

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:** 9/21/2006  
**Prepared on:** 9/21/2006  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** 10/3/2006  
**Placement:** Administrative  
**Estimate Time:** 15 minutes on 10/24/2006  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:** C:\Documents and Settings\suzanne\Local Settings\Temporary Internet Files\OLK3\Hearing agenda letter (2).doc

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**TO:** Board of Supervisors

**FROM:** John Baker, Director  
Planning & Development

**STAFF CONTACT:** Dianne M. Black (568-2086)  
Assistant Director

**SUBJECT:** Set hearing to consider a zoning ordinance text amendment to Santa Barbara County Ordinance No. 661 to include small wineries as a permitted use on property zoned Limited Agriculture, General Agriculture and Unlimited Agriculture.

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## **Recommendation:**

That the Board of Supervisors set for hearing of October 24, 2006 to consider the recommendations of the County Planning Commission and:

- A. Approve the Final Negative Declaration 05NGD-00000-00016.
- B. Adopt findings for approval of the proposed amendment.
- C. Adopt an Ordinance (Case No. 05ORD-00000-0007) amending Santa Barbara County Ordinance No. 661.

*Estimated hearing time: staff presentation 5 minutes; total time 15 minutes.*

## **Alignment with Board Strategic Plan:**

The recommendations are primarily aligned with Goal No. 1., *An Efficient Government Able to Respond Effectively to the Needs of the Community*, Goal No. 4., *A Community that is Economically Vital and Sustainable*, Goal No. 5., *A High Quality of Life for All Residents*, and is required by law or routine business necessity.

## **Executive Summary and Discussion:**

In July, 2004 the Board of Supervisors adopted a comprehensive zoning amendment to implement a three tier permit processing scheme addressing winery development whereby the characteristics of the individual winery would determine the permit requirements, i.e., whether the winery would be subject to a land use permit (Tier 1), a development plan under the jurisdiction of the County Zoning Administrator (Tier 2), or a development plan under the jurisdiction of the County Planning

Commission (Tier 3). The criteria utilized to determine the appropriate permit path was selected to target the areas of most concern associated with winery development, specifically, the amount of vineyard planted onsite, the production capacity, the area of the winery structures, the presence of a tasting room, and the number of special events that might be held at a winery.

At this hearing, due to concerns that a large number of landowners would not be able to take advantage of the new permitting process as their property was still zoned under Ordinance 661, the Board directed the Planning and Development Department to proceed with an ordinance amendment to allow small-scale wineries that qualify as a Tier 1 winery to be permitted subject to the issuance of a land use permit in the Limited Agricultural (AL), General Agricultural (AG), and Unlimited Agricultural (U) zones without the need for a rezone. Wineries that qualify as a Tier 2 or Tier 3 would still be required to go through the consistency rezoning process to rezone the subject property to either the AG-I or AG-II zone contained within Section 35-1, the Santa Barbara County Land Use and Development Code.

In order to qualify as a Tier 1 winery, the development would have to comply with the following criteria:

1. For every 1,000 cases of wine produced per year there must be at least two acres of vineyard planted on the winery premises.
2. The production capacity of the winery is limited 20,000 cases per year.
3. There is no onsite tasting room located onsite.
4. Winery structural development does not exceed 20,000 square feet.
5. Up to four winery special events may be allowed per year with attendance restricted to no more than 150 attendees at each event. Otherwise, the winery shall not be open to the public and does not offer tours and retail wine sales to the public

A Negative Declaration (05NGD-00000-00016, Attachment B) was prepared to address the potential for environmental impacts to occur as a result of adoption of the proposed ordinance amendment. The project assessed in 05NGD-00000-00016 pertains to the permit process only as there are no specific projects proposed as part of this ordinance amendment. The locations and impacts of any future specific development projects are unknown and speculative at this time. The analysis provided in 04NGD-00000-00016 focuses on the potential environmental impacts associated with Tier 1 projects.

Only one comment on the draft Negative Declaration was received during the public comment period which closed on August 31, 2006. This comment, which was from the Santa Barbara County Air Pollution Control District (APCD), was in regards to the situation that the APDC had recently adopted new air quality emission factors, and that the information in the Negative Declaration regarding potential impacts to air quality resulting from wine fermentation should be revised accordingly. The use of the new factors could affect the conclusion of the Negative Declaration that the proposed ordinance amendment would not have any potentially significant impacts to air quality since the production capacity of Tier 1 wineries is limited to 20,000 cases per year.

Your Board is scheduled to review the County environmental thresholds for air quality on October 3, 2006. The proposed revisions to the thresholds will address the issues raised by APCD. Prior to the hearing on the subject project to amend Ordinance 661, Planning and Development will report to your Board regarding the application of the new thresholds.

On September 13, 2006 the Santa Barbara County Planning Commission, by a unanimous vote, recommended that your Board approve this ordinance amendment, contingent upon resolution of the air quality threshold question.

Please refer to Sections 5.0 through 8.0 of Attachment D, the County Planning Commission staff report, for further discussion and analysis.

**Mandates and Service Levels:** Amendments to Ordinance No. 661 are legislative acts under the jurisdiction of the Board of Supervisors.

**Fiscal and Facilities Impacts:** Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-286 of the adopted Planning and Development Department's budget for fiscal year 2006-07. There are no facilities impacts.

**Special Instructions:** The Planning and Development Department will satisfy all noticing requirements.

**Concurrence:** None.

**Prepared by:** Noel Langle, Administration Division (568-2009)

Attachments:

- A. Findings
- B. CEQA Notice of Exemption
- C. Draft Ordinance
- D. County Planning Commission Staff Report