND LAND USE

That the Planning Commission take the following actions:

1. Review and Consider the Draft Environmental Impact Report ("DEIR") dated June 25, 2010 on file with the Department of Planning and Land Use as Environmental Review Number 08-00-004.

2. Recommend the Board of Supervisors adopt the Resolution approving General Plan Amendment (GPA) 10-003 (Attachment A)

Fiscal Impact
N/A

Business Impact Statement
N/A

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CA 92123-1666 • (858) 694-2960 • MS 0650 • FAX (858) 694-3373

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Advisory Board Statement
N/A

Involved Parties
County of San Diego

BACKGROUND:
On June 18, 2008 (5) the Board of Supervisors directed staff to develop tiered regulations that more comprehensively address various sized wineries, including winery uses by right, and directed the preparation of an Environmental Impact Report (EIR). On April 30, 2010 staff presented a Tiered Winery Zoning Ordinance Amendment and Draft EIR (POD08-12) to the Planning Commission and received a recommendation to the Board of Supervisors for approval. The Planning Commission's action included additional recommendations including direction to staff to address a General Plan inconsistency that was identified immediately prior to the hearing. Today's action is in response to the Planning Commission's direction.

The proposed action is an amendment to the General Plan to exempt the Tiered Winery Zoning Ordinance Amendment from provisions of the (18) Multiple Rural Use and (24) Impact Sensitive Land Use Designations. Currently, the General Plan does not allow any development other than a single-family home on an existing lot in the (18) Multiple Rural Use and (24) Impact Sensitive Land Use Designations when significant environmental impacts have been identified. The Tiered Winery Zoning Ordinance Amendment is inconsistent with this provision because the draft EIR prepared for the ordinance identifies significant and unavoidable environmental impacts in seven issue areas. The proposed General Plan Amendment would exempt the Tiered Winery Zoning Ordinance Amendment from this provision of the General Plan.

While the draft EIR prepared for the Tiered Winery Zoning Ordinance Amendment has identified significant and unavoidable impacts, it is important to note the draft EIR's conclusions are largely based on the fact that the proposed ordinance would allow by right winery use types anywhere throughout an area approximately 440,000 acres in size with varying environmental conditions. Therefore, because of the unknown location of future by right wineries, the draft EIR could not conclusively rule out significant environmental impacts in some issue areas. Although an additional winery classification (Boutique) is proposed by right under the Tiered Winery Zoning Ordinance Amendment, and therefore without a mechanism to implement mitigation, avoidance measures were incorporated into the ordinance to minimize impacts including provisions to (i) limit hours of operations, (ii) limit size/scale of operation, (iii) prohibit special events, (iv) prohibit on-site food preparation, and (v) restrict access to large capacity vehicles.

RATIONALE:
The draft EIR prepared for the Tiered Winery Zoning Ordinance Amendment identifies significant and unavoidable environmental impacts in seven issue areas. However, the overriding benefits from both the ordinance and this General Plan amendment include the

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following: (i) agricultural benefits such as the promotion and retention of agricultural lands and the encouragement of a low water crop, (ii) regulatory benefits as the result of streamlining the approval process, and (iii) economic benefits that may result to visitor serving businesses as a result of the promotion of the County as a wine growing region.

PROJECT ISSUES:
N/A

ENVIRONMENTAL STATUS:
A draft EIR has been prepared for this project and is on file at the Department of Planning and Land Use as Environmental Review Number 08-00-004. The draft EIR was circulated for public review in August of 2009. The draft EIR's information and analysis identify that certain significant effects of implementing the proposed project are unavoidable and unmitigable. These unavoidable significant effects relate to air quality, biological resources, cultural resources, hydrology and water quality, noise, traffic and water supply. The draft EIR's conclusions are largely based on the fact that the proposed ordinance would allow by right winery use types throughout an area approximately 440,000 acres in size with varying environmental conditions. Therefore, because of the unknown location of future by right wineries, the draft EIR could not conclusively rule out significant environmental impacts in some issue areas.

After the DEIR was circulated for public review, and partially in response to certain comments received from the public, the Department revised portions of Section 2.7, Water Supply & Ground Water. The revised information changed the Cumulative Impact Analysis for Water Supply & Ground Water Supply (Sec. 2.7.3) from less than significant to significant based on additional analysis of the project's impact on ground water basins. The Department circulated the DEIR Revisions for public review on April 22, 2010. The 45 day public review period ended on June 7, 2010.

PREVIOUS ACTIONS:

On April 30, 2010, The Planning Commission voted to recommend that the Board of Supervisors adopt a Tiered Winery Zoning Ordinance Amendment which would introduce a new winery classification and revise the regulations for two existing winery classifications.

On June 18, 2008 (5), the Board of Supervisors adopted a Zoning Ordinance Amendment (Ordinance No. 9940) introducing a new winery classification, Boutique Wineries as a Packing and Processing Use Type, subject to approval of an Administrative Permit prior to issuance. In addition, the Board directed the Chief Administrative Officer to develop a tiered set of regulations for various sized wineries and to prepare an Environmental Impact Report to analyze the potential impacts the ordinances changes would have on the environment.

PUBLIC INPUT:
N/A

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DEPARTMENT REASONS FOR RECOMMENDATION:

1. The project, as proposed, is consistent with Board of Supervisor Policy I-133, Support and Encouragement of Farming in San Diego County through the encouragement of production of local grapes and the creation of a market to support sales.

2. The project, as proposed, will streamline and clarify Winery regulations and foster economic growth by contributing to the maintenance and/or expansion of the County's grape growing/wine production industry.

3. The project as proposed will promote the County's wine industry and facilitate the maintenance and/or expansion of visitor serving businesses such as restaurant, cafes and lodging facilities.

4. The project as proposed, will promote the production of grapes, a low water use crop thereby reducing demand for water from more water intensive crops and supporting the viability of agricultural lands.

5. The project complies with the California Environmental Quality Act and State and County CEQA Guidelines because a Draft EIR has been reviewed and considered by the Planning Commission before making a recommendation on the project.

cc: All Community Planning and Sponsor Groups
Eric Larson, San Diego County Farm Bureau, 1670 East Valley Parkway, Escondido, CA 92027
Robin Van Dyke, California Department of Alcoholic Beverage Control, 334 Via Vera Cruz, Suite 204, San Marcos, CA 92078
Andy and Carolyn Harris, Chuparosa Vineyards, 910 Gem Lane, Ramona, CA 92065
Victor and Beth Edwards, Edwards Cellars, 26502 Highway 78, Ramona, CA 92065
Don Kohorst, Pyramid Vineyards, 130 Magnolia Avenue, Ramona, CA 92065
Mike Kopp, Hillstone Vineyard & Kohill Winery, 17211 Highlander Drive, Ramona, CA 92065
Bill Schweitzer, Paccielo Vineyard, 16988 Sky Valley Drive, Ramona, CA 92065
Steven E. Pelzer, 18015 Bluegrass Road, Ramona, CA 92065
Carolyn Dorroh, 17235 Voorhes Lane, Ramona, CA 92065
Dennis Grimes, 18259 Chablis Road, Ramona, CA 92065
Mike Menghini, 534 East 6th Avenue, Escondido, CA 92025
Samuel Dawson, 1155 Barrett Lake Road, Dulzura, CA 91917
William Holzhauer and Tammy Rimes, 18011 Bluegrass Road, Ramona, CA 92065
Bob Carson, P.O. Box 16, Potrero, CA 91963

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Bryan Morgan, 2048 Via Rancho Dos Ninas, Ramona, CA 92065
Cheney L. Hunt III, 18093 Bluegrass Road, Ramona, CA 92065
Carol A. Angus, 19210 Highland Hills Drive, Ramona, CA 92065
Linda and Bruce Eastwood, P.O. Box 118, Ramona, CA 92065
Will & Heidi McLaughlin, 17959 Bluegrass Road, Ramona, CA 92065
Jim and Karen Beggs, 18282 Chablis Road, Ramona, CA 92065
Mick & Mary Dragoo, 26312 Mesa Rock Road, Escondido, CA 92026
John Schwaesdall, 176 Rancho de Oro Drive, Ramona, CA 92065
John & Rosemary Roberts, 17172 Salt Mine Road, Ramona, CA 92065
Kevin Pender, P.O. Box 1223, Ramona, CA 92065
Renholt Peterson, 17910 Bluegrass Road, Ramona, CA 92065
Wayne Edwards, Sr., 995 Waynes Way, Ramona, CA 92065
Ron Scanlan, 16878 Quail Crossing, Ramona, CA 92065
Jay Berman, 1611A South Melrose Drive, Suite 105, Vista, CA 92081
Barbara & Robert Wiener, 18747 Rangeland Road, Ramona, CA 92065
S. Elaine Lyttleton & Norm Case, Chinook Cellars Vineyards, 1625 Highway 78, Ramona, CA 92065
Teri Merry, 1306 Main Street, Ramona, CA 92065
Scott Field, 18055 Bluegrass Road, Ramona, CA 92065
Tom and Joann Ramsthaler, 17055 Garjan Lane, Ramona, CA 92065
Anthony Wolter, 18209 Chablis Road, Ramona, CA 92065
Teri Kerns, 23578 Highway 78, Ramona, CA 92065
Criselda Carrillo, 17095 Via Del Campo, San Diego, CA 92127
Alex McGeary, 34680 Highway 79, Warner Springs, CA 92086
Marty Muschinske, P.O. Box 718, Jamul, CA 91935
Michael S. Dillon, 24665 Rio Verde Drive, Ramona, CA 92065
G. Scott Williams, Seltzer Caplan McMahon Vitek, 2100 Symphony Towers, 750 B Street, San Diego, CA 92101
Lee Pedlow, 17193 Garjan Lane, Ramona, CA 92065
Clifford Cope, P.O. Box 1605, Ramona, CA 92065
Julie Grimes, 18261 Chablis Road, Ramona, CA 92065
Kenneth A. Wood, P.O. Box 2609, Rancho Santa Fe, CA 92067
David and MaryLove Rueda, 16985 Sky Valley Drive, Ramona, CA 92065
Richard Borman, 18263 Chablis Road, Ramona, CA 92065
Teresa Hobbs, 1188 Avenida Naranja, Ramona, CA 92065
Don Kovacic, 16833 Quail Crossing, Ramona, CA 92065
Ralph Mittman, Ramona Chamber of Commerce, 960 Main Street, Ramona, CA 92065
Elizabeth Macomber, P.O. Box 1937, Ramona, CA 92065
Linda M. Johnson, San Diego Regional Airport Authority, P.O Box 82776, San Diego, CA 92138-2776
Theodore Young, 16440 Eagles Crest Road, Ramona, CA 92065
Kevin and Cynthia Dorst, 17027 Garjan Lane, Ramona, CA 92065

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Ronald Garibotto, 17227 Greenbelt Road, Ramona, CA 92065
Sherry Wilson, 17156 Woodson View Lane, Ramona, CA 92065
Richard McClellan, 18545 Rangeland Road, Ramona, CA 92065
Brian Kahl, 2701 Serene Way, Jamul, CA 91935
Teri Kerns, 23578 Highway 78, Ramona, CA 92065
Dave Grey, 24021 Del Amo Place, Ramona, CA 92065
Michael Kahl, 15815 Indian Valley Road, Jamul, CA 91935
L. James Bovet, 17473 Rising Dale Way, Ramona, CA 92065
Bob Smith, P.O. Box 1180, Pine Valley, CA 91962
Andrew Pelosi, c/o Sickels Group, 10211 Pacific Mesa Blvd., Suite 412, San Diego, CA 92121
Dr. L.A. "Bud" Wiederrich, 13440 St. Andrews Place, Poway, CA 92064
Rosaria Salerno, 17948 Highway 67, Ramona, CA 92065
Vivian Osborn, 17279 Voorhes lane, Ramona, CA 92065
Ramona Municipal Water District, 105 Earlham Street, Ramona, CA 92065-1599
Native American Heritage Commission, 916 Capitol Mall, Room 364, Sacramento, CA 95814
California Farm Bureau Federation, 2300 River Plaza Drive, Sacramento, CA 95833-3293
San Diego County Archaeological Society, Inc., PO Box 81106 san Diego, CA 92138-1106
Chris Polychron, Coast Law Group, 1140 South Coast Highway 101 Encinitas, CA 92024
Rosaria Salerno, 17948 Highway 67, Ramona, CA 92065
Lee Burdick, Higgs Fletcher and Mack, 401 West A Street, Suite 2600, San Diego, CA 92101
Eric Metz, Lenora Winery, 251 Steffy Lane Ramona, CA 92065
Richard Hass, Assistant Director, Department of Planning and Land Use, M.S. O650
Joe Farace, Planning Manager, Department of Planning and Land Use, M.S. O650
Lisa Robles, Case Closure, Department of Planning and Land Use, M.S. O650

Email Notification List

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ATTACHMENTS:
Attachment A – General Plan Amendment Resolution
Attachment B – Exhibit A - General Plan Amendment Resolution
Attachment C – Exhibit A, Strikeout/Underline - General Plan Amendment Resolution
Attachment D – Environnemental Documents
Attachment E – Planning Commission Minutes - 4/30/2010

CONTACT PERSON:

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Name
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AUTHORIZED REPRESENTATIVE: ERIC GIBSON, DIRECTOR

Attachment A

General Plan Amendment Resolution

A RESOLUTION OF THE SAN DIEGO COUNTY)
BOARD OF SUPERVISORS ADOPTING)
GENERAL PLAN AMENDMENT (GPA) 10-003)

ON MOTION of Supervisor_____, seconded by Supervisor _____, the following Resolution is adopted.

WHEREAS, pursuant to Government Code Sections 65350 et seq., and Board of Supervisors' Policy I-63, General Plan Amendment and Zoning Implementation Guidelines, the General Plan Amendment identified as GPA 10-003 has been prepared, being the second amendment to the County Regional Land Use Element, in the Calendar Year 2010; and

WHEREAS, GPA 10-003 has been filed by the County of San Diego consisting of an amendment to the Regional Land Use Element; and

WHEREAS, pursuant to Government Code Section 65860 et seq., associated Zoning Ordinance revisions have been prepared together with GPA 10-003; and

WHEREAS, on June 25, 2010, the Planning Commission, pursuant to Government Code Sections 65351 and 65353 held a duly advertised public hearing on GPA 10-003; and

WHEREAS, the Planning Commission recommends that the Board of Supervisors make the findings and determinations set forth below and approve the GPA; and

WHEREAS, on _____, 2010, the Board of Supervisors, pursuant to Government Code Section 65355 held a duly advertised public hearing on GPA 10-003; and

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors takes the following actions:

Approve GPA 10-003, which consists of an amendment to the Regional Land Use Element as shown on Exhibit A.

BE IT FURTHER RESOLVED that the amended documents shall be endorsed by the Chair and Clerk of this Board and by the Chair and Secretary of the Planning Commission.

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in force from and after 30 days after its adoption.

Attachment B

Exhibit A - General Plan Amendment Resolution

Exhibit "A"

REGIONAL LAND USE ELEMENT AMENDMENT

Policy 2 (Pages II-21to II-22):

(18) Multiple Rural Use

This Designation is applied in areas with one or more of the following characteristics: not highly suited for intensive agriculture; rugged terrain; watershed; desert lands; lands susceptible to fires and erosion; lands which rely on groundwater for water supply; and other environmentally constrained areas. The Multiple Rural Use Designation is typically, but not necessarily exclusively, applied in remote areas to broad expanses of rural land with overall low population density and with an absence of most public services.

Minimum allowable parcel sizes are based on slope criteria and criteria established in the County Groundwater Policy. The more restrictive criteria determines the minimum parcel size.

Slope Criteria:

-- Where the average slope of a proposed parcel does not exceed 25%: four acre minimum parcel size.

-- Where the average slope of a proposed parcel is greater than 25% and does not exceed 50%: eight acre minimum parcel size.

-- Where the average slope of a proposed parcel is greater than 50%: 20 acre minimum parcel size.

Other than a single-family home on an existing lot, it is not intended that any development occur unless the proposed development has been carefully examined to assure that there will be no significant adverse environmental impacts, erosion and fire problems will be minimal, and no urban levels of service will be required. Notwithstanding any provision of this paragraph to the contrary, a public improvement project may be approved when there are significant adverse environmental impacts if the County decision-maker adopts findings which demonstrate that the significant adverse environmental impacts have been mitigated to the greatest extent feasible and that the project is necessary to protect the public health and safety. This paragraph does not apply to Ordinance No._____, an amendment to the Zoning Ordinance related to the Small Winery, Wholesale Limited Winery and Boutique Winery use classifications, or to any uses allowed pursuant to this ordinance.

Minimum allowable parcel sizes are as specified above, provided that requirements for adequate immediate and long-term water supply and subsurface sewage disposal can be met, provided that when environmental analysis indicates that significant unmitigable impacts could occur as a result of the parcel size proposed then larger parcel sizes will be required.

Clustering when located within the CRDA or RDA Categories of the RLUE (Policies 1.55, 1.3 and 1.4) is permitted within this Designation. The minimum parcel size and maximum number of dwelling units in such cluster development shall be governed by the applicable regional policy. In computing the theoretical maximum number of dwelling units, the following density factors shall apply:

-- Where the average slope of the project area does not exceed 25%: 0.25 dwelling unit per gross acre.

-- Where the average slope of the project area is greater than 25% and does not exceed 50%: 0.125 dwelling unit per gross acre.

-- Where the average slope of the project area is greater than 50%: 0.05 dwelling unit per gross acre.

In both cluster and non-cluster projects, the actual parcel size may be increased and the number of dwelling units decreased for reasons of environmental protection or for neighborhood compatibility or for other reasons necessary to protect the public health, safety or welfare.

This Designation is consistent with the CRDA, EDA, RDA, CT, ECA, and SSA Categories of the RLUE.

Policy 2 (Pages II-30 to II-32):

(24) Impact Sensitive

This designation is applied to areas considered unsuitable for urban development for reasons of public safety or environmental sensitivity. Large-lot residential parcels, agricultural pursuits, limited recreational uses, mineral extraction, or greenbelts connecting permanent open space areas may be compatible with this designation. This designation includes:

-- Environmentally sensitive characteristics such as floodplains, waterbodies, lagoons, marshes, wetlands, steep slopes, vegetation and wildlife habitat; heavy timber, mineral extraction, watershed and desert;

and

-- Safety impact considerations such as floodways, faults and landslide potential.

The Impact Sensitive Designation is typically, but not necessarily exclusively, applied to areas lying within the CUDA and FUDA categories of the RLUE and to continuous corridors of land running through several land use designations (as in the case of a floodplain).

Minimum allowable parcel sizes are four, eight and twenty acres (gross), depending on slope as follows:

-- Where the average slope of a proposed parcel does not exceed 25%: four-acre minimum parcel size.

-- Where the average slope of a proposed parcel is greater than 25% and does not exceed 50%: eight-acre minimum parcel size.

-- Where the average slope of a proposed parcel is greater than 50%: twenty-acre minimum parcel size.

Other than a single-family home on an existing lot, it is not intended that any development occur unless the proposed development has been carefully examined to assure that there will be no significant adverse environmental impacts, and erosion and fire problems will be minimal. This paragraph does not apply to Ordinance No._____, an amendment to the Zoning Ordinance related to the Small Winery, Wholesale Limited Winery and Boutique Winery use classifications, or to any uses allowed pursuant to this ordinance.

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This designation is consistent with all categories of the RLUE.

Attachment C

Exhibit A - General Plan Amendment Resolution Strikeout - Underline

Exhibit "A"

REGIONAL LAND USE ELEMENT AMENDMENT

Policy 2 (Pages II-21to II-22):

(18) Multiple Rural Use

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Minimum allowable parcel sizes are based on slope criteria and criteria established in the County Groundwater Policy. The more restrictive criteria determines the minimum parcel size.

Slope Criteria:

-- Where the average slope of a proposed parcel does not exceed 25%: four acre minimum parcel size.

-- Where the average slope of a proposed parcel is greater than 25% and does not exceed 50%: eight acre minimum parcel size.

-- Where the average slope of a proposed parcel is greater than 50%: 20 acre minimum parcel size.

Other than a single-family home on an existing lot, it is not intended that any development occur unless the proposed development has been carefully examined to assure that there will be no significant adverse environmental impacts, erosion and fire problems will be minimal, and no urban levels of service will be required. Notwithstanding any provision of this paragraph to the contrary, a public improvement project may be approved when there are significant adverse environmental impacts if the County decision-maker adopts findings which demonstrate that the significant adverse environmental impacts have been mitigated to the greatest extent feasible and that the project is necessary to protect the public health and safety. <u>This paragraph does not apply to Ordinance No. [insert ordinance number assigned by the Clerk of the Board of Supervisors] _____, an amendment to the Zoning Ordinance related to the Small Winery, Wholesale Limited Winery and Boutique Winery use classifications, or to any uses allowed pursuant to this ordinance.</u>

Minimum allowable parcel sizes are as specified above, provided that requirements for adequate immediate and long-term water supply and subsurface sewage disposal can be met, provided that when environmental analysis indicates that significant unmitigable impacts could occur as a result of the parcel size proposed then larger parcel sizes will be required.

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Policy 2 (Pages II-30 to II-32):

(24) Impact Sensitive

This designation is applied to areas considered unsuitable for urban development for reasons of public safety or environmental sensitivity. Large-lot residential parcels, agricultural pursuits, limited recreational uses, mineral extraction, or greenbelts connecting permanent open space areas may be compatible with this designation. This designation includes:

-- Environmentally sensitive characteristics such as floodplains, waterbodies, lagoons, marshes, wetlands, steep slopes, vegetation and wildlife habitat; heavy timber, mineral extraction, watershed and desert;

and

-- Safety impact considerations such as floodways, faults and landslide potential.

The Impact Sensitive Designation is typically, but not necessarily exclusively, applied to areas lying within the CUDA and FUDA categories of the RLUE and to continuous corridors of land running through several land use designations (as in the case of a floodplain).

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Other than a single-family home on an existing lot, it is not intended that any development occur unless the proposed development has been carefully examined to assure that there will be no significant adverse environmental impacts, and erosion and fire problems will be minimal. <u>This paragraph does not apply to Ordinance No. [insert ordinance number assigned by the Clerk of the Board of Supervisors] , an amendment to the Zoning Ordinance related to the Small Winery, Wholesale Limited Winery and Boutique Winery use classifications, or to any uses allowed pursuant to this ordinance.</u>

Minimum allowable parcel sizes are as specified above, provided that requirements for adequate immediate and long-term water supply and subsurface sewage disposal can be met, provided that when environmental analysis indicates that significant unmitigable impacts could occur as a result of the parcel size proposed then larger parcel sizes will be required.

Clustering when located within the CRDA, EDA or RDA Categories of the RLUE (Policies 1.55, 1.3 and 1.4) is permitted within this designation. The minimum parcel size and maximum number of dwelling units in such cluster development shall be governed by the applicable Regional Policy. In computing the theoretical maximum number of dwelling units, the following density factors shall apply:

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In both cluster and non-cluster projects, the actual parcel size may be increased and the number of dwelling units decreased for reasons of environmental protection or for neighborhood compatibility or for other reasons necessary to protect the public health, safety or welfare.

This designation is consistent with all categories of the RLUE.

Attachment D
Environmental Documentation

The draft Environmental Impact Report has been distributed separately to Planning Commissioners. A copy of the draft Environmental Impact Report is available for public review at the Department of Planning and Land Use.

Attachment E

Planning Commission Minutes 4/30/2010

Official Copy
San Diego County
Planning Commission

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – April 30, 2010
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:04 a.m., recessed at 10:31 a.m., reconvened at 10:54 a.m., recessed at 12:41 p.m., reconvened at 1:14 p.m. and adjourned at 3:38 p.m.

A. ROLL CALL

Commissioners Present:	Beck, Brooks, Day, Norby, Pallinger (out at 2:00 p.m.), Riess, Woods
Commissioners Absent:	None
Advisors Present:	Ortiz, Lantis (DPW); Harron, Mehnert, Mead (OCC)
Staff Present:	Baca, Gibson, Giffen, Grunow, Hingtgen, Hofreiter, Murphy, Muto, Ramaiya, Real, Sibbet, Schneider, Steinhoff, Switzer, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of March 12 and April 2, 2010

Action:

Approve the Minutes of March 12 and April 2, 2010.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

D. Announcement of Handout Materials Related to Today's Agenda Items

Administrative:

E. **Requests for Continuance:** Item 7 (TM 5236RPL[5]/S09-009)

F. **Formation of Consent Calendar:** Items 3 (TM 5482RPL[3]), 5 (P79-134W[2]), and 6 (P09-017)

G. **Director's Report:**

None.

POD 08-012, Agenda Item 1:

1. **Tiered Wineries, Zoning Ordinance Amendment POD 08-012, Countywide**

Proposed amendment to the San Diego County Zoning Ordinance to introduce a new winery classification and revise the regulations for two existing winery classifications. The amendment would introduce the "Packing and Processing: Small Winery" Use Type, which would be allowed subject to limitations and with an approved Administrative Permit in the A70 (Limited Agriculture) and the A72 (General Agriculture) Use Regulations. The amendment would also revise the existing regulations for "Packing and Processing: Wholesale Limited Winery" and "Packing and Processing: Boutique Winery" Use Typed to allow these uses by right and subject to specified standards and limitations in the A70 and A72 Zones. The Wholesale Limited Winery is currently allowed by right and the Boutique Winery is currently allowed with an approved Administrative Permit. Organizational changes will locate the standards and limitations for Wholesale Limited, Boutique and Small Wineries in one section of the Zoning Ordinance.

Staff Presentation: Schneider

Proponents: 28; Opponents: 7

The Planning Commission is provided a detailed presentation of the proposed Ordinance amendments, during which Staff explains the proposed amendment introduces or modifies four winery classifications: Wholesale Limited, Boutique, Small Winery and Winery . The proposed winery classification system was developed by staff and stakeholder participation, including input from existing winery operators and the Ramona Valley Winery Association. The overall approach was to streamline and clarify the approval process for the operation of wineries and provide regulatory tiers that correspond to the different major phases in the growth of a winery. Smaller scale winery operations producing less than 12,000 gallons a year would be permitted by right with specific limitations, while larger scale operation would be subject to discretionary review.

Concerns discussed today center around private road safety and liability, and the extent of certain provisions of the proposed ordinance, such as prohibition of on site food preparation, special events and signage. Commissioner Norby believes some of the proposed restrictions are severe. He believes operators should not be required to wait a year if they can prove they are growing grapes. Commissioner

POD 08-012, Agenda Item 1:

Riess voices concern that the proposed amendments almost encourage increased traffic on the private roads by which many vineyards/wineries are accessed. Chairman Beck voices the same concerns and questions whether a road maintenance agreement between the property owners is feasible. Commissioner Riess questions the imposition of mitigation measures for use of non-public roads, and recommends that a licensed traffic engineer evaluate and prepare a report on traffic impacts. Commissioner Woods informs Staff he is supportive of allowing signage up to 32-square feet in size on roads with speeds higher than 40 miles per hour.

Members of the audience opposed to the proposed amendments insist that the increased environmental impacts resulting from allowing by-right facilities will be significant, and voice concern about potential impacts on groundwater supplies. They do not believe the draft EIR adequately addresses issues related to legal and financial liability related to private roads, or potential impacts on public health, safety or private property. In addition, many are concerned about the impact of winery visitors driving on rural roads after wine tastings or special events. Other audience members opposed to the recommendations believe private road maintenance agreements should be required.

Those supportive of the proposed amendments urge the Planning Commission to remove the requirement that boutique wineries operate as wholesale limited wineries for at least one year. They believe enforcement of such a recommendation will be financially devastating to many operators. Also of concern are restrictions regarding on-site food preparation, special events, and signage. Speakers point out that they are only requesting the ancillary uses associate with winery operations. Other speakers recommend that the Ordinance require winery operators to participate in the Licensee Education on Alcohol and Drugs (LEAD) training classes, as a reminder of the responsibilities and/or impacts associated with selling or serving alcoholic beverages.

With respect to signage, Staff informs the Planning Commission that signs in agricultural areas are only allowed for farm stands, but boutique wineries were added. With respect to food, sale and consumption of pre-packaged or catered food is allowed onsite, and Staff is communicating with DEH representatives regarding standards and definitions. Restaurants are not allowed, nor are preparation of food. Special events are permitted in two of the four winery classifications, and events for 500 or more people also require a Permit from the Sheriff's Department.

POD 08-012, Agenda Item 1:

Commissioner Norby voices concern that tasting rooms will be allowed on parcels less than five acres in size. With respect to food preparation, he recommends that it be restricted to operations of 20 acres or more, that boutique wineries be allowed on parcels at least five acres in size, and that operations less than five acres in size be allowed via administrative approval.

Commissioner Day commends Staff's efforts with respect to the proposed recommendations, but believes some of the language should be clarified, particularly where it addressed food preparation, and amplified sound. He is comfortable that issues pertaining to access via private roads can be resolved. Commissioner Day concurs with Commissioner Norby's belief that Staff's recommendations are a bit too restrictive, and voices his opposition to requiring the one-year waiting period. Commissioner Day would also not support including requiring operators to participate in LEAD classes.

Commissioner Brooks believes a formula can be developed to simplify the process of determining an operation's onsite growth. Staff concurs, and discusses the possibility of meeting with winery professionals to establish a standard calculation.

Action: Woods - Norby

Recommend that the Board of Supervisors:

1. Adopt the Findings provided by Staff, and adopt an Ordinance amendment the Zoning Ordinance to amend existing and introduce new winery packing and processing use types (POD 08-012);

2. Allow signage up to 32 square feet in size on roads with speed limits of 40 mph;

3. Allow boutique wineries allowed by right on parcels of at least four acres in size;

4. Allow on-site food preparation and special events with an approved Administrative Permit for wineries with a minimum 20 acres parcel size;

5. Clarify on-site food preparation as defined in state code is prohibited with the exception of the slicing of breads and cheeses and all applicable DEH permit requirement apply; and

POD 08-012, Agenda Item 1:

6. Direct Staff to staff to re-examine the liability and safety issue related to private roads and if possible to include a tool/mechanism in the ordinance to address private road concerns.

Directed staff to address any potential General Plan inconsistencies prior to bringing this item forward to the Board of Supervisors.

Discussion of the Action:

Commissioner Pallinger believes concerns regarding food preparation have been somewhat exaggerated, and Commissioner Riess agrees. He recommends that operators obtain the necessary Permits for food preparation, and that food sales amount to no more than 30% of the operator's sales or 30% of the receipts. Commissioner Day believes concerns regarding traffic impacts have been adequately addressed, and he does not support allowing boutique wineries by right on parcels less than four acres in size.

Chairman Beck does not believe he can make some of the Findings necessary to recommend adoption of the Ordinance, and is uncomfortable with leaving concerns regarding use of private roads unresolved. Chairman Beck also believes allowing some of the recommendations, such as those pertaining to allowing special events and food preparation without Permits on parcels greater than 20 acres in size, could greatly compound the impacts of the Ordinance. He also hopes his fellow Commissioners consider including recommendations regarding participation in the LEAD Program in the Ordinance.

Ayes:	5 -	Brooks, Day, Norby, Pallinger, Woods
Noes:	2 -	Beck, Riess
Abstain:	0 -	None
Absent:	0 -	None

Action: Woods - Brooks

Recommend that Staff prepare a letter to the Board of Supervisors expressing the Planning Commission's interest in requiring winery operators to participate in the LEAD program.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None