



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and  
Development  
Department No.: 053  
For Agenda Of: July 13, 2010  
Placement: Set Hearing  
Estimated Tme: 30 minutes on  
August 10, 2010  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Glenn Russell, Director (568-2085)  
Director Planning and Development  
Contact Info: Doug Anthony, Deputy Director (934-6559)  
Development Review – North County  
**SUBJECT: Sweeney Canyon, LLC Winery Development Plan and Consistency Rezone**

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**County Counsel Concurrence**

As to form: N/A

Other Concurrence: N/A

As to form: No

**Recommended Actions:**

That the Board of Supervisors:

Set a hearing for August 10, 2010 to consider the request of Shelly Ingram of MNS Engineers, Inc., agent for Sweeney Canyon, LLC, owner, for the following actions:

1. Make the required findings, including CEQA findings, for the project specified in Attachment 2.
2. Adopt the Negative Declaration (10NGD-00000-00002) included as Attachment C to Attachment 5, and adopt the mitigation monitoring program contained in the conditions of approval included in Attachment 2.
3. Adopt an Ordinance (09RZN-00000-00004), included as Attachment 1 to the memo, amending the Inland Zoning Map by rezoning APN 099-150-063 from 40-AG to AG-II-40 to bring the parcel into consistency with the current Santa Barbara County Land Use and Development Code.
4. Approve the project (09DVP-00000-00005) subject to the conditions specified in Attachment 2.

**Auditor-Controller Concurrence**

As to form: N/A

**Summary Text:**

**A. Project Description**

The proposed project is a request of Shelly Ingram of MNS, Engineers, Inc., agent for Sweeney Canyon, LLC, owner, to consider Case Nos. 09RZN-00000-00004, and 09DVP-00000-00005 for the approval of: 1) a Consistency Rezone to rezone the property from its current zoning of General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the Santa Barbara County Land Use and Development Code (LUDC); and 2) a Development Plan for a new 21,500 sq. ft. winery consistent with the Comprehensive Plan and the LUDC.

**1) Consistency Rezone (09RZN-00000-00004)**

The proposed winery project would require a consistency rezone. The subject 10.04 acre parcel is non-conforming as to size and is currently zoned General Agriculture, 40-acres minimum lot area (40-AG), pursuant to Ordinance 661. In order to be consistent with the current Land Use and Development Code, the zoning map is proposed to be amended to Agriculture II, 40-acres minimum gross lot area (AG-II-40).

**2) Development Plan (09DVP-00000-00005)**

The proposed winery would be located on a 10.04 gross / 9.68 net acre parcel currently developed with an existing 2,300 sq. ft. single family dwelling, 3,042 sq. ft. barn, and 2,400 sq. ft. agricultural storage shed. Total proposed development associated with the winery would be 21,500 sq. ft. as follows:

1) Building A: Two story 8,146 sq. ft. winery processing facility containing 1,254 sq. ft. of administration, office, meeting area and laboratory space for a total of approximately 10,000 sq. ft. The building would have a maximum height of 41 feet, with approximately 1,022 sq. ft. of storage/office space located on the second story; and associated signage.

2) Building B: Single story 8,500 sq. ft. winery processing and storage facility containing 1,500 sq. ft. of administration and lab space, and a 1,500 sq. ft. tasting room for a total of 11,500 sq. ft. The building would have a maximum height of 41 feet; and associated signage.

The proposed project also includes the demolition of the following structures:

- 1) Small Tower Building of approximately 121 sq. ft.
- 2) Storage Building of approximately 660 sq. ft.
- 3) Retaining wall of approximately 6 feet in height, 310 feet in length.

In accordance with LUDC Section 35.42.280.C.3, wine production would be limited to a maximum of 10,000 cases annually. The wine produced onsite would come from grapes grown on the property (approximately 5.6 acres), and other sites in Santa Barbara and San Luis Obispo Counties in accordance with County zoning ordinance requirements. Winery process conducted onsite would include grape

crushing, de-stemming, fermenting, wine settling, wine finishing, bottling, cleaning and storing. Fermentation would occur in steel tanks, food grade plastic vats, or oak barrels.

Winery production would normally occur daily and between the hours of 8:00 a.m. and 5:00 p.m. However, during peak crush extended hours may be necessary. During regular operation, a maximum of 6 employees would be involved in the wine production operations with general winery staff increasing to approximately 7-10 during crush season. The project includes 74 parking spaces onsite, and would be maintained for employee and winery use with additional overflow parking to accommodate special events, limos, and buses to be located on interior winery maintenance roads on the northeast property line.

Water for winery facilities would be provided via the existing onsite well. Filtered water for fire suppression would be available from a proposed stored water pond with a capacity of 104,593 gallons. Production wastewater from the winery would be directed to a proposed California Regional Water Quality Control Board (RWQCB) approved waste discharge system. An additional septic system is proposed to provide for domestic uses onsite. Solid waste from wine production (grape skin and stem pumice) would be distributed in the existing vineyard in accordance with an Environmental Health Services approved Solid Waste Management Plan. All exterior lighting would be hooded and directed downward and away from adjacent properties and roadways.

The winery is proposing to have 10 annual special events with a maximum of 100 attendees at each event. No outdoor amplified sound is allowed. The proposed special events are as follows:

- 1) Valentine's Day Pink Party (February, 1 weekend day, 11 a.m. to 7 p.m.)
- 2) Sommelier Education Wine Tasting (March, 1 weekend day, 11 a.m. to 7 p.m.)
- 3) Spring Release Celebration (April, 1 weekend day, 11 a.m. to 7 p.m.)
- 4) Wine Club Luncheon (June, 1 weekend day, 11 a.m. to 7 p.m.)
- 5) Fiddle Fest (July, 1 weekend day, 11 a.m. to 7 p.m.)
- 6) Harvest Festival (October, 1 weekend day, 11 a.m. to 7 p.m.)
- 7) 4 other events TBD (May, June, August, and September; 1 weekend day, 11 a.m. to 7 p.m.)

Grading would consist of 6,545 cu. yd. cut, and 1,556 cu. yd. fill; including the installation of a 27,500 cu. ft. irrigation pond. Access to the winery would be provided by an all weather driveway of approximately 24 feet in width with an approximate total length of 260 feet accessed via Sweeney Road.

## **B. Planning Commission Action**

The Planning Commission reviewed the proposed project on April 14, 2010, and May 12, 2010. At the Planning Commission hearing of May 12, 2010, the Commission voted 4-1 (Brooks no) to recommend that the Board of Supervisors approve the Development Plan and Consistency Rezone, adopt the Zoning Ordinance Map Amendment, and approve the Mitigated Negative Declaration. The Planning Commission Action Letter (May 12, 2010), and Planning Commission Staff Report (March 26, 2010), including Mitigated Negative Declaration 10NGD-00000-00002, are included as Attachments 2 and 5 of this Board Letter, respectively.

### **C. Issue Summary**

#### *Special Events*

The proposed project would conduct 10 special events per year, with a maximum of 100 attendees per event. Regardless of parcel size, special events proposed in conjunction with a winery must be evaluated to determine whether or not the site and type of events proposed are compatible with the surrounding area. Section 35.42.280.8(a) states: *The minimum winery premises area on which a special event shall occur is 20 acres. However, this requirement may be reduced by the review authority upon a determination that the character of the area and the type of special event makes a 20 acre winery premises site area unnecessary.* This requirement explicitly provides the decision-maker with the discretion to allow special events on winery premises which are less than 20 acres in size contingent upon the specific determination referenced above. P&D analysis of the subject 10.04 acre parcel and surrounding area indicates that the proposed project site would be appropriate for special events. This conclusion is based upon: 1) the proximity to SR 246; 2) limited residential development on adjacent parcels; and 3) the type of special events proposed. Proposed special events would consist of wine tastings, luncheons, and winemaker dinners and would be limited to a maximum of 100 attendees per event. Special events would occur on weekends only between the hours of 10:00 a.m. and 7:00 p.m. No outdoor amplified sound is allowed. The Planning Commission concluded that the site could support the level of special events as proposed.

#### *Traffic*

The Truck traffic associated with the importation of grapes to the project site would vary from year to year, depending on the onsite yield and types of wine produced. The applicants have indicated that at full production, the proposed winery would produce 8,800 cases of wine from vineyards grown offsite, and approximately 1,100 cases of wine produced would come from grapes grown from the existing 5 acres of vineyards. The importation of grapes to the site would be limited to the three-month harvesting period (September through November). Trucks (which are regular pick-up trucks with a flatbed attachment) would typically haul bins containing approximately 5 tons of grapes per load, which would translate to 147 tons imported or 29 trucks over a 2-3 month period resulting in a maximum of 3 truck trips per week. Trucks would typically arrive at the project site between 4:00 a.m. and 5:00 a.m.

#### *Wastewater*

The project proposes the installation of a new septic system which would serve domestic uses associated with tasting room, special events, and employees. Prior to Zoning Clearance, the applicant would be required to demonstrate that the septic system has been adequately designed to accommodate domestic wastewater. Furthermore, Environmental Health Services (EHS) would issue a septic system permit based on review and approval of the proposed system. Therefore, the future septic system would meet EHS standards and would not create adverse impacts to groundwater. Process wastewater from the winery would be directed to an RWQCB-approved waste discharge system. This requirement ensures that process wastewater would be accommodated safely and appropriately and would not result in a potentially significant impact to groundwater due to inadequate wastewater disposal.

**Fiscal and Facilities Impacts:**

The costs to process the project up to approval by the Planning Commission were borne by the applicants through the payment of processing fees. Per Board of Supervisors' policy, there are no fees charged for a consistency rezone. The cost associated with the consistency rezone includes preparation of this report and attendance at the Board hearing. Staff time to process the rezone is approximately 10 hours for an estimated cost of 1,822.90. This cost is budgeted in Development Review, North Division on Page D-334 of the adopted 2010-2011 fiscal year budget.

**Special Instructions:** Clerk of the Board shall publish a legal notice in the Santa Barbara Daily Sound and the Lompoc Record and shall complete the mailed noticing requirements for the project at least ten (10) days prior to the August 10, 2010 hearing (mailing labels attached).

The Clerk of the Board shall forward a copy of the minute Order to the Planning and Development Department, Hearing Support Section, Attention: David Villalobos.

The Planning and Development Department will prepare the final action letter and notify all interested parties of the Board of Supervisors' final action.

**Attachments**

1. Rezone Ordinance
2. Planning Commission Action Letter dated May 12, 2010
3. Planning Commission Memorandum dated May 12, 2010
4. Planning Commission Memorandum dated April 14, 2010
5. Planning Commission Staff Report dated March 26, 2010

**Authored by:**

Dana Carmichael, Planner, 934-6266  
Development Review Division – North, Planning and Development Department