



SANTA BARBARA VINTNERS

Santa Barbara County Board of Supervisors

Re: November 22, 2016 Proposed Winery Ordinance Special Hearing

Dear Supervisors,

As you requested at the November 1, 2016 Board of Supervisors hearing this letter is the response to the Proposed Winery Ordinance by the Santa Barbara County Vintners Association (SBCVA). After numerous meetings with the Planning Department staff, public town hall meetings, and four hearings in front of the Santa Barbara County Planning Commission, we feel that the concerns we have discussed time and again have simply been ignored.

The Proposed Ordinance has failed to incorporate our recommendations and left us with many unanswered questions. It is for these reasons that we request a Winery Ordinance Task Force (wine growers, neighborhood representatives, tourism professionals, environmental stakeholders, and Board of Supervisors appointees) comes together to craft a reasonable, useful set of regulations.

The SBCVA represents a majority of wineries in Santa Barbara County. The wine industry of Santa Barbara County employs more than 9,000 Santa Barbara County residents, and produces nearly 3,000,000 cases of wine, which generates \$93,000,000 in local and state taxes. Additionally, the SBCVA represents more than fifty additional businesses including vineyards, vineyard management companies, hotels, restaurants, wine tour companies, and other related wine industry businesses.

We, as an agricultural industry and community, fundamentally believe that grape growing, wine production, retail wines sales, and wine marketing activities are all primary agricultural uses that should be allowed to thrive in Santa Barbara County under a fair and balanced set of regulations.

It is critical that for small family wineries to survive, they must be able to sell directly to the consumer. Testimony on November 1st and at the four Planning Commission hearings, established that small family wineries cannot survive without direct to consumer (DTC) sales.

WHY SMALL FAMILY WINERIES NEED DIRECT TO CONSUMER SALES

The consolidation and globalization among banks, drug stores, grocery stores, hardware stores, clothing stores and shoe stores has also struck the wine industry. In 1995 there were 1,800 wineries in the United States (950 of whom were in California) and 3,000 distributors. This works out to one and one-half distributors per one winery.

In 2015 there were 8,600 wineries in the United States (4,000+ in California). Meanwhile, the number of wine distribution companies had shrunk to only 675 distributors (or one distributor per thirteen wineries.) In 2015 four distributors sold 60% of the wine in the United States to retail shops and supermarkets. Today there are only six California based distributors. Presently, supermarkets sell about 30% of the wine sold in the United States.

Once a small family winery is crafting excellent wine the real challenge is figuring out how to sell it. As the above numbers indicate, most distributors and supermarkets are interested in buying in volume, not small case purchases. Therefore, the only option for many small wineries is direct to consumer (DTC) sales. In most parts of the world, this is accomplished by allowing a winery to grow, make, and sell wine on the vineyard parcel.

In Santa Barbara County, the wine industry already faces some of most restrictive winery development regulations in the United States. Because of the expensive and burdensome current regulations and permitting process, wineries are forced to open tasting rooms in Lompoc, Los Olivos, Santa Barbara or Solvang separate from the vineyard and winery. Under the Existing Ordinance, the winery itself is often located in a separate location from the vineyard and tasting room, creating three degrees of farming separation. The challenge for many tasting rooms in urban locations is how to distinguish themselves from the other tastings rooms in these highly concentrated urban tasting areas. The estate winery model (vineyard, winery, tasting room at one location) is vital to successful wine country destinations.

RIGHT TO FARM AND SELL

As per Santa Barbara County's Right to Farm Ordinance -

"The purpose of this division is to protect agricultural land uses on land designated on the Comprehensive Plan/Coastal Plan, Land Use Maps as A-I or A-II, or on land zoned exclusively for agricultural use from conflicts with nonagricultural land uses that may result in financial hardship to agricultural operators or the termination of their operation.

"Agricultural use" means and includes, but is not limited to, the tilling of the soil, the raising of crops, horticulture, aviculture, apiculture, livestock farming, the raising of small animals and poultry, dairying, animal husbandry, **wineries processing grapes produced on the premises**, and the sorting, cleaning, packing and storing of agricultural products preparatory to sale and/or shipment in their natural form when such products are produced on the premises, including all uses customarily incidental thereto, but not including slaughterhouse, fertilizer works, commercial packing or processing plant or plant for the reduction of animal matter, or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property.

The board of supervisors finds that it is in the **public's interest to preserve and protect agricultural land and operations** within the County of Santa Barbara and to specifically protect these lands for exclusive agricultural use. The board of supervisors also finds that **residential development adjacent to agricultural land and operations often leads to restrictions on farm operations to the detriment of the adjacent agricultural uses and economic viability of the county's agricultural industry as a whole**. The purposes of this chapter, therefore, are to promote the general health, safety and welfare of the county, to **preserve and protect for exclusive agricultural use those lands zoned for agricultural use, to support and encourage continued agricultural operations in the county**, and to forewarn prospective purchasers or residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations.

The further purpose of this provision is to promote a good neighbor policy between agriculturalists and residents by advising purchasers and residents of property adjacent to or near agricultural operations of the **inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living side by side to agriculture and be prepared to accept such problems as the natural result of living in or near agricultural areas**.

No agricultural activity, operation or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

Santa Barbara County is an agricultural county with many areas zoned for agricultural operations. The presence of farms and ranches yields significant aesthetic and economic

benefits to the residents of the County. **Thus, the County's agriculture must be protected, including in areas where it is near residential development** and Santa Barbara County has enacted Chapter 3-23 of its County code which provides that properly conducted agricultural operations will not be deemed a nuisance.

The ordinance further requires the County to make information on the ordinance and its provisions available to the public. Accordingly, if the property you own, rent, or lease is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tilling of the soil; burning of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry and commercial practices performed as incident to or in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate dust, smoke, noise and odor.”

Many agricultural businesses in Santa Barbara County exist by selling their products on their agriculturally-zoned land. Wine grapes should be treated no differently. While this list is not exhaustive, some direct to consumer examples include:

- Two apple farm stands on Alamo Pintado who invite the public to come and pick their own produce;
- Peach farm stand on Alamo Pintado at Buttonwood Farms across the driveway from their tasting room;
- Four farm produce stands, Findley Farms on Refugio, one on Baseline near Hwy 154, and two on Hwy 246 west of Buellton;
- Berry farm stands on Alamo Pintado and Hwy 246 by La Purisma;
- Lavender farm in Los Olivos and another on Hwy 246 west of Buellton, both are on agriculture land and sell lavender products to consumers;
- Horse ranch on Hwy 246 west of Buellton that sells pigs, turkeys, firewood, and emu eggs;
- Ostrich ranch on Hwy 246 east of Buellton that sells ostrich products to consumers and hands-on (feeding) experiences;
- Nursery on Hwy 246 west of Buellton that sells plants at wholesale and retail;
- Horse farm on Alamo Pintado that sells miniature horses to consumers;
- Horse veterinarian on Alamo Pintado and a small animal veterinarian on Hwy 246 west of Buellton. Both are on agriculture land and sell their services to consumers;
- Seasonal pumpkin patch and corn maze in Solvang.

CHANGES WHICH SHOULD NOT IMPACT AN EXISTING APPROVED WINERY PERMIT

One of the SBCVA's major concerns is what winery construction or remodeling projects will negate an existing winery permit and cause an existing winery to be subject to the regulations of the Proposed Winery Ordinance. The SBCVA has repeatedly asked for clarity as to what can be performed under their existing permits. Some wineries permitted prior to 1990 only have a winery permit number and no specifics as to a tasting room and/or events. To date, when Vintners have raised this concern, no answer has been given, other than "each winery's compliance will be determined on a case by case basis." This response is absolutely terrifying to winery owners – their livelihood and their future depends on a subjective review rather than a well-defined list of potential triggers. This leaves many legal non-conforming wineries in a precarious situation.

Any winery that was approved in reliance of the rules in effect at that time should be categorically exempt from any new limitations on use. These businesses have investment backed expectations and it is unacceptable and impermissible for their scope of use to be diminished without a substantial change of use, i.e., changing use from a winery to a hotel.

In Attachment 4 (of) the Proposed Ordinance this subject is not addressed. For the first time at the November 1st meeting Staff proposed, "Normal Maintenance and Repair" (page 9 Staff Presentation). It means any "maintenance and repair" which is not "normal" will trigger application under the Proposed Ordinance. As set forth below, this would include maintenance or repairs not caused by the winery but by outside parties. This is simple unacceptable.

Wineries are constantly changing to satisfy their customers and a competitive marketplace, take advantage of technology, and to make the best wine possible. Existing wineries invested and built their winery operations under a previously set of rules. The following is a potential list of construction/upgrades which should be encouraged, but instead may subject an existing winery under the Proposed Ordinance and jeopardize their business sustainability:

- Capital wear and tear repairs like replacing roofs or septic tanks;
- Construction required or mandated by a governmental agency such as ethanol scrubbers or fire sprinklers;
- Construction to conserve natural resources such as insulation, solar panels, wind machines, double paned windows, habitat sanctuaries, adding or expanding night time cooling fans, installing a Tesla industrial battery, etc.;
- Construction required by natural disasters such as fires and floods;
- Construction not related to the winery but on the winery parcel such as residence construction or remodeling, new well drilling or replacing or expanding an existing well,

building a frost protection or irrigation pond, building or expanding vineyard structures like an equipment building;

- Construction caused by success such as expanding or modernizing a crush pad, adding or expanding a barrel/fermentation room or case storage building, or remodeling a tasting room or special event space;
- Connecting (replacement or upgrade) to utilities such as sewers or gas lines;

Without these clarifications, existing wineries will not be able to make these improvements without prohibitive costs and the risk of losing some of their existing entitlements.

The Proposed Ordinance does not account for winery applications that were found complete prior to adoption of the proposed ordinance. It would be manifestly unfair to send applicants back to the drawing board after they have spent hundreds of thousands of dollars and years of efforts on the application process. For example, a winery on Highway 246 submitted its application for a Tier 2 winery back in 2013 and has spent approximately \$250,000 on its application over the last several years.

Therefore we request that a grandfather clause be added to the Proposed Ordinance, stating: *Any winery for which an application was deemed complete by the County prior to the effective date of this ordinance shall not be subject to the provisions of this ordinance and shall instead be considered for approval under the provisions of the Land Use and Development Code in effect at the date the application was deemed complete.*

Notwithstanding any provision in this Development Code or any Amendment, any winery for which a permit application is pending at the time of the adoption of Amendments to Section 35.42.280 and 35.110.020 need not be changed or re-reviewed to satisfy any new or different requirements of this Development Code, provided that the permit application was marked as complete by the reviewing authority prior to the effective date of Amendments to Section 35.42.280 and 35.110.020.

The SBCVA asks that the Proposed Winery Ordinance be much clearer and objective regarding what types of activities, construction, etc. would trigger a pre-existing winery to fall under the Proposed Winery Ordinance and to provide protections for existing wineries.

A RESTRICTIVE AND ONEROUS EXISTING PERMITTING PROCESS

The Proposed Winery Ordinance does not clearly outline the application process of becoming a growing, processing, and selling winery other than referring to Sections in the Development Plan, Conditional Use Permits, Sub-sections for tasting rooms, winery events, etc., any more than the Existing Ordinance. If it is important to single out wineries with a Winery Ordinance, then it should also be important to provide a detailed roadmap of exactly what a potential

winery applicant must do in order to complete a successful winery application. The current system does not let a winery applicant accurately budget the cost of the process and it is clear that some winery applications arbitrarily sail through while others drag on for years.

- The rules for each applicant seem to be subject to variation depending on the public controversy surrounding a particular application and/or the notoriety of the applicant.
- The public appeal process of a winery application is entirely arbitrary and does not require that those who appeal have any cost associated with their appeal. The appeal cost is either borne by the Planning and Development Department or the applicant. In contrast, California's ABC (Alcoholic Beverage Control) appeal process (which should be considered as a model for the Winery appeal process) requires that the complainant pay \$800 each time they appeal. That is not an exorbitant amount and helps to ensure that the appeal is valid and not just a nuisance complaint. If a project meets the Planning and Development Department's pre-existing requirements the appeal process should be straight forward and reasonable rather than the personal, arbitrary, and interminable process that currently exists.
- The overriding factor that should be considered when hearing any appeal is that the winery property is farming, processing, and selling in an agriculturally zoned area and that those that appeal cannot "wish" that they bought property in a residentially zoned area. They didn't and must not (under California "right to farm" laws) be allowed to harass legally operating agricultural operations including wineries whose product happens to result in a product that contains legal alcohol. Alcohol production is not a crime and neighbor's dislike or prejudice should not be part of the discussion in appeals.

The SBCVA asks for a clearly defined and limited appeals and complaint process to be included in the Winery Ordinance.

PLANTING REQUIREMENTS

It is unclear why an applicant now is required to plant their vineyard before they can apply for a winery and tasting room. A plan for the entire property, including the winery and tasting room, should be submitted prior to planting and approved prior to any requirement to plant. Planting can be tied to the issuance of a building permit. No reasonable person would plant a vineyard at huge expense without first knowing the exact scope of what they'll be able to do with their property.

The SBCVA asks that the requirement for planting the vineyard before one can apply for the buildings be removed from the Proposed Winery Ordinance.

SMALL TASTING ROOMS

There does not seem to be any rationale to limit the size of a small winery tasting room to 300-400 square feet that has any real reason other than limiting the number of customers that can comfortably be accommodated. That issue needs to be discussed and understood. Larger and more creative tasting rooms can be a draw for the business while at the same time also being compatible with the rural nature of agricultural land.

The SBCVA asks to remove pre-defined maximum square footage requirements from the Ordinance and have those decisions made on a case by case basis.

TABLE 3-4 AGRICULTURAL PARKING STANDARDS

We disagree with the one space per 1,000 square feet for production, storage, or warehousing. Barrels and tanks do not need parking spaces. As an example, the city of Lompoc uses one space per 3,000 square feet.

TABLE 4-16 PAGE 4 PLANTED VINEYARD ACREAGE REQUIREMENTS

No other major California Wine Area (Napa, Mendocino, Sonoma, Monterey and San Luis Obispo) requires minimum acreage for a winery. San Diego, used as the regional acreage comparison, is a minor wine producing county. The minimum acreage planting requirement in the Existing Winery Ordinance was added by the wine industry 2004 task force. The Proposed Ordinance arbitrarily doubles the planted vineyard acreage requirements for Tiers B to two acres for every 1,000 cases and Tier C to one acre for every 1,000 cases. Despite our requests, there has been no logical explanation where these newly proposed and arbitrary acreage requirements come from.

The Existing Winery Ordinance minimum planting requirement for Tier 2 is one acre for every 1,000 cases. Tier 3 wineries must plant one-half acre for every 1,000 cases. These current restrictions are more than adequate. Increasing them only seems to reduce wine production in Santa Barbara County. This standard is therefore arbitrary, capricious, and legally unsustainable.

The SBCVA requests that the existing acreage requirements remain the same as under the Existing Winery Ordinance or be removed entirely.

SECTION C 12 PAGE 13 FOUR INDUSTRY WIDE EVENTS SHOULD FOLLOW EXISTING PRACTICES

Currently industry-wide events (Santa Barbara County Vintners Association Spring and Harvest Celebrations and Santa Rita Hill's Wine and Fire) are held over a three to four day period with the grand tasting event being held on Saturday, and most winery open houses falling on that

Sunday. The Proposed Winery Ordinance -- C 12a (1) -- requires the wineries to hold their industry wide event on the same day and time as the Vintner's industry wide event. Wineries should be able to determine what specific day and time over the industry-wide weekend to host their individual event.

Additionally, the Proposed Ordinance includes a very significant reduction in the number of people who can attend these events as compared to the Existing Ordinance.

The SBCVA requests not to further restrict the size and timing of individual events on industry-wide weekends.

TABLE 4-16 PAGE 5 WINERY VISITOR NUMBERS

The winery visitor numbers appear to be arbitrary and not based on known/stated benchmarks including Fire Code Regulations, total property, or the types and conditions of roads leading to the winery. For example, most of Highway 246 from Buellton to Lompoc is two lanes in each direction with a 65 mile per hour speed limit. The change of Highway 246 in the Santa Rita Hills from a rural road to a suburban road was because Cal Trans's traffic study showed 800 cars head east on Highway 246 from Lompoc each weekday morning and 800 cars return to Lompoc each weekday evening.

The Proposed Winery Ordinance does not take the condition, size, or capacity of the highway/road into consideration when setting the number of winery visitors. Why should a Tier B winery on a suburban road have the same visitor limitation as a Tier B winery on a smaller, rural road? The Proposed Winery Ordinance does not reflect this reality and is a one size fits all set of regulations. Winery visitors could be scaled upon location and size. They should not include arbitrary maximum visitors at the same level for both 1,000 acre properties and 40 acre properties.

The SBCVA requests that the Winery Visitor numbers be removed from the Proposed Winery Ordinance.

TABLE 4-16 WINERY PERMIT REQUIREMENTS HAS MORE SUBSTANTIAL AND RESTRICTIVE CHANGES IN EACH TIER THAN THE EXISTING WINERY ORDINANCE

Tier A (new) vs. Tier 1 Inland Area with Land Use Permit (existing)

- The existing Tier 1 Inland area allowed for four winery special events throughout the year with up to one hundred and fifty (150) people at each event. Wineries can currently host these events on dates that work best with their specific marketing calendars, including wine club shipping dates. However, under the Proposed Winery Ordinance, wineries are restricted to holding their events at the same time as four

industry-wide events. The unintended consequence of this requirement will be that visitor traffic will be concentrated on these four event weekends, rather than spread out over the year.

- In the Proposed Winery Ordinance Tier A wineries are limited to fifty attendees for an industry-wide event, rather than the one hundred and fifty (150) attendees allowed with the existing regulations. Overall wineries in Tier A will be able to host a maximum of two hundred (200) of industry-wide event attendees throughout the year, down from six hundred (600) under the existing ordinance.
- In the Proposed Winery Ordinance, Tier A tours are limited to an arbitrary twenty (20) trade visitors. Other agriculture parcels, including other commodity crops and vineyards without wineries, are able to host educational tours to any type of visitor.
 - As an example, the Vintners Association hosted forty-seven (47) sommeliers and wine buyers from throughout the United States. This group spent three days touring our vineyards and wineries in a forty-seven (47) person passenger bus that the Vintners rented. The purpose of this trip was to educate these important trade representatives on Santa Barbara County wines, so they could return home and encourage their customers to purchase our wines. Under the Proposed Winery Ordinance, this single busload of crucial sales contacts could not have visited any Tier A wineries. Under the Proposed Ordinance, small family wineries whose survival depends on exactly this type of trade exposure, would have been excluded from future tours. This is another example of how the Proposed Winery Ordinance favors large wineries and discriminates against small family wineries.
- Under the Proposed Ordinance, Tier A wineries are prohibited from having any special events. Tier 1 wineries under the Existing Ordinance are permitted four special events per year. These special events are crucial to help small, family-owned wineries connect with their consumers, to build their wine clubs, and create life-long winery (and region) ambassadors.

Tier B (new) vs. Tier 2 Inland Area with a Development Plan (existing)

- The Proposed Ordinance Tier B restricts winery visitation to either fifty (50) or eighty (80) visitors at a time, depending upon the size of the parcel. The Existing Ordinance does not set maximum occupancy requirements, and instead allows that number to be dictated by Fire Codes. This is how occupancy requirements are safely handled for every other agricultural and business spaces.
- Under the Proposed Ordinance, Tier B is completely and arbitrarily prohibited from having any winery special events. Under the Existing Ordinance Tier 2 wineries are allowed eight special events.

- Under the Proposed Ordinance Tier B, on parcels less than 40 acres, the total number of winery visitors who attend events is two hundred and forty people (240) compared to one thousand two hundred (1,200) people in the Tier 2 Existing Ordinance.

The SBCVA asks that more reasonable, logical, and sensible visitor limitations (such as the maximum occupancy standards set forth in the Fire Code) be applied to Tier B wineries. We also request that the special events limitations that are in the Existing Ordinance are sufficient, and do not need to be further restricted.

Tier C (new) vs. Tier 3 Inland Area with Development Plan (existing)

- Under the Proposed Ordinance, Tier C wineries are arbitrarily limited to 80 visitors at any one time, despite the size of their facility or tasting room, parking capacity, road capacity, or parcel size. There is no provision, even with a conditional use permit, to increase that number. The Existing Ordinance allowed the wineries to work within existing regulations (such as Fire and Health and Safety Codes) to determine the appropriate number of visitors at any one time.
- Under the Proposed Ordinance, Tier C winery special events (not including wine maker meals and industry events) are only allowed with a conditional use permit. The Tier 3 Existing Ordinance allowed for twelve (12) winery special events without a conditional use permit.

The SBCVA ask that any special event restrictions or maximum visitor restrictions be based on the individual needs of various properties. We ask that rather than setting one standard to apply to any parcel from 20 acres to 10,000 acres, that the Ordinance allow each project to be treated reasonably based on factors such as road capacity, parking capacity, venue size, distance from neighbors, Fire Code maximum occupancy limits, etc.

FROM THE PROPOSED ORDINANCE 35.42.280 B 4 DEFINITION OF WINERY EVENTS

4. "Any approved and/or issued planning permit for a winery shall specify the number and type of winery-related activities that are allowed to occur on the winery premises as part of the winery operation. Except for winery-related activities that are specifically allowed, activities that bear no relation to the making and marketing of wine (e.g., yoga classes) are not allowed."

- According to this language vineyard painting classes, Allan Hancock College winemaking classes, 5K vineyard charity runs, high school career day visits, and high school senior pictures are not allowed under the Proposed Ordinance. These activities are overbroad, irrationally, illogically, and arbitrarily prohibited on agriculturally-zoned land that has a

winery. The exact same activities are allowed on identical land that does not have a winery on it.

- There is no consideration made for specific impacts. Vineyards without wineries, and other agriculture parcels, are not subject to the new restrictions. Vineyards without wineries (and any other agriculturally-zoned land use such as lavender farms, apple orchards, and horse/cattle ranches) are able to host up to 300 people with a one day special event permit. We suggest that special events be pulled out of the Proposed Ordinance and create a fair and equitable special events ordinance for all agriculture parcels in Santa Barbara County.
- Furthermore, who is to say what types of activities “bear no relation to the making and marketing of wine?” Oftentimes, consumers buy boutique wines because they believe in the person who is creating it, and want to feel a connection with that person. For example, if the winemaker had spent years studying yoga in India, has moved to Santa Barbara and started a label with yoga-inspired names, and starts each harvest morning by leading her production team through a series of yoga movements, shouldn’t she be allowed to invite her wine club members to experience that with her? This proposed language invites too much subjectivity and speculation. Simply by limiting the number and size of events that a winery can have, rather than the content of those events, reasonable land use can be achieved.

The SBCVA suggests that special events be removed from of the Proposed Winery Ordinance. We ask that you create a fair and equitable special events ordinance for all agriculture parcels in Santa Barbara County.

TABLE 4-16 PAGE 5 & 6 COOKING CLASSES AND WINEMAKER MEALS PROHIBITED IN TIER A

It is ironic that Santa Barbara County where Julia Child chose to spend the end of her life would ban cooking classes and winemaker meals at wineries. Mrs. Child taught a generation of Americans how to cook by popularizing the cooking class and, yes, always with a glass of wine in hand. Cooking classes and winemaker meals are primarily educational endeavors - teaching participants how to prepare food while discovering which of the winery’s wines work best with the dishes prepared.

Tier A wineries are small family owned and operated wineries, which desperately need outlets to sell their wine. Distributors and supermarkets are not viable options for many of these small, boutique wineries. Cooking classes and winemaker meals are excellent opportunities for small family wineries to become known and acquire customers. These educational classes also provide an opportunity for the winemaker to showcase his or her passion and create lifelong customers.

The SBCVA believes that Tier A wineries should be permitted four cooking classes/winemaker meals per year. This would also require “Food service and food preparation” to be modified.

C 3. B. PAGE 8

“Development not included in the winery structural development definition shall not be utilized for any winery visitor activity.”

The double negative makes this sentence unintelligible.

C 8 PAGE 10 ODOR DEVELOPMENT PLAN (NEW)

“8. Odor abatement.

a. An odor abatement plan shall be prepared and implemented for all new winery structures and submitted to the Department prior to issuance of grading permits. This plan shall include, at a minimum, the following elements:

(1) Name and telephone number of contact person(s) responsible for logging and responding to winery odor complaints.

(2) Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint.

(3) Description of potential odor sources (e.g., fermentation and aging processes and the resultant ethanol emissions).

(4) Description of potential methods for reducing odors, including minimizing potential add-on air pollution control equipment.

(5) Contingency measures to curtail emissions in the event of a continuous public nuisance.”

Agriculture by its nature is a smelly business from cow or horse manure, to rotting row crops. This is in part why Santa Barbara County has a Right to Farm Ordinance to provide protections to farmers, including wine farmers, for normal and acceptable farming practices.

Someone who moves from an urban area to an agricultural area needs to understand what they’re getting into, rather than requiring existing industries (who are an economic boon to the County) to change how things have traditionally been grown and processed.

The SBCVA requests that this new section be struck from the Proposed Ordinance, and that the Right to Farm Ordinance take precedence in this issue.

C 11 f. (3) page 12- 13 SPECIAL EVENT MANAGEMENT PLAN (NEW) UPGRADING FROM A PARKING PLAN

“(3) Winery special event management plan. Prior to the issuance of planning permit(s), including zoning clearance, the winery shall prepare a special event management plan that includes the following information and submit to the Department for review and approval. This plan shall also be updated and submitted annually for County review and approval a minimum of 30 days prior to the initial event for the year.

(a) The total number of special events held during the previous year and the total number anticipated to occur in the current year.

(b) Traffic.

(1) Parking and traffic coordination plan, including signage if applicable.

(2) Traffic incident response protocols.

(3) Details of traffic complaints received during the previous year.

(4) Changes to event operations resulting from issues that arose due to parking or traffic.

(c) Noise.

(1) Details of noise generated by special events and noise complaints received.

(2) Outdoor amplified sound schedule of permitted hours and sound limits in compliance with Subsection C.14.b.

(3) Noise incident response protocols. Winery Ordinance 14ORD-00000-00006 Page 13

(4) Changes to event operations resulting from issues that arose due to noise.

(d) Contact information. The winery operator shall provide the Department with the contact information of a representative who shall be able to respond to neighbor concerns during a special event and wine industry-wide event and who is responsible for assuring compliance with all winery permit conditions.

(e) Reporting requirement. The winery operator shall provide notice to the Department of each proposed special event and wine industry-wide event on a form provided by the Department no later than 10 days prior to the beginning of each proposed event.”

This Special Event Management Plan does not apply to the Tiers 1, 2 & 3 under the Existing Winery Ordinance. Special events would now be prohibited in Tiers A & B under the Proposed Winery Ordinance.

The SBCVA requests allowing special events in Tiers A & B and to use this Special Event Management plan to manage the events to reduce any potential quality of life impacts.

C 14.b. (2) SOUND ASSOCIATED WITH WINERY VISITOR ACTIVITIES INNER-RURAL AREAS

“Outdoor amplified sound shall cease by 7: 00 p.m. for wineries located in the Inner-rural areas, as designated on the Comprehensive Plan maps.

Meanwhile folks on neighboring AG I land who do no AG can have amplified music until 10:00 p.m. Why the discrimination?

The SBCVA requests the adoption of a Special Events Ordinance for all agriculturally-zoned properties.

C 17 D. PAGE 16 VINEYARD & WINERY TOURS (NEW)

“d. Vineyard and winery tours shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the vineyard and winery tours occur.”

Educational tours for high school, college and trade professionals are not secondary to agricultural uses. These are part of educating the next generation of farmers, workers, elected officials, and owners.

CONCLUSION

The suggestions and changes that have been laid out in this letter are not new. They have been brought to the Planning Commission, and have been mentioned hundreds of times at various hearings and meetings over these past five years. We, the Vintners, are experts on what it takes to make ends meet in this wonderful industry - please allow us to have a voice in this process.

Santa Barbara County deserves a well-thought out, reasonable winery ordinance that will allow an industry to thrive that, by all economic indicators, is a vital part of Santa Barbara County's future while preserving our region's quality of life and agricultural heritage.

We are requesting and recommending a task force be created to review and revise the Proposed Winery Ordinance.

Wine - Santa Barbara County's original and still best Farm to Table experience.

Thank you,

Morgen McLaughlin

Morgen McLaughlin

Executive Director, Santa Barbara County Vintners Association

The Santa Barbara County Vintners Association (SBCVA) is a non-profit 501 (c) 6 organization founded in 1983 to support and promote Santa Barbara County as a world-class, authentic wine producing and wine grape growing region. The SBCVA includes winery members whose annual production is at least 75% Santa Barbara County (or sub-AVA) labeled, winery associates, vineyards, vineyard management companies, hospitality, and industry businesses.

Santa Barbara County Winery Ordinance Task Force (SBCWOT) 18 Members

FACILITATOR

A person knowledgeable about the wine industry and not a Santa Barbara County employee

(5) Wine Industry Representatives

- (2) Santa Barbara County Vintners Association
- (1) Large Winery*
- (1) Medium Winery*
- (1) Small Winery*
- *wineries must represent different AVAs

(1) From the Unincorporated Areas (with Wineries)

- Los Olivos, Santa Ynez, Los Alamos

(1) From Impacted Cities

- Buellton, Solvang, Lompoc, Santa Maria, Guadalupe, Santa Barbara

(2) Members of the Tourism Industry

- Visit Santa Barbara, Visit Santa Ynez Valley appointments

(1) Member of the Environmental Community

- EDC, others

(1) Member of the Neighborhood Groups

- Valley Alliance, others

(1) Member of the Transportation Groups

- SB Bicycle Coalition, COAST, others

(1) Member of the Non-Profit Sector

- Santa Barbara Foundation

(5) Board of Supervisors Appointments

(13) Alternates (one for each of the above except for the Board of Supervisor Appointments)

Napa County

17 member committee, with 12 alternates, appointed by the Board of Supervisors

The County Executive Officer announces the newly created Napa County Agricultural Protection Advisory Committee. This ad hoc committee is intended to serve as an advisory committee to the Planning Commission for purposes of making recommendations to the Planning Commission on a variety of winery development and agricultural protection measures.

Sonoma County

In June 2015, the Director of PRMD formed a group of industry representatives and neighborhood groups to advise staff on the key issues and policy options. The Working Group met for six months ending in early November and gave considerable insights into the business needs and the impacts of winery events to the local area.

Sonoma County Holds Study Session on Winery Events

Santa Rosa, CA – June 29, 2016 – The **Sonoma County Board of Supervisors** will conduct a **Winery Events Study Session** at approximately **3:10 p.m.** on **Tuesday, July 12, 2016** during their public board meeting. This session will explore the County's General Plan policies that guide winery promotional and event activities. It will take place in the Board of Supervisors' Chambers located at 575 Administration Drive, Room 102A, Santa Rosa.

During this study session, Permit and Resource Management Department (PRMD) staff will provide a short overview of General Plan policies related to winery events and key issues that have emerged during the permitting process. According to Board Chair Efren Carrillo, "This study session will provide an overview of policy options to balance wine industry event impacts with the need to protect neighborhood character and address land use compatibility issues."

In preparation for this study session, the **Winery Working Group of stakeholders met for six months to review existing policies and zoning provisions and inform PRMD staff on key issues.** Additionally, PRMD staff collected input and comments at winery event public workshops attended by an estimated 500 people. The study session will include a report on outcomes from these events and initial ideas around events, concentration, standards for future wineries, and enforcement.

The Board will not make any decisions regarding winery policies during this study session. Instead, the Board will consider adopting a Resolution of Intention directing PRMD staff to

prepare a draft ordinance to amend the Zoning Code to include development criteria and standards for winery events. This ordinance will be considered at a public hearing held on a later date.

Additional information on the County's work with winery events is available at <http://www.sonoma-county.org/wineryevents>.