

ATTACHMENT 10

Planning Commission Memo dated September 9, 2016



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Santa Barbara County Planning Commission

FROM: Mindy Fogg, Interim Deputy Director
Long Range Planning Division

DATE: September 9, 2016

RE: Winery Ordinance Update – Memorandum for September 19, 2016 Planning
Commission Hearing

At the August 3, 2016 hearing, the County Planning Commission considered the Winery Ordinance Update, received testimony from the public, provided direction to staff regarding potential revisions to the ordinance, and continued the hearing to September 19, 2016. Based on Planning Commission input, Planning and Development staff drafted proposed ordinance revisions to the Land Use and Development Code (LUDC), which are included as Attachment D, Exhibit 1 of this memorandum.

1. Ordinance Revisions:

Staff has drafted ordinance revisions throughout Section 35.42.280 to address comments and issues raised by the Commission at the August 3, 2016 hearing. Each issue is listed below along with the section of the ordinance in which it is addressed and a summary of the change. All proposed ordinance changes presented to the Planning Commission on August 3, 2016, as well as proposed revisions discussed below, are included in Attachment D, Exhibit 1.

a) Tier A Winery with Tasting Room

Table 4-16 and Subsection C.9.b. Tasting rooms.

Several Commissioners requested staff return with potential ordinance language which could allow a small scale, low-intensity tasting room at a Tier A winery. The proposed amendments have been incorporated in Table 4-16 and Subsection C.9 of the ordinance as summarized below.

- A Conditional Use Permit approved by the Planning Commission is required if a tasting room is proposed as part of a Tier A winery operation. Additional requirements include:
 - Minimum winery premises area of 10 acres.

- Allowable floor area of the tasting room shall not exceed 200 square feet.
- Tier A winery with tasting room is only allowed in the Rural Area as designated on the Comprehensive Plan on property zoned AG-II.
- Tasting shall be by appointment only and limited to 20 winery visitors and/or members of the trade at any one time.

Discussion: Staff does not recommend allowing a Tier A winery with tasting room in the Inner-Rural area since it would result in significant cumulative traffic quality of life impacts which staff believes would require re-analysis and re-circulation of the Final EIR as discussed below.

The Final EIR identified a potentially significant traffic quality of life impact (Impact TRA-2) which would be mitigated to a less than significant impact (Class II) with implementation of Mitigation Measure TRA-1. Mitigation Measure TRA-1 (MM-TRA-1) requires a minimum of 40 acres premises area for Tier B winery applications (i.e. winery w/tasting room) in order to minimize cumulative traffic quality of life impacts within the Inner-Rural area. Implementation of MM-TRA-1 would reduce impacts in the Inner-Rural area since there are fewer eligible 40-acre parcels and premises where a potential Tier B winery with tasting room could be developed.

Amending the winery ordinance to allow a Tier A winery with tasting room in the Inner-Rural area would require the Planning Commission to make a finding rejecting MM TRA-1 as infeasible. Impact TRA-2 would be re-classified from a Class II less than significant impact to a Class I significant unavoidable impact and staff believes the Final EIR would require re-analysis and re-circulation before the Planning Commission could recommend that the Board certify the EIR.

If there is continued interest to allow a Tier A winery with tasting room in the Inner-Rural area, a separate project could be considered as part of the Long Range Planning Annual Work Program with Board of Supervisors allocation of appropriate resources and funding.

b) Planted Vineyard Acreage Requirements

Table 4-16.

- Remove proposed amendment requiring at least 20% of the case production be from grapes grown on the lot on which the winery is located.

Discussion: One rationale for requiring at least 20% of the case production from grapes grown on the same lot as the winery is to avoid a situation where a winery lot (without grapes) is sold separately from the vineyard parcels. A winery without grapes would be considered an industrial processing facility which is not permitted on agricultural zoned lands.

Staff presented proposed ordinance language at the August 3, 2016 hearing, as summarized below, that would address a potential situation where the winery premises area is reduced following approval and/or issuance of the required planning permits for a winery (Subsection B.5).

- If a portion of the winery premises is sold and the winery premises acreage is reduced such that the winery is no longer in compliance with the required premises area under which the winery was permitted, within 30 days following the reduction in the area of the winery premises, the owner shall file an application in compliance with Section 35.84.040 (Changes to an Approved Project) to modify the winery operation so that it complies with Section 35.42.280 (Wineries).
- If the owner fails to file an application to modify the winery operation in compliance with Subsection B.5.a (Reduction in Winery Premises Area), or following approval of an application to modify the winery operation the owner fails to modify the winery operation so that it complies with Section 35.42.280 (Wineries), the ordinance includes additional zoning enforcement and revocation procedures.

The requirement for 20% case production from grapes grown on the same lot as the winery is not necessary if the Planning Commission recommends retaining the proposed ordinance language in Subsection B.5 (Reduction in winery premises area).

2. Other Planning Commission Comments

a) Tier D Winery

Several Planning Commissioners expressed interest in a “Tier D” winery which would allow the Planning Commission to determine limits for winery visitors, winery special events, and the maximum number of winery special event attendees as part of the final development plan and/or Conditional Use Permit. This issue is discussed below.

Discussion: The proposed Tier C winery ordinance provisions allow the Planning Commission to approve winery special events in excess of 12 per calendar year and winery special event attendees greater than 200 at any one time in compliance with a Conditional Use Permit. The proposed ordinance also allows the Planning Commission to determine the maximum area of winery structural development (i.e. size of winery) for a Tier C winery as part of final development plan approval.

A Tier C winery establishes a maximum 80 winery visitors allowed on the winery premises at any one time. Presumably, under a “Tier D” winery scenario, the maximum 80 winery visitors at any one time would be eliminated and the Planning Commission would establish the winery visitor maximum on a case-by-case basis as part of the final development plan approval.

Allowing greater than 80 winery visitors at any one time was not analyzed in the Final EIR and staff believes would require re-analysis of impacts and re-circulation of the Final EIR. The Planning Commission's interest in a "Tier D" winery which would allow the Commission flexibility to determine winery use and visitor limits on a case-by-case basis is already available to the Commission under a Tier C winery with the exception of maximum winery visitor limits. If there is continued interest to allow a "Tier D" winery, a separate project could be considered as part of the Long Range Planning Annual Work Program with Board of Supervisors allocation of appropriate resources and funding.

b) Planted Vineyard Acreage Requirements

The Planning Commission requested staff research if other jurisdictions require a minimum planted vineyard acreage for proposed wineries. Staff reviewed ordinance requirements for the Counties of Napa, Sonoma, San Luis Obispo, San Joaquin, and Monterey and none of the jurisdictions have a minimum planted acreage requirement.

As a reminder, both the existing and proposed winery ordinances include a minimum planted vineyard acreage requirement for all winery tiers. The proposed ordinance increases the minimum planted vineyard requirement to support the core principle that the primary use of the winery premises is for growing and processing of grapes.

3. Recommendations and Procedures

Staff requests the County Planning Commission follow the recommendations and procedures listed below in Section 3.1.

3.1 Case No. 14ORD-00000-00006. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 14ORD-00000-00006 based upon the ability to make the appropriate findings, including California Environmental Quality Act (CEQA) findings. Your Commission's motion should include the following:

- i) Make the findings for approval in (Attachment A) including CEQA findings, and recommend the Board make the appropriate findings for approval of the proposed ordinance amendment.
- ii) Recommend that the Board of Supervisors certify the Winery Ordinance Update Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2014061083) (Attachment B) and EIR Revision Letter (RV01) dated September 19, 2016 (Attachment C), for Case Nos. 14ORD-00000-00006, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA).
- iii) Adopt the Resolution in Attachment D recommending that the Board of Supervisors adopt Case No. 14ORD-00000-00006, an ordinance amending the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, as set forth in Attachment D - Exhibit 1, to adopt new development standards, and permit requirements and procedures regarding winery development.

Please refer the matter to staff if your Commission takes other than the recommended actions for development of appropriate materials and/or findings.

Attachments:

- A. Findings for Approval
- B. [Winery Ordinance Update Final EIR](#)
- C. Revisions to the Final Environmental Impact Report (15EIR-00000-00002)
- D. Resolution – Land Use and Development Code Ordinance Amendment
Exhibit 1: 14ORD-00000-00006

ATTACHMENT A

Findings for Approval WINERY ORDINANCE UPDATE

Case Nos. 14ORD-00000-00006 and 15EIR-00000-00002

1.0 CEQA FINDINGS

1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:

1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final Environmental Impact Report (Final EIR) (15EIR-00000-00002) and EIR Revision Letter (RV 01) dated September 19, 2016 was presented to the Planning Commission and all voting members of the Planning Commission have reviewed and considered the information contained in the Final EIR and its appendices and EIR Revision Letter (RV 01) prior to approving the project. In addition, all voting members of the Planning Commission have reviewed and considered testimony and additional information presented at or prior to its public hearings. The Final EIR, appendices, and EIR Revision Letter (RV 01) reflect the independent judgment and analysis of the Planning Commission and is adequate for this project.

1.1.2 FULL DISCLOSURE

The Planning Commission finds and certifies that the Final EIR (15EIR-00000-00002), appendices, and EIR Revision Letter (RV 01) constitute a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Planning Commission further finds and certifies that the Final EIR, appendices, and EIR Revision Letter (RV 01) have been completed in compliance with CEQA.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.1.4 GENERAL CEQA FINDINGS

The Environmental Impact Report (EIR) for this project has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the EIR corresponds to the specificity of the general or program level policies of the Project and to the effects that may be expected to follow from the adoption of the Project. The EIR is not as detailed as an EIR on specific development projects or implementation programs that might follow.

The California Environmental Quality Act (CEQA) requires analysis not only of potential direct or primary impacts, but also of potential indirect or secondary effects which may

be caused by a proposed project and may be reasonably foreseen, even though later in time or farther removed in distance. In light of these principles, the EIR discusses and classifies the potential indirect, secondary effects arising from the project specifically and from cumulative development, which may subsequently occur under the Project.

The project mitigates the environmental impacts to the maximum extent feasible as discussed in the findings made below. Where feasible, changes and alterations have been incorporated into the project, which are intended to avoid or substantially lessen the significant environmental effects identified in the EIR.

The EIR identified mitigation measures designed to reduce potentially significant impacts which might occur from development under the Project. During the process of incorporating these mitigation measures in the Project, some minor changes have been made that do not impact the effectiveness of the mitigation measures.

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or mitigate to the maximum extent feasible the environmental effects. All mitigation measures identified in the Final EIR (15EIR-00000-00002) have been incorporated directly into the Winery Ordinance (Land Use Development Code, section 35.42.280) as shown in Attachment D, Exhibit 1 of the Planning Commission memorandum dated September 9, 2016. To ensure compliance with adopted mitigation measures during project implementation, the ordinance includes specifications for each adopted mitigation measure that identify the action required and the monitoring that must occur. Therefore a separate mitigation monitoring and reporting program is not necessary and the Planning Commission finds the Winery Ordinance 35.42.280 sufficient for a monitoring and reporting program.

1.1.5 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

Air Quality and Greenhouse Gas Emissions

Impacts: The Final EIR identified a significant air quality impact related to operational impacts from traffic generated emissions, fermentation generated emissions, and odor. In addition to NOx and Reactive Organic Compound (ROC) emissions generated by vehicle trips, the proposed Project would generate ROCs during the processing of wine. Emissions generated from the fermentation process begin when the grapes are harvested and continue until wine is produced and bottled. The level of ROC emissions vary by winery production size, by the type of grape fermented, and by the fermentation process. The aggregate nature of the proposed Project to permit the potential development of 40 new wineries over the next 20 years would generate ROCs in excess of the daily threshold. The combined operational air quality impacts from traffic, fermentation, and odor, as a result of the proposed Project would result in a significant and unavoidable impact.

In addition to operational generated emission impacts, the Project's contribution to cumulative air quality would be significant and unavoidable as the region is anticipated to remain in non-attainment for the statewide 8-hour and 1-hour ozone standards.

Mitigation: Implementation of project development standards, County Standard Conditions of Approval (AQ-4), and MM AQ-1 would reduce the impacts of odor to less than significant in support of APCD Rule 303 (Class II). Operational air quality impacts associated with traffic emissions would be less than significant (Class III).

Mitigation measure AQ-1 requires future winery applicants to develop and implement an odor abatement plan. The measure has been incorporated in the proposed ordinance as a new development standard (Attachment D, Exhibit 1 – Section 35.42.280.C.8), as described below. The development standard would reduce the impacts of odor; however, ROC emissions associated with the fermentation process would remain significant and unavoidable (Class I).

Section 35.42.280.C.8:

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.

Findings: The Planning Commission finds that mitigation measure MM AQ-1 has been incorporated in the Land Use and Development Code Section 35.42.280.C. County of Santa Barbara Standard Conditions of Approval AQ-4 (energy conserving techniques) is implemented during project review to further mitigate project specific and cumulative impacts in Impact AQ-3 to the maximum extent feasible. The Planning Commission finds that with mitigation measures and project review standards implemented, the project specific and cumulative contribution to air quality would remain significant and unavoidable.

Transportation and Traffic

Impacts: Quality of Life analyses were conducted for all 34 street segments in the four study areas. The Quality of Life impact analysis is intended to incorporate nuisance impacts due to greater traffic that, although not triggering standard traffic volumes or intersection delay thresholds, would be evident to area neighborhoods as noticeable changes to area traffic, turning movements, and/or delays. Daily traffic volumes were also utilized in the Quality of Life assessment prepared specifically for this traffic impact study. The intent of this analysis is to identify rural roadways where the addition of Project traffic could result in a perceptible change in operations to local residents, even if the post-project volumes do not result in impacts to street segment capacity.

Compounded over 20 years (to “buildout” at Year 2035), this growth averages 2.43 percent per year (termed “ambient growth”). Project traffic volumes added to ambient growth over 20 years affects this 2.43 percent average growth per year. For the purposes of this study, a project-induced 50 percent or greater increase over the ambient growth percentage could be considered a potential cumulative significant impact. The threshold would therefore be 3.65 percent.

The Quality of Life threshold of 3.65 percent growth is exceeded during both the weekday and weekend time periods for all areas except for the Santa Rita Hills AVA, which showed that the threshold was not exceeded (EIR Appendix F – Final Traffic Study).

Project-related Quality of Life impacts (Impact TRA-2) of future winery facilities in the Inner-Rural Area, including special events, would be less than significant (Class II) with implementation of Mitigation Measures TRA-1 and Mitigation Measure TRA-2. Implementation of Mitigation Measure TRA-1 would reduce cumulative traffic quality of life impacts in the Inner-Rural Area since there are fewer eligible 40-acre parcels and premises in the Inner-Rural Area where a potential Tier B winery could be developed.

Mitigation: Mitigation measure TRA-1 requires a minimum of 40 acres premises area for Tier B winery applications in order to minimize, cumulative traffic quality of life impacts within the Inner-Rural area (Attachment D, Exhibit 1 – Section 35.42.280.B Table 4-16), as described below.

Table 4-16 - Winery Permit Requirements and Development Criteria

	<u>Tier A</u>	<u>Tier B</u>	<u>Tier C</u>
<u>Minimum winery premises area</u>	<u>None.</u>	<u>Inner-Rural Area: 40 acres.</u> <u>Rural Area: 20 acres.</u>	<u>40 acres.</u>

Mitigation measure TRA-2 requires that the applicant prepare a Special Event Management Plan, which includes, but is not limited to, procedures to address traffic and

parking associated with special events. This Plan also requires notification requirements, parking and traffic coordination, signage, and coordination and traffic incident response protocols with the County. The Plan also details appropriate staff response procedures for violation of plan provisions and is required to be updated and submitted annually for County review (Land Use and Development Code, Section 35.42.280.C(11)(3)), as described below.

Section 35.42.280.C (11) (3)

- (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.
 - (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.

Findings: The Planning Commission finds that mitigation measures TRA-1 and TRA-2 have been incorporated in the Land Use and Development Code, Section 35.42.280.C. to further mitigate project specific and cumulative impacts to the maximum extent feasible. The Planning Commission finds that with mitigation measure TRA-2 the project specific and cumulative contribution to quality of life traffic impacts (Impact TRA-2) would remain significant and unavoidable (Class I) in Rural Areas (except within the Santa Rita Hills AVA).

The Planning Commission finds the residual significant impacts are acceptable due to the overriding considerations that support adoption of the Winery Ordinance Update discussed in the Statement of Overriding Considerations section of these Findings.

1.1.6 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY MITIGATION MEASURES

The Final EIR (15EIR-00000-00002) identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable, environmental impacts (Class II). For each of these Class II impacts identified by the Final EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or mitigate to the maximum extent feasible the environmental effects, as discussed below.

Land Use

Impacts: The Final EIR identified potentially significant but mitigable project-specific quality of life impacts from temporary population increases in Rural Areas, Inner-Rural Areas, and EDRNs by special events at potential wineries.

Mitigation: The Final EIR identified three mitigation measures: Mitigation Measure NOI-1 *Special Event Management Plan*; Mitigation Measure TRA-1 *Minimum Premises Area Increase*; and Mitigation Measure TRA-2 *Special Event Management Plan*.

Mitigation Measure TRA-1 requires a 40-acre minimum winery premises for Tier B wineries in the Inner-Rural Area to minimize cumulative traffic quality of life impacts. Mitigation Measure NOI-1 and TRA-2 requires development and implementation of a special event management plan to address noise and traffic related quality of life impacts associated with special events. These measures have been incorporated in the proposed ordinance as new development standards (Attachment D, Exhibit 1 – Section 35.42.280.C.11.d.3, and Table 4-16). Land use related quality of life impacts would be significant, but mitigable (Class II) with incorporation of mitigation measures NOI-1, TRA-1 and TRA-2.

Mitigation measures NOI-1, TRA-1, and TRA-2 address project specific and cumulative impacts in Impact LU-2 and have been integrated into the development standards associated with the Winery Ordinance as shown below:

Section 35.42.280.C (11) (3)

(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 it 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.
 - (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.

Section 35.42.280.B

Table 4-16 - Winery Permit Requirements and Development Criteria

	<u>Tier A</u>	<u>Tier B</u>	<u>Tier C</u>
<u>Minimum winery premises area</u>	<u>None.</u>	<u>Inner-Rural Area: 40 acres.</u> <u>Rural Area: 20 acres.</u>	<u>40 acres.</u>

Findings: The Planning Commission finds that mitigation measures NOI-1, TRA-1, TRA-2 have been incorporated into the Winery Ordinance Update. These standards in combination with other development standards of the Winery Ordinance Update will reduce land use impacts in Impact LU-1 to the maximum extent feasible. The Planning Commission finds that implementation of mitigation measures NOI-1, TRA-1, and TRA-2 will mitigate land use related quality of life impacts (Impact LU-2) to a less than significant level (Class II).

Noise

Impacts: The Final EIR identified potentially significant but mitigable noise impacts from the operation of large outdoor events (special events) that would periodically increase ambient noise levels near wineries.

Mitigation: The Final EIR identified mitigation measure NOI-1 *Special Event Management Plan* to minimize noise-related quality of life impacts associated with special events. The measure has been incorporated in the proposed ordinance as a new development standard (Attachment D, Exhibit 1 – Section 35.42.280.C.11.d.3). Noise related quality of life impacts would be significant, but mitigable (Class II) with incorporation of the proposed mitigation measure.

Mitigation measure NOI-1 addresses project specific and cumulative impacts in Impact NOI-3 and has been integrated into the development standards associated with the Winery Ordinance as shown below:

Section 35.42.280.C (11) (3)

- (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.
 - (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.

Findings: The Planning Commission finds that mitigation measure NOI-1 has been incorporated into the Winery Ordinance Update. This standard in combination with other development standards of the Winery Ordinance Update will reduce noise impacts in Impact NOI-3 to the maximum extent feasible. The Planning Commission finds that implementation of mitigation measure NOI-1 will mitigate noise related impacts (Impact NOI-3) to a less than significant level (Class II).

Transportation and Traffic

Impacts: Quality of Life analyses were conducted for all 34 street segments in the four study areas. The Quality of Life impact analysis is intended to incorporate nuisance impacts due to greater traffic that, although not triggering standard traffic volumes or intersection delay thresholds, would be evident to area neighborhoods as noticeable changes to area traffic, turning movements, and/or delays. Daily traffic volumes were also utilized in the Quality of Life assessment prepared specifically for this traffic impact study. The intent of this analysis is to identify rural roadways where the addition of Project traffic could result in a perceptible change in operations to local residents, even if the post-project volumes do not result in impacts to street segment capacity.

Compounded over 20 years (to “buildout” at Year 2035), this growth averages 2.43 percent per year (termed “ambient growth”). Project traffic volumes added to ambient growth over 20 years affects this 2.43 percent average growth per year. For the purposes of this study, a project-induced 50 percent or greater increase over the ambient growth percentage could be considered a potential cumulative significant impact. The threshold would therefore be 3.65 percent.

The Quality of Life threshold of 3.65 percent growth is exceeded during both the weekday and weekend time periods for all areas except for the Santa Rita Hills AVA, which showed that the threshold was not exceeded (EIR Appendix F – Final Traffic Study).

Project-related Quality of Life impacts (Impact TRA-2) of future winery facilities in the Inner-Rural Area, including special events, would be less than significant (Class II) with implementation of Mitigation Measures TRA-1 and Mitigation Measure TRA-2. Implementation of Mitigation Measure TRA-1 would reduce cumulative traffic quality of life impacts in the Inner-Rural Area since there are fewer eligible 40-acre parcels and premises in the Inner-Rural Area where a potential Tier B winery could be developed.

Mitigation: Mitigation measure TRA-1 requires a minimum of 40 acres premises area for Tier B winery applications in order to minimize, cumulative traffic quality of life impacts within the Inner-Rural area (Land Use and Development Code, Section 35.42.280.B Table 4-16), as described below.

Table 4-16 - Winery Permit Requirements and Development Criteria

	<u>Tier A</u>	<u>Tier B</u>	<u>Tier C</u>
<u>Minimum winery premises area</u>	<u>None.</u>	<u>Inner-Rural Area: 40 acres.</u> <u>Rural Area: 20 acres.</u>	<u>40 acres.</u>

Mitigation measure TRA-2 requires that the applicant prepare a Special Event Management Plan, which includes, but is not limited to, procedures to address traffic and parking associated with special events. This Plan also requires notification requirements, parking and traffic coordination, signage, and coordination and traffic incident response protocols with the County. The Plan also details appropriate staff response procedures for violation of plan provisions and is required to be updated and submitted annually for County review (Land Use and Development Code, Section 35.42.280.C(11)(3)), as described below.

Section 35.42.280.C (11) (3)

- (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 it 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.
 - (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.

Findings: The Planning Commission finds that mitigation measures TRA-1 and TRA-2 have been incorporated in the Land Use and Development Code, Section 35-4.2.280.C. to further mitigate project specific and cumulative impacts to the maximum extent feasible. The Planning Commission finds that implementation of mitigation measures TRA-1 and TRA-2 will mitigate Project-related quality of life impacts (Impact TRA-2) in the Inner-Rural Area to a less than significant level (Class II).

1.1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR (15EIR-00000-00002) evaluated a no project alternative, Alternative 1 - Local Production Emphasis, and Alternative 2 - Expanded Winery Activities. The Planning Commission finds that the identified alternatives are infeasible for the reasons stated below.

No Project Alternative

The No Project Alternative assumes the County would not approve the proposed Winery Ordinance Update Project and therefore would not amend the County's existing Winery Ordinance in Section 35.42.280 of the Santa Barbara County Land Use and Development Code (LUDC). The No Project Alternative would not change current regulatory mechanisms to govern the development of wineries within the Rural and Inner-Rural Areas of County, and the existing Winery Ordinance would continue to guide future winery development. No changes would be made to existing development criteria for the size of winery premises, the size of tasting rooms, limitations on winery special events,

and the range of activities and visitor-serving uses, restrictions on winery visitors, and restrictions on visitor hours. None of the policies, development standards, and actions of the Winery Ordinance Update would be implemented and LUDC amendments would not be adopted.

The No Project Alternative would result in similar impacts as the Project on the following resources:

- Aesthetics/Visual Resources (Class III)
- Agricultural Resources (Class III)
- Air Quality and Greenhouse Gas Emissions (Class I)
- Biological Resources (Class III)
- Cultural Resources (Class III)
- Geologic Hazards and Soils (Class III)
- Hazards (Class III)
- Hydrology and Water Resources (Class III)

The No Project Alternative would result in more adverse impacts on the following resources:

- Land Use Plan (Class I)
- Noise (Class I)
- Transportation and Traffic (Class I)

The No Project Alternative would result in incrementally more adverse impacts on the following resource:

- Public Services and Utilities (Class III)

The No Project Alternative would not reduce any significant impacts to a less than significant level. The adoption of the No Project Alternative could result in greater impacts related to land use, noise, and traffic, and incrementally more adverse impacts to public services and utilities. Furthermore, significant and unavoidable impacts to air quality would remain. Impacts related to all other resource areas would remain similar. This alternative would not meet the objective of providing efficiency and clarity in the winery permit process, and ensuring compatibility with surrounding land uses as future winery development under the existing ordinance may generate greater increases in temporary populations, which may result in conflicts with surrounding agricultural and residential land uses. Therefore, the Planning Commission finds that the No Project Alternative does not achieve a balance between meeting Project objectives, including quality of life concerns, while addressing environmental impacts.

Alternative 1 - Local Production Emphasis

Alternative 1 would amend the existing Winery Ordinance in Section 35.42.280 of the LUDC to propose new winery permit requirements and development criteria within a tiered-level permitting system. Alternative 1 proposes three tiers – Tier A, Tier B, and Tier C - which are determined by the winery premises scale and the acres of planted

vineyards and the types of uses. This alternative would require at least 51 percent of the winery case production at all new wineries to be from grapes grown within Santa Barbara County, and at least 20 percent of the case production from grapes grown on the parcel containing the winery. Alternative 1 would include greater minimum acreage requirements for winery premises: 5 acres for Tier A wineries, 40 acres for Tier B wineries, and 40 acres for Tier C wineries.

Development standards proposed as mitigation for the Project would also apply to Alternative 1. Thus, it would primarily result in similar impacts on the following resources:

- Aesthetics and Visual Resources (Class III)
- Biological Resources (Class III)
- Cultural Resources (Class III)
- Geologic Hazards, Soils, and Minerals (Class III)
- Hazards (Class III)
- Land Use (Class II)
- Noise (Class II)
- Public Services and Utilities (Class III)

Alternative 1 would result in incrementally less adverse impacts on the following resources:

- Agricultural Resources (Class III)
- Transportation and Traffic (Class II – Inner Rural Areas; Class I – Rural Areas)

Alternative 1 would result in incrementally less but significant impacts on the following resource:

- Air Quality and Greenhouse Gas Emissions (Class I)

Alternative 1 would result in incrementally more adverse impacts on the following resources:

- Hydrology and Water Resources (Class III)

Alternative 1 would achieve most of the Project objectives which include, promoting orderly development of wineries within the County, providing efficiency and clarity in the winery permit process, preserving the primary agricultural use of winery premises, and ensuring compatibility with surrounding land uses. Alternative 1 further supports the objective to preserve the primary agricultural use of winery premises by including additional development criteria that encourages local wine grape cultivation. Like the Project, Alternative 1 would also ensure land use compatibility through the inclusion of development standards and mitigation such as the requirement of a Special Event Management Plan, limitations on the number of winery visitors on a premises, and visitor hours. Alternative 1 requirement for larger winery premises would encourage the development of industrial-scale winery operations and would inhibit smaller sized boutique wineries. This could result in socioeconomic impacts that would favor agriculturalist with greater economic means and land ownership, and would place

disproportionally greater constraints on those with smaller sized agricultural land holdings. Therefore, the Planning Commission finds that the Project is preferable to Alternative 1.

Alternative 2 - Expanded Winery Activities

Alternative 2 would amend the existing Winery Ordinance in Section 35.42.280 of the LUDC to propose new winery permit requirements and development criteria within a tiered-level permitting system. Alternative 2 also proposes three tiers – Tier A, Tier B, and Tier C - which are determined by the winery premises scale and the acres of planted vineyards and the types of uses. This Alternative would reduce the minimum acreage requirements for winery premises and planted vineyards. This alternative does allow for expanded winery activities (e.g. tasting rooms, special events, wine maker meals) under all tiers compared to the Project. This alternative is more restrictive than the project, limiting the size of winery structural development and tasting room to a maximum of 20,000 square feet for Tier C wineries with no exception for a larger size through Planning Commission approval.

Development standards proposed as mitigation for the Project would also apply to Alternative 2. Thus, it would primarily result in similar impacts on the following resources:

- Aesthetics and Visual Resources (Class III)
- Air Quality and Greenhouse Gas Emissions (Class I)
- Biological Resources (Class III)
- Cultural Resources (Class III)
- Geologic Hazards, Soils, and Minerals (Class III)
- Hazards (Class III)
- Hydrology and Water Resources (Class III)

Alternative 2 would result in incrementally less adverse impacts on the following resource:

- Agricultural Resources (Class III)

Alternative 2 would result in incrementally more adverse impacts on the following resources:

- Land Use (Class II)
- Noise (Class II)
- Transportation and Traffic (Class II – Inner Rural Areas; Class I – Rural Areas)
- Public Services and Utilities (Class II)

Alternative 2 would not reduce any significant impacts to a less than significant level from the Project. Alternative 2 would potentially result in incrementally less adverse environmental impacts to agriculture, and incrementally more adverse impacts to land use, noise, transportation and traffic, and public services and utilities. Nonetheless, the

classification of all impacts under Alternative 2 would be the same as under the Project, including Class I air quality impacts attributed to operational ROC emissions.

Similar to the Project, Alternative 2 does meet the project objectives of promoting orderly development of wineries, providing efficiency and clarity in the winery permit process, preserving the primary agricultural use of winery premises, and ensuring compatibility with surrounding land uses, and balancing the needs of various stakeholders. Like the Project, Alternative 2 includes development standards and mitigation including the requirement of a Special Event Management Plan, limitations on the number of winery visitors on a premises, and visitor hours that would ensure that winery developments are compatible with surrounding land uses. This alternative would also provide greater flexibility for agriculturalists to develop wineries. However, the Planning Commission finds that the adoption of Alternative 2 may not achieve a balance between meeting Project objectives, including quality of life concerns, while addressing environmental impacts.

Environmentally Superior Alternative

The Planning Commission finds Alternative 1 to be the Environmentally Superior Alternative. Alternative 1 was found to generate the least adverse impacts while achieving most Project objectives. Implementation of Alternative 1 would increase parcel acreage requirements of Tier B developments in the Inner Rural Area from 20 acres to 40 acres which would reduce quality of life traffic impacts to less than significant in the Inner-Rural Area (Class II). Alternative 1 provides a balance between meeting Project objectives, including quality of life concerns, while addressing environmental impacts.

1.1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission recommends that the Board of Supervisors make the following Statement of Overriding Considerations. The Winery Ordinance Update Final EIR (15EIR-00000-00002) identifies air quality impacts and traffic quality of life impacts in the Rural Areas will remain significant and unavoidable (Class I). The Board of Supervisors has balanced “the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits” of the project against these effects and makes the following Statement of Overriding Considerations, which warrants approval of the project notwithstanding that all identified adverse environmental effects are not fully avoided or substantially lessened. [CEQA Guidelines Section 15093(a)] The Board of Supervisors finds that the benefits of the “proposed project outweigh the unavoidable adverse environmental effects,” and therefore, “the adverse environmental effects may be considered ‘acceptable.’” [CEQA Guidelines Section 15093(a)]

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092, and 15093, any unavoidable adverse environmental effects of the project (the Winery Ordinance Update) are acceptable due to the following environmental benefits and overriding considerations:

- A. The Winery Ordinance Update provides for orderly economic growth within a reasonable time horizon in an area that has adequate public services (i.e., water, sewer, roads) in accordance with Land Use Element Land Use Development Policy 4, protects agriculture (Agricultural Element Goal 1), preserves the area's character and scenic views, and balances the needs of future residents with the needs of existing residents.
- B. The Winery Ordinance Update has the potential to limit adverse impacts and contribute to the long-term protection of the environment, while preserving viable agriculture in the County.
- C. The Winery Ordinance Update adopts development standards to ensure the orderly development of wineries within the County and ensure their compatibility with surrounding land uses in order to protect the public health, safety, natural, and visual resources.
- D. The Winery Ordinance Update protects aesthetics and visual resources by enacting development standards that would limit the size and scale of development on winery premises and preserve the open space character of the surrounding natural environment.
- E. The Winery Ordinance Update supports goals of the Agricultural Element by allowing the installation of the supportive activity or wineries as an integral part of the production and marketing process of the farm.
- F. The Winery Ordinance Update provides clarity for future applicants and land use regulators. The Projects' clear and updated permit requirements and development standards will streamline the project-review process for individual applications for future development by providing a framework that will reduce the amount of future project-specific review, environmental review, time, uncertainty, and cost in the permit process.

2.0 ADMINISTRATIVE FINDINGS

2.1 AMENDMENTS TO THE DEVELOPMENT CODE AND ZONING MAP

Findings required for all amendments to the County Land Use and Development Code and the County Zoning Map. In compliance with Section 35.104.060 of the County Land Use and Development Code (LUDC), prior to the approval or conditional approval of an application for an Amendment to the Development Code or Zoning Map, the review authority shall first make all of the following findings:

2.1.1 The request is in the interests of the general community welfare.

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will serve to clarify, update, and streamline the development permit process for winery facilities while protecting and enhancing community values, environmental quality, or the public health and safety. The proposed amendments include a comprehensive set of development standards that give decision-makers additional ability to regulate the siting and use of such facilities in order to minimize potential adverse visual impacts to the surrounding area.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.

The proposed ordinance amendment is consistent with the Santa Barbara County Comprehensive Plan (as described in Attachment D of Planning Commission Staff Report dated May 3, 2016), and the requirements of State Planning and Zoning Laws.

2.1.3 The request is consistent with good zoning and planning practices.

The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values. The amendment is consistent with the Comprehensive Plan as discussed in Attachment D of Planning Commission Staff Report dated May 3, 2016. Additionally, the Environmental Impact Report (15EIR-00000-00002) prepared for this amendment concluded that the project, with implementation of mitigation measures, provides a balance between meeting Project objectives, including quality of life concerns, while addressing environmental impacts. Therefore, the Planning Commission recommends the Board of Supervisors find the project consistent with good zoning and planning practices.

ATTACHMENT B: Final EIR

Winery Ordinance Update Final EIR

[http://longrange.sbcountyplanning.org/programs/winery_ord/Environmental Review/FINAL EIR/Winery Ordinance Update FinalEIR.pdf](http://longrange.sbcountyplanning.org/programs/winery_ord/Environmental%20Review/FINAL%20EIR/Winery%20Ordinance%20Update%20FinalEIR.pdf)

[Note: Copies of the Final EIR were provided to the Planning Commission prior to the June 22, 2016 Winery Ordinance Update Planning Commission hearing.]

ATTACHMENT C



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Santa Barbara County Planning Commission

FROM: Mindy Fogg, Interim Deputy Director, Long Range Planning
Staff Contact: David Lackie, Supervising Planner

DATE: September 19, 2016

RE: **Revisions (RV01) to the Final Environmental Impact Report (15EIR-00000-00002) – Finding that State CEQA Guidelines Section 15088.5(b) applies to the Winery Ordinance Update: Planning and Development Case Numbers 14ORD-00000-00006**

INTRODUCTION

The County of Santa Barbara prepared a Final Environmental Impact Report (Final EIR) for the Winery Ordinance Update. There have been subsequent changes to the Winery Ordinance Update as a result of public review and comments and Planning Commission recommendations, including revisions to the proposed Land Use and Development Code Ordinance Amendment. This EIR revision letter evaluates the minor plan modifications recommended by the Planning Commission subsequent to preparation of and circulation of the EIR.

The California Environmental Quality Act (CEQA) Guidelines Section 15088.5 describes the circumstances under which a lead agency is required to recirculate an EIR when new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but before EIR certification. Significant new information that would require recirculation would include a new significant impact or an unmitigated substantial increase in the severity of an impact. According to Guidelines Section 15088.5, "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a new substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Section 15088.5(b) states, "recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

The Planning Commission finds that the Final EIR (15EIR-00000-00002), as herein amended by the attached EIR Revision Letter analysis, may be used to fulfill the environmental review requirements for the Winery Ordinance Update (Planning Commission Staff Report dated May

3, 2016, Planning Commission Memorandum dated June 15, 2016, Planning Commission Memorandum dated July 27, 2016, and Planning Commission Memorandum dated September 9, 2016). None of the changes recommended by the Planning Commission would result in any new significant, environmental effects or a substantial increase in the severity of previously identified significant effects nor would they cause changes to the conclusions in the impacts analysis in the Final EIR, or deprive the public of a meaningful opportunity to comment. Hence, pursuant to CEQA Guidelines Section 15088.5(b), the proposed revisions described in this document have not been recirculated. The Final EIR for the Winery Ordinance Update is hereby amended by this revision document, together identified as (15EIR-00000-00002 RV01).

Enclosure: Winery Ordinance Update FEIR 15EIR-00000-00002 Revision Letter (RV 01)

Winery Ordinance Update

Final Environmental Impact Report

15EIR-00000-00002

SCH #2014061083

Revision Letter (RV 01)

September 19, 2016

Prepared by:

County of Santa Barbara

Planning and Development Department

Long Range Planning Division

123 East Anapamu Street, First Floor

Santa Barbara, CA 93101

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**REVISIONS TO THE FINAL ENVIRONMENTAL IMPACT REPORT
(15EIR-00000-00002, SCH#2014061083)**

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I. BACKGROUND

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) (15EIR-00000-00002) (SCH#2014061083) was prepared for the Winery Ordinance Update. The Draft EIR for the Winery Ordinance Update was released for public comment on May 29, 2015. A publically noticed Draft EIR comment hearing was held on June 25, 2015. Public and agency comments were received until the end of the comment period on July 13, 2015. The County responded in writing to comments received on the Draft EIR in accordance with CEQA Guidelines Section 15088. Responses to the comments describe the disposition of significant environmental issues raised and changes to the EIR made in response to the comments, including text changes. The EIR evaluated three project alternatives in addition to the proposed project, as follows: No Project Alternative; Alternative 1 - Local Production Emphasis; and Alternative 2 - Expanded Winery Activities.

The Final EIR concluded that the Winery Ordinance Update would result in significant unmitigable (Class I) impacts to: Air Quality and Greenhouse Gas Emissions and Transportation and Traffic. The Winery Ordinance Update would also result in significant but mitigable (Class II) impacts to Land Use and Planning, Noise, and Transportation and Traffic.

The Planning Commission considered the Winery Ordinance Update during public hearings on May 3, 2016, June 22, 2016, August 3, 2016, and September 19, 2016. The Planning Commission directed staff to make changes to various sections of the proposed Winery Ordinance which are included in the Planning Commission memorandum dated September 9, 2016 (Attachment D, Exhibit 1).

II. REVISIONS TO THE EIR ANALYSIS

At the September 19, 2016 hearing, the Planning Commission's recommendation to approve the Winery Ordinance Update included the following minor amendments to the project description which are analyzed below.

These proposed Land Use and Development Code (LUDC) ordinance amendment changes recommended by the Planning Commission subsequent to preparation of and circulation of the EIR include: EIR Alternative components previously analyzed in the Final EIR becoming part of the proposed project, and minor changes to allowed uses, permit requirements, and development standards.

As discussed below in more detail, the minor revisions documented in this EIR Revision Letter do not require recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5(b), as they do not involve new significant, environmental effects or a substantial increase in the severity of previously identified significant effects, and do not deprive the public of a meaningful opportunity to comment.

A. Analysis of Revisions to Planted Vineyard Acreage Requirements

The Planning Commission recommendation incorporates the EIR Alternative 1 Planted Vineyard Acreage Requirements as shown in underline text in Table 1 below. Potential impacts were analyzed as part of the Alternative 1 impact analysis and incorporation of the requirements in the Planning Commission recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this portion of the Alternative part of the project.

Table 1

ALTERNATIVE 1			
	Tier A	Tier B	Tier C
Planted Vineyard Acreage Requirements	A minimum of 2 acres for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 2 acres. There is no maximum on the number of acres planted. <u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County.</u>	A minimum of 2 acres for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 10 acres. There is no maximum on the number of acres planted. <u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County.</u>	A minimum of 1 acre for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 20 acres. There is no maximum on the number of acres planted. <u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County.</u>

B. Analysis of Revisions to Winery Special Events

The Planning Commission recommendation incorporates the EIR Alternative 2 Winery Special Events provision for Tier C wineries which allows the Planning Commission to approve winery special events in excess of 12 per calendar year with a Conditional Use Permit based on site-specific considerations that address neighborhood compatibility as shown in underline text in Table 2 below. Potential impacts were analyzed as part of the Alternative 2 impact analysis and incorporation of the requirements in the Planning Commission recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this portion of the Alternative part of the project.

Table 2

ALTERNATIVE 2			
	Tier A	Tier B	Tier C
Winery Special Events	Winery special events are not allowed with the exception of four approved Santa Barbara County industry weekend open houses.	Winery special events are not allowed with the exception of four approved Santa Barbara County industry weekend open houses.	Winery special events may be allowed in compliance with a Conditional Use Permit approved by the Planning Commission and in compliance with the following development and operational standards. A maximum of 200 winery visitors are allowed at any one event; however, additional winery visitors may be approved by the Planning Commission. *Winery Premises less than 40 acres: A maximum of 6 events

ALTERNATIVE 2			
	Tier A	Tier B	Tier C
			<p>allowed per calendar year.</p> <p>Winery premises 40 acres or larger: <u>A maximum of 12 events allowed per calendar year; however, additional events may be approved by the Planning Commission.</u></p>

C. Analysis of Revisions to Cooking Classes and Winemaker Meals

The Planning Commission recommendation removes the Conditional Use Permit requirement for cooking classes at Tier C wineries and would allow a limited number of cooking classes and/or winemaker meals at Tier B and Tier C wineries as summarized below:

- Cooking classes are allowed at Tier B and Tier C wineries.
 - Tier B winery: A maximum of six cooking classes and/or winemaker meals may be allowed at a Tier B winery within a calendar year provided that the cumulative total of cooking classes and winemaker meals does not exceed six.
 - Tier C winery: A maximum of eight cooking classes and/or winemaker meals may be allowed at a Tier C winery within a calendar year provided that the cumulative total of cooking classes and winemaker meals does not exceed eight.

The frequency of cooking classes would be significantly reduced from potentially on a daily basis to a limit of six or eight times per year for Tier B and Tier C wineries respectively. Incorporation of these requirements in the Planning Commission recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is warranted.

D. Analysis of Additional Ordinance Revisions

The Planning Commission recommendation includes various ordinance revisions throughout Land Use and Development Code (LUDC) Section 35.42.280 including new and revised development standards, permit revocation and zoning requirements, and clarifying ordinance text revisions. A summary of the revisions are listed below along with the section of the ordinance where changes occur. All changes are included in Attachment D, Exhibit 1 of Planning Commission staff memorandum dated September 9, 2016.

1) Agriculture is Primary Use

Subsection A: Purpose and intent. Revised purpose and intent language to ensure that the scale of the winery operation is clearly secondary, subordinate, and incidental to the primary agricultural uses of the property on which the winery is located.

The proposed revision clarifies text revisions to the purpose and intent section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR

project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

2) **Permitting Winery-Related Activities**

Subsection B.4: Permit requirements and development criteria. Added permit requirement that any approved winery permit shall specify the number and type of winery related activities that are allowed to occur on the winery premise and that activities that bear no relation to the making and marketing of wine (e.g. fitness classes) are not allowed.

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

3) **Subsequent Change of Winery Premises Area**

Subsection B.5: Reduction in winery premises area.

- Added requirement to address a potential situation where the winery premises area is reduced following approval and/or issuance of the required planning permit(s) for a winery.
- Added revocation and zoning enforcement requirements that would apply if owner fails to file an application to modify the winery operation in compliance with Subsection B.5.a. (Reduction in Winery Premises Area), or following approval of an application to modify the winery operation the owner fails to modify the winery operation so that it complies with Section 35.42.280 (Wineries).

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

4) **Planted Acreage: Hardship Exception and Timing of Vineyard Planting**

Table 4-16: Planted vineyard acreage requirements.

- Added language to accommodate for potential vineyard loss due to disease or weather, and/or to accommodate time for newly planted vineyard fruit to mature.
- Added language that the minimum required planted vineyard acreage shall be planted on the winery premises prior to issuance of the Land Use Permit and/or Zoning Clearance required to commence construction of the winery.

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

5) Tier A Winery with Tasting Room

Table 4-16 and Subsection C.9.b. Tasting rooms.

- A Conditional Use Permit approved by the Planning Commission is required if a tasting room is proposed as part of a Tier A winery operation. Additional requirements include:
 - Minimum winery premises area of 10 acres.
 - Allowable floor area of the tasting room shall not exceed 200 sq. ft.
 - Tier A winery with tasting room shall be located in the Rural Area as designated on the Comprehensive Plan on property zoned AG-II.
 - Tasting shall be by appointment only and limited to 20 winery visitors (who do not qualify as a member of the trade) at any one time.

The Planning Commission recommendation would allow a small scale, low-intensity tasting room at a Tier A winery in the Rural area on property zoned Agricultural II (AG-II). Overall impacts for the Rural Area would be similar to Tier A winery uses (without a tasting room) analyzed as part of the project description in the Final EIR. The Tier A winery with tasting room establishes a limit of 20 winery visitors at any one time which is equivalent to the maximum 20 members of the trade limit at any one time for Tier A wineries without a tasting room. Vehicle trip generation and associated project and cumulative traffic impacts of a Tier A winery with tasting room would be similar to impact levels for the Rural area analyzed in the Final EIR for Tier A wineries without a tasting room. Similarly, a Tier A winery with tasting room in the Rural area would not increase potential noise and land use compatibility impacts previously analyzed in the Final EIR. Winery Ordinance development standards addressing noise and land use would also apply to Tier A wineries with a tasting room. Incorporation of the Planning Commission's recommendation to allow a Tier A winery with tasting room in the Rural area would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is warranted.

6) Exceedance of Winery Visitor Limits – Enforcement Actions

Table 4-16 and Subsection C.10: Winery visitors.

- Added revocation and zoning provisions for when the number of visitors exceeds the allotted amount (thereby being considered as a special event and not standard winery visitors), yet the winery permit does not allow special events.

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

7) Findings for Special Events

Table 4-16 and Subsection C.11: Winery special events. Added new development standards for approval of winery special events that ensure winery special events are:

1. Beneficial to and inherently related to the agricultural use of the land;
2. Do not hinder or impair the short-term or the long-term agricultural activities on the winery premises or on other properties in the vicinity; and
3. The scale and frequency of permitted events are clearly secondary, subordinate, and incidental to the primary agricultural uses of the property on which the winery is located.

The proposed revision adds winery special event findings which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

8) Number of Winemaker Meals per Year

Table 4-16 and Subsection C.16: Winemaker meals.

- Increased the maximum number of winemaker meals from four to six for Tier B wineries, and from six to eight for Tier C wineries. The increase is consistent with staff's recommended approach to consider cooking classes as a permitted use with limited frequency combined with winemaker meals.

The frequency of cooking classes would be significantly reduced from potentially on a daily basis to a limit of six or eight times per year for Tier B and Tier C wineries respectively. Incorporation of these requirements in the Planning Commission recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is warranted.

9) Food Service and Preparation – Clarifications

Subsection C.16: Food service and food preparation.

- Restructured food service and food preparation (Subsection C.16.a) and additional standards that apply to cooking classes and/or winemaker meals (Subsection C.16.b).
- Added requirement that all food service and food preparation shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the food service and food preparation occur.
- Added maximum number of allowed cooking classes and/or winemaker meals as discussed above.
- Added revocation and zoning enforcement provision if special events are not allowed on the winery premises. This provision would apply if cooking class and winemaker meal attendees exceed the maximum number of winery visitors allowed on the winery premises at any one time.
- Added requirement that food service and food preparation associated with cooking classes shall not include menu options or meal service, including food directly prepared at customer request, such that the winery premises functions as a restaurant, cafe, or coffee shop.

The proposed revision clarifies text revisions to the permitting section of the ordinance for food service and preparations which do not change allowed uses or the intensity of uses

analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

10) Vineyard and Winery Tours – Clarifications and Enforcement Options

Subsection C.17: Vineyard and winery tours.

- Removed references to cooking classes.
- Added revocation and zoning enforcement process for when special events are not allowed on the winery premises. This provision would apply if vineyard and winery tour attendees exceed the maximum number of winery visitors allowed on the winery premises at any one time.

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

11) Definitions for Cooking Class and Winery Special Event

Definitions Section.

- Revised the definitions for “cooking class” and “winery special event”.

The revised ordinance definitions do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

III. CONCLUSION

The Planning Commission recommendations resulted in minor revisions to the proposed County Land Use and Development Code (LUDC) Ordinance Amendment. None of the changes recommended by the Planning Commission would result in any new significant, environmental effects or a substantial increase in the severity of previously identified significant effects nor would they cause changes to the conclusions in the impacts analysis in the Final EIR, or deprive the public of a meaningful opportunity to comment.

ATTACHMENT D: 14ORD-00000-00006 RESOLUTION AND ORDINANCE

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS ADOPTION OF AN AMENDMENT)
TO SECTION 35-1, THE SANTA BARBARA COUNTY LAND)
USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING,)
OF THE COUNTY CODE, AMENDING ARTICLE 35.3, SITE) RESOLUTION NO.: 16 - ____
PLANNING AND OTHER PROJECT STANDARDS, ARTICLE)
35.4 STANDARDS FOR SPECIFIC LAND USES, AND ARTICLE)
35.11, GLOSSARY TO IMPLEMENT NEW DEVELOPMENT) CASE NO.: 14ORD-00000-00006
STANDARDS, PERMIT REQUIREMENTS AND PROCEDURES)
REGARDING WINERY DEVELOPMENT)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 14ORD-00000-00006) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, to implement new development standards, permit requirements and procedures, and make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Community and Area Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety. The proposed ordinance amendments will (1) revise existing permit processes to enhance clarity and efficiency, (2) add new development standards and restrictions pertaining to specific land uses which will serve to minimize potential adverse impacts to the surrounding area, and (3) correct and clarify existing text provisions.
- E. This Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Planning Commission memorandum dated September 9, 2016
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Planning Commission.

PASSED, APPROVED AND ADOPTED this _____ 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Larry Ferini, Chair
Santa Barbara County Planning Commission

ATTEST:

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. 14ORD-00000-00006

Exhibit 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS, 35.4, STANDARDS FOR SPECIFIC LAND USES, AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW DEVELOPMENT STANDARDS, PERMIT REQUIREMENTS AND PROCEDURES REGARDING WINERY DEVELOPMENT.

Case No. 14ORD-00000-00006

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.36.040, Required Number of Spaces: Agricultural Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

35.36.040 - Required Number of Spaces: Agricultural Uses

Agricultural parking standards shall be in compliance with the provisions in this Section, in [Section 35.36.080 \(Standards for All Zones and Uses\)](#) and in [Section 35.36.090 \(Standards for Agricultural Zones and Uses\)](#) below. Unless otherwise noted, the indicated parking requirements shall apply to uses in both the Coastal Zone and the Inland area.

Table 3-4 - Agriculture Parking Standards

Agriculture, Resource & Open Space Uses	Parking Spaces Required
Commercial greenhouses, hothouse or other plant protection structures	2 spaces per acre of land in such use.
Wineries (Inland area only)	
Bus/limousine parking	Additional oversized spaces (10 feet x 30 feet) to accommodate bus/limousine parking as follows: 1 space for the first 20,000 square feet of winery structural development, and 1 space for every additional 20,000 square feet, or fraction thereof, of winery structural development.
Tasting rooms, reception areas, and kitchens and other areas for use by patrons <u>winery visitors</u> .	1 space per 300 square feet and; 1 space per 2 employees for tasting rooms, reception areas, kitchens, or other areas used by patrons <u>winery visitors</u> .
Offices, laboratories, or administration.	1 space per 300 square feet for offices, laboratories or administration.
Production, storage, or warehousing.	1 space per 1,000 square feet for production, storage or warehousing.
Special event parking, including group events and winemaker dinners <u>meals</u> .	1 space per 2.5 people for special event parking.

SECTION 2:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to

amend Section 35.42.280, Wineries, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

35.42.280 - Wineries

A. Purpose and applicability intent. ~~This Section provides~~ The purpose of this Section is to provide regulations for the development and operation of wineries, where allowed by Article 35.2 (Zones and Allowable Land Uses). The intent is to:

- ~~1. promote~~ Promote the orderly development of wineries within the County,
- ~~2. Ensure that the scale of the winery operation is clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the winery is located, and~~
- ~~3. and ensure their compatibility with surrounding land uses in order to protect~~ Protect the public health, safety, natural, and visual resources by requiring compliance with development standards that are designed to ensure the compatibility of the winery operation with surrounding land uses.

~~B. Coastal Zone permit requirements and development criteria.~~

- ~~1. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises that comply with all of the following criteria may be allowed subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):~~
 - ~~a. The winery is located on premises used for vineyard purposes.~~
 - ~~b. The winery is operated in connection with the processing of wine grapes grown on the premises.~~
 - ~~e. Retail sales of wine grape products shall be limited to those grown on the premises.~~

~~C. Inland area permit requirements and development criteria.~~

- ~~1. Wineries that comply with all of the following criteria may be allowed subject to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits):~~
 - ~~a. For every 1,000 cases of wine produced per year there shall be a minimum two acres of vineyard planted on the winery premises.~~
 - ~~b. The production capacity of the winery shall not exceed 20,000 cases per year.~~
 - ~~e. The winery premises shall not contain a tasting room.~~
 - ~~d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.~~
 - ~~e. Winery special events occurring on the winery premises shall not exceed four per year and the attendance at each event shall not exceed 150 attendees. Otherwise, the winery shall not be open to the public and shall not offer tours and retail wine sales to the public.~~
- ~~2. Wineries that comply with all of the following criteria may be allowed subject to a Development Plan approved by the Zoning Administrator in compliance with Section 35.82.080 (Development Plans):~~
 - ~~a. For every 1,000 cases of wine produced there shall be a minimum one acre of vineyard planted on the winery premises.~~
 - ~~b. The production capacity of the winery shall not exceed 50,000 cases per year.~~
 - ~~e. The winery may include a tasting room. However, the floor area of the tasting room shall not exceed 400 square feet or 10 percent of the winery structural development area located on the winery premises, whichever is greater.~~
 - ~~d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.~~
 - ~~e. Winery special events occurring on the winery premises shall not exceed eight per year and~~

~~the attendance at each event shall not exceed 150 attendees.~~

- ~~3. Wineries that comply with all of the following development standards may be allowed subject to a Development Plan approved by the Commission in compliance with Section 35.82.080 (Development Plans). The production capacity of the winery is not limited and the winery may contain a tasting room:
 - ~~a. For every 1,000 cases of wine produced there shall be at a minimum one-half acre of vineyard planted on the winery premises.~~
 - ~~b. Winery special events occurring on the winery premises shall not exceed 12 per year and the attendance at each event may not exceed 200 attendees.
 - ~~(1) Winery special events in excess of 12 per year or where the attendance at one or more events exceeds 200 may be allowed in compliance with a Conditional Use Permit approved by the Commission in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).~~
 - ~~(2) The number of special events allowed by a Conditional Use Permit shall not exceed 40 days per year.~~~~~~

B. Permit requirements and development criteria.

1. Wineries may be allowed in compliance with the following applicable permit requirements and development criteria specified for the particular tier as shown in Table 4-16 (Winery Permit Requirements and Development Criteria), below.
2. An application for a winery shall be submitted in compliance with Section 35.80.030 (Application Preparation and Filing).
- 4 3. The Department shall refer winery applications to the Subdivision/Development Review Committee and the Board of Architectural Review for review and recommendation to the review authority.
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.
- 5. Reduction in winery premises area.**
 - a. If following approval and/or issuance of the required planning permit(s) for a winery the area of the winery premises is reduced such the winery is no longer in compliance with the required premises area under which the winery was permitted, then within 30 days following the reduction in the area of the winery premises, the owner shall file an application in compliance with Section 35.84.040 (Changes to an Approved Project) to modify the winery operation so that it complies with this Section 35.42.280 (Wineries).
 - b. If the owner fails to files an application to modify the winery operation in compliance with Subsection B.5.a, above, or, following approval of an application to modify the winery operation, the owner fails to modify the winery operation so that it complies with this Section 35.42.280 (Wineries), then the County may either:
 - (1) Revoke the approved and/or issued planning permit for the winery in compliance with Section 35.84.060 (Revocations) or.
 - (2) Require compliance with Section 35.42.280 (Wineries) through a zoning enforcement action in compliance with Chapter 25.108 (Enforcement and Penalties).

Table 4-16 - Winery Permit Requirements and Development Criteria

	<u>Tier A</u>	<u>Tier B</u>	<u>Tier C</u>
<u>Required Permit and Review Authority</u>	A Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits). A Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) by the Commission is also required if a tasting room proposed as part of the winery operation.	A Final Development Plan approved in compliance with Section 35.82.080 (Development Plans) by the Zoning Administrator.	A Final Development Plan approved in compliance with Section 35.82.080 (Development Plans) by the Commission. A Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) by the Commission is also required if winery special events are proposed as part of the winery operation.
<u>Minimum winery premises area</u>	None, except as required in compliance with Subsection C.9 (Tasting rooms).	Inner-Rural Area: 40 acres. Rural Area: 20 acres.	40 acres.
<u>Planted vineyard acreage requirements</u>	A minimum of 2 acres for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 2 acres. There is no maximum on the number of acres planted. The minimum required acreage shall be planted on the winery premises prior to issuance of the Land Use Permit required to commence construction of the winery. At least 51 percent of the winery case production shall be from grapes grown on the winery premises and/or from Santa Barbara County. (1)	A minimum of 2 acres for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 10 acres. There is no maximum on the number of acres planted. The minimum required acreage shall be planted on the winery premises prior to issuance of the Land Use Permit and/or Zoning Clearance required to commence construction of the winery. At least 51 percent of the winery case production shall be from grapes grown on the winery premises and/or from Santa Barbara County. (1)	A minimum of 1 acre for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 20 acres. There is no maximum on the number of acres planted. The minimum required acreage shall be planted on the winery premises prior to issuance of the Land Use Permit and/or Zoning Clearance required to commence construction of the winery. At least 51 percent of the winery case production shall be from grapes grown on the winery premises and/or from Santa Barbara County. (1)
<u>Maximum area of winery structural development</u>	20,000 sq. ft. See Subsection C.3 (Winery structural development) for additional development standards.	20,000 sq. ft. See Subsection C.3 (Winery structural development) for additional development standards.	The maximum area shall be determined through Final Development Plan approval. See Subsection C.3 (Winery structural development) for additional development standards.
<u>Tasting Room</u>	A tasting room is not allowed unless approved in conjunction with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) by the Commission. See Subsection C.9 (Tasting rooms) for additional development standards.	A tasting room is allowed. The allowable floor area of the tasting room shall not exceed 600 sq. ft. or 10% of the winery structural development area located on the winery premises, whichever is greater. See Subsection C.9 (Tasting rooms) for additional development standards.	A tasting room is allowed. The allowable floor area of the tasting room shall be determined through Final Development Plan approval. See Subsection C.9 (Tasting rooms) for additional development standards.

Notes:

- (1) To accommodate for potential vineyard loss due to disease or weather, and/or to accommodate time for newly planted vineyard fruit maturity, no more than 50 percent of the grapes processed over a five year period shall be imported from outside of Santa Barbara County and San Luis Obispo County.

Table 4-16 - Winery Permit Requirements and Development Criteria (cont.)

	<u>Tier A</u>	<u>Tier B</u>	<u>Tier C</u>
<u>Winery visitors</u>	<p>Winery visitors are not allowed on the winery premises except that:</p> <ol style="list-style-type: none"> 1. <u>A maximum of 20 members of the trade are allowed at any one time.</u> 2. <u>A maximum of 50 winery visitors at a wine industry-wide event are allowed at any one time.</u> 3. <u>A maximum of 20 winery visitors are allowed at any one time for the purpose of tasting wine. This number shall be reduced by the number of members of the trade who are present at the same time, so that in no event shall there be more than 20 winery visitors on the winery premises at any one time.</u> <p>See Subsection C.10 (Winery visitors) and Subsection C.12 (Wine industry-wide events) for additional development standards.</p>	<p><u>Winery premises less than 40 acres:</u> <u>A maximum of 50 winery visitors are allowed on the winery premises at any one time, except that during a wine industry-wide event a maximum of 100 winery visitors are allowed at any one time.</u></p> <p><u>Winery premises 40 acres and greater:</u> <u>A maximum of 80 winery visitors are allowed on the winery premises at any one time, except that during a wine industry-wide event a maximum of 150 winery visitors are allowed at any one time.</u></p> <p>See Subsection C.10 (Winery visitors) and Subsection C.12 (Wine industry-wide events) for additional development standards.</p>	<p><u>A maximum of 80 winery visitors are allowed on the winery premises at any one time except that during:</u></p> <ol style="list-style-type: none"> 1. <u>A wine industry-wide event a maximum of 200 winery visitors are allowed at any one time.</u> 2. <u>A winery special event a maximum of 200 winery visitors are allowed at any one time; however, additional winery visitors may be approved by the Commission.</u> <p>See Subsection C.10 (Winery visitors), Subsection C.11 (Winery special events) and Subsection C.12 (Wine industry-wide events) for additional development standards.</p>
<u>Winery visitor hours</u>	<p><u>Winery visitors may be allowed on the winery premises between the hours of 10:00 a.m. and 6:00 p.m.; however, attendees at a wine industry-wide event may be allowed on the winery premises until 10:00 p.m.</u></p> <p>See Subsection C.10 (Winery visitors) for additional development standards.</p>	<p><u>Winery visitors may be allowed on the winery premises between the hours of 10:00 a.m. and 6:00 p.m.; however winery visitors attending cooking classes or winemaker meals, and attendees of wine industry-wide events, may be allowed on the winery premises until 10:00 p.m.</u></p> <p>See Subsection C.10 (Winery visitors) for additional development standards.</p>	<p><u>Winery visitors may be allowed on the winery premises between the hours of 10:00 am and 6:00 p.m.; however winery visitors attending cooking classes or winemaker meals, and attendees of wine industry-wide events, may be allowed on the winery premises until 10:00 p.m. Winery visitors attending winery special events may be allowed on the winery premises in compliance with Subsection C.11 (Winery special events).</u></p> <p>See Subsection C.10 (Winery visitors) for additional development standards.</p>
<u>Cooking classes</u>	<p><u>Cooking classes are not allowed.</u></p>	<p><u>A maximum of six cooking classes may be allowed within a calendar year, except as limited in compliance with Subsection C.16 (Food service and food preparation) which contains additional development standards.</u></p>	<p><u>A maximum of eight cooking classes may be allowed within a calendar year, except as limited in compliance with Subsection C.16 (Food service and food preparation) which contains additional development standards.</u></p>
<u>Vineyard and winery tours</u>	<p><u>Vineyard and winery tours are only allowed for a maximum of 20 members of the trade at any one time. See Subsection C.17 (Vineyard and winery tours) for additional development standards.</u></p>	<p><u>Vineyard and winery tours are allowed in compliance with Subsection C.17 (Vineyard and winery tours).</u></p>	<p><u>Vineyard and winery tours are allowed in compliance with Subsection C.17 (Vineyard and winery tours).</u></p>

Table 4-16 - Winery Permit Requirements and Development Criteria (cont.)

	<u>Tier A</u>	<u>Tier B</u>	<u>Tier C</u>
<u>Winemaker meals</u>	Winemaker meals are not allowed.	A maximum of six winemaker meals may be allowed within a calendar year. See Subsection C.16 (Food service and food preparation) for additional development standards. Winemaker meal attendees are considered to be winery visitors and shall be included within the maximum number of winery visitors allowed on the winery premises at any one time. See Subsection C.10 (Winery visitors) for additional development standards.	A maximum of eight winemaker meals may be allowed within a calendar year, except as limited in compliance with Subsection C.16 (Food service and food preparation) which contains additional development standards. Winemaker meal attendees are considered to be winery visitors and shall be included within the maximum number of winery visitors allowed on the winery premises at any one time. See Subsection C.10 (Winery visitors) for additional development standards.
<u>Food service and food preparation</u>	Food service and food preparation is not allowed except when prepared for and served to members of the trade.	Food service and food preparation may be allowed in compliance with Subsection C.16 (Food service and food preparation).	Food service and food preparation may be allowed in compliance with Subsection C.16 (Food service and food preparation).
<u>Wine industry-wide events</u>	A maximum of 4 events within a calendar year are allowed in compliance with Subsection C.12 (Wine industry-wide events).	A maximum of 4 events within a calendar year are allowed in compliance with Subsection C.12 (Wine industry-wide events).	A maximum of 4 events within a calendar year are allowed in compliance with Subsection C.12 (Wine industry-wide events).
<u>Winery special events</u>	Winery special events are not allowed.	Winery special events are not allowed.	<u>Maximum number of events.</u> A maximum of 12 winery special events within a calendar year may be allowed in compliance with a Conditional Use Permit approved by the Commission in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits). Winery special events in excess of 12 per calendar year may be allowed by the Commission in compliance with a Conditional Use Permit based on site-specific considerations that address neighborhood compatibility. <u>Maximum number of winery visitors allowed at any event.</u> 200 at any one time; however, additional winery visitors may be approved by the Commission. See Subsection C.11 (Winery special events) for additional development standards.

DC. ~~Development standards for winery facilities located in the Inland area.~~ Wineries shall also comply with the following development standards, unless otherwise indicated. The standards contained in this Subsection shall supersede other regulations contained in this Development Code in the case of a conflict. However, other portions of the Santa Barbara County Code, as well as permitting requirements of other County Departments and Special Districts may contain standards and regulations that apply to winery development.

1. In general:

- a. ~~The primary purpose of the winery shall be to process wine grapes grown on the winery premises or on other local agricultural lands located within Santa Barbara County and San Luis Obispo County. No more than 50 percent of the grapes processed over a five year period shall be imported from outside of Santa Barbara County and San Luis Obispo County.~~
- b. ~~Retail sales of wine grape products shall be limited to those produced by the winery operator or bottled or grown on the winery premises.~~

Purpose. The purpose of these development standards is to ensure that the primary use of the lot on which the winery is located is for the production of an agricultural commodity and preparation and marketing of the agricultural commodity.

2. Setbacks. Structures and outdoor use area associated with a winery shall be located in compliance with the following requirements. Winery special events and winery industry-wide events are subject to additional setback requirements as contained in Subsection C.11 (Winery special events), and C.12 (Wine industry-wide events).

- a. Structures and outdoor use areas associated with a winery shall provide a minimum setback of 100 feet from adjacent lots. This setback shall be increased to 200 feet if the winery ~~includes public tours, public wine tasting, retail sales, or special events~~ has winery visitors, not including members of the trade.
- b. Structures and outdoor use areas associated with a winery shall provide a minimum setback of 200 feet from an existing residence located on an adjacent lot. The setback shall be increased to 400 feet if the winery ~~includes public tours, public wine tasting, retail sales, or special events~~ has winery visitors, not including members of the trade. A winery shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the approval for the winery is granted (either by an approved Development Plan or issued Land Use Permit), a residence is constructed on property that is either not owned by the owner of the property on which the winery is located or is not part of the winery premises, and the location of the residence is within the setback distances specified above.
- c. The setbacks required in compliance with Subsections C.2.a and C.2.b, above, may be reduced by the review authority provided any of the following findings are made. However, the setbacks shall not be reduced to below that which is normally required by the applicable zones or Article 35.2 (Zones and Allowable Land Uses).
 - (1) There is not a feasible way to meet the required setbacks without creating a significant environmental impact or impacting prime agricultural land (i.e., ~~Soil Conservation—Natural Resource Conservation~~ Service Class I and II).
 - (2) The setback distances are not practical or feasible due to existing topographic conditions or onsite vegetation.
 - (3) The setback reduction is proposed for a legally constructed existing structure, and as indicated below.
 - (a) It can be clearly demonstrated that the structure was intended to be used for a legitimate agricultural or residential use, and
 - (b) The use of the structure as part of a winery operation shall not adversely affect neighboring properties.
 - (4) The setback reduction is proposed for a structure that is part of an existing nonconforming winery operation and proposed additions to the structure are located no closer to the closest property line than the existing structure is located.
- d. ~~The minimum setback distances required under Subsections 2.a. and 2.b.~~ C.2.a and C.2.b, above do not apply if the adjoining property is under the same ownership as the lot that the winery is located on or is included within the winery premises.

3. Winery structural development. The following development standards apply to all winery structural development allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above.

- a. Winery structural development is restricted to development associated with the winery operation and shall be directly related and in proportion to the allowed uses of the winery premises.
- b. Development not included in the winery structural development definition shall not be utilized for any winery visitor activities.
- c. **Prohibited development at Tier A and Tier B wineries.**
 - (1) **Tier A.** Winery development at a Tier A winery shall not include structures used to support prohibited winery related activities including wine tasting unless specifically permitted, cooking classes, winemaker dinners, winery special events, winery tours, and vineyard tours. Food preparation facilities are also not allowed, except for such facilities required for limited food service and preparation as allowed in compliance with Table 4-16.
 - (2) **Tier B.** Winery development at a Tier B winery shall not include structures used to support prohibited winery related activities including winery special events.

3 4. Access/street addressing.

- a. ~~Access to the winery premises and access ways within the winery premises, shall be designed to the satisfaction of the County Traffic Engineer and County Fire Department and shall comply with the applicable County private road and driveway standards and requirements. Ingress and egress shall be clearly marked and visible, and turning movements into the winery premises shall not create congestion or unnecessary slowing at access points. Structure address numbers shall be posted at the driveway /access road winery premises entrances and on winery structures in compliance with County Fire Department requirements.~~
- b. ~~Existing roads shall be utilized to the maximum extent feasible in order to minimize grading, site disturbance, and the loss of agricultural land.~~

4-5. Design standards. New structures associated with the winery including production facilities and exterior changes to existing structures associated with the winery shall be subject to review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review). Exterior changes to existing structures associated with the winery shall be subject to review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review) unless the exterior changes are determined to be minor by the Director. In addition, the following design standards shall also apply.

- a. **Exterior.** The design, scale, and character of the winery shall be compatible with existing development in the vicinity. Structures associated with the winery including production facilities shall have an exterior design style that is agricultural or residential in nature using earth tones and non-reflective paints, siding, and roofing materials. Structures shall not use an exterior design style typically associated with large industrial facilities.
- b. **Screening.** The visibility of winery structures from public roads shall be minimized through the use of landscaping and other screening devices to ensure that the character of the area is retained. Tanks not located within a structure shall be completely screened from public roads.
- c. **Height.** The height of a structure associated with a winery facility shall be limited to 35 feet. The height limit may be increased to 45 feet where a pitched roof of greater than four in 12 (rise to run) is proposed and at least 50 percent of the structure is limited to a height of 35 feet or less.
- d. **Lighting.** Exterior lighting fixtures shall be of a low intensity, low glare design and shall be shielded with full cutoff design and directed downward to ensure that neither the lamp nor the related reflector interior surface is visible from a location off of the winery premises in order

to prevent spill over onto adjacent lots under separate ownership. Pole lighting fixtures shall be used only for special events and seasonal agricultural activities. Exterior lighting shall not be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.

- e. **Circulation.** Existing roads shall be utilized to the maximum extent feasible in order to minimize grading, site disturbance, and the loss of agricultural land.
- f. **Solar energy systems.** These design standards do not apply to solar energy systems that are exempt from design review and planning permits in compliance with Section 3 5.30.160 (Solar Energy Systems).

5 6. Parking.

- a. The number, size, location, and design of required parking spaces shall comply with the standards of Chapter 35.36 (Parking and Loading Standards) unless there is a conflict with the standards of this Section, in which case the standards of this Section shall apply.
- b. The visibility of parking areas associated with the winery from public roads shall be minimized through the use of landscaping and other devices.
- c. The number of parking spaces shall be permanently maintained on the winery premises. The review authority may modify the number of required spaces based on site-specific considerations. Oversize parking spaces to accommodate bus/limousine parking is only required for Tier B and Tier C wineries that are open to the public.
- d. Parking shall not be allowed within an adjoining road right-of-way or trail easement.
- e. Parking areas shall be surfaced with a minimum of asphalt, concrete, brick, or other masonry paving units, chip seal, or crushed rock surface. Parking spaces on paved surfaces shall be marked with paint striping a minimum of two inches in width. Parking spaces on other types of surfaces shall be marked by the use of concrete wheel stop barriers, timber, or other durable material, that is securely installed and fastened to the parking surface. These standards shall not apply to temporary parking provided in open field areas ~~for~~ in compliance with Subsection C.6.f, below special events.
- f. ~~Parking for special events, group events, or winemaker dinners~~ winery visitors that cannot be accommodated within improved areas devoted to required parking may be provided in open field areas with a slope of 10 percent or less, free of combustible materials, at a ratio of 400 square feet per required space (including parking space and traffic aisles).
- g. **Parking plan requirements for winery special events and wine industry-wide events.** A parking plan shall be implemented for winery special events and wine industry-wide events. The plan shall include:
 - (1) The use of a parking coordinator who shall be present at all times during events attended by 100 or more persons to manage and direct vehicular movement and parking.
 - (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
 - (3) Appropriate signage placed onsite directing visitors to and indicating the location of parking areas, including open field overflow areas. Signs shall be in place before the commencement of each event.

6 7. Waste disposal.

- a. **Solid waste disposal.**
 - (1) A winery solid waste management plan shall be submitted for review and approval by the Public Health Department.
 - (2) ~~The plan shall include a~~ A green waste reduction program plan shall be submitted for

review and approval by the Public Works Department. The plan shall that includes the disposal of stems, leaves, and skins of grapes by drying, spreading, and discing the waste into the soil on the winery premises or other agriculturally zoned property. Pomace may be used as fertilizer or as a soil amendment provided that the use or other disposal shall occur in compliance with applicable County standards.

- b. **Liquid waste disposal.** Liquid waste (process wastewater) from the winery operation shall be handled separately from domestic liquid waste and the disposal thereof shall be in compliance with applicable Regional Water Quality Control Board and County of Santa Barbara discharge requirements.

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.

7 9. Tasting rooms.

- a. The following development standards apply to all tasting rooms allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above.
- a- (1) Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility.
- (2) The tasting room floor area does not include attached restrooms and other areas, which may include food preparation areas, that are used solely by winery staff and are not available for use by winery visitors. (e.g., food preparation areas, offices).
- b- (3) The location of the tasting room shall take into consideration site constraints, onsite access, visual concerns, grading and other environmental issues.
- e- (4) The primary focus of the tasting room shall be the marketing and sale of the wine produced on the winery premises. ~~Sales of souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery may also be offered for sale in the tasting room.~~
- d- (5) If ~~more than one winemaker shares production facilities or more than one winery is located on a winery premises, only one tasting room is allowed. More than one winemaker or winery facility may share a tasting room. More than one tasting room is allowed on the winery premises of a winery permitted as a Tier B or Tier C winery ;~~ however, the cumulative floor area of all tasting rooms shall not exceed the floor area allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above.
- e- (6) More than one winemaker or winery facility may share a tasting room.
- f- (7) Tasting room hours of operation shall be limited between the hours of 10:00 a.m. and 6:00 p.m.

- (8) The use of the tasting room shall be in compliance with the definition of Tasting Room and shall not be used for tasting beer and other spirits not included in the definition of Winery, unless such tasting occurs as part of a permitted special event occurring on the winery premises.
- b. The following additional development standards apply to tasting rooms allowed as part of a Tier A winery in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above.
- (1) **Allowable floor area.** The allowable floor area of the tasting room shall not exceed 200 sq. ft.
- (2) **Location.** The winery premises shall be located in the Rural Area as designated on the Comprehensive Plan on property zoned AG-II.
- (3) **Minimum winery premises area.** 10 acres.
- (4) **Tasting by appointment only.** Wine tasting by winery visitors who do not qualify as members of the trade is limited to tasting by appointment only.

10. Winery visitors.

- a. **Maximum number of winery visitors.** The maximum number of winery visitors allowed on the winery premises at any one time is specified in Table 4-16 (Winery Permit Requirements and Development Criteria), above.
- b. **Winery visitor hours.** Winery visitor hours are specified in Table 4-16 (Winery Permit Requirements and Development Criteria), above, and, for a winery special event, in compliance with Subsection C.11 (Winery special events), below.
- c. If the number of winery visitors present on the winery premises exceeds the maximum allowed at any one time either in compliance with this Section, Table 4-16 (Winery Permit Requirements and Development Criteria) above or Subsection C.12 (Wine industry-wide events), then this shall be considered a winery special event subject to the limitations and restrictions in Table 4-16 (Winery Permit Requirements and Development Criteria), above, and Subsection C.11 (Winery special events).
- (1) If special events are not allowed on the winery premises, then the County may either:
- (a) Revoke the approved and/or issued planning permit for the winery in compliance with Section 35.84.060 (Revocations) or.
- (b) Require compliance with Section 35.42.280 (Wineries) through a zoning enforcement action in compliance with Chapter 25.108 (Enforcement and Penalties).

8-11. Winery Special events. The following development standards apply to all winery special events allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above.

- a. ~~**Site area.** The minimum winery premises area on which a winery 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.~~
- a. Winery special events, including the scale and frequency of events, shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the winery special event occurs.
- b. Winery special events shall be beneficial to and inherently related to the agricultural use of the land.
- c. Winery special events shall not hinder or impair the short-term or the long-term agricultural activities on the winery premises or on other properties in the vicinity.

- d. Winery special events do not include four annual wine industry-wide events or events held at individual wineries that are associated with the four annual wine industry-wide events. See Subsection C.12 (Wine industry-wide events), below.
- e. The maximum number of winery visitors allowed at any one event is inclusive of the whole winery premises and includes winery visitors that are not attending the special event (e.g., tasting room visitors).

b.f. Use limitations.

- (+) ~~Amplified music associated with special events shall not exceed 65 dBA at the exterior boundary of the winery premises. For wineries located in Inner Rural Areas as designated on the Comprehensive Plan, a special event proposing outdoor amplified music shall only be allowed from 10 a.m. to 8 p.m. and the amplified music shall cease by 7 p.m. For wineries located within Rural Areas as designated on the Comprehensive Plan, a special event proposing outdoor amplified music shall only be allowed from 10 a.m. to 11 p.m., and the amplified music shall cease by 10 p.m. unless the Director determines that the sound at the property line shall not exceed 65 dBA.~~

(1) Hours of operation.

- (a) Inner-Rural areas. For wineries located in Inner-Rural Areas as designated on the Comprehensive Plan maps, a winery special event shall only be allowed between 10 a.m. to 8 p.m.
- (b) Rural areas. For wineries located within Rural Areas as designated on the Comprehensive Plan maps, a winery special event shall only be allowed between 10 a.m. to 11 p.m.
- (c) The hours of operation required in compliance with Subsections C.11.f(1)(a) and C.11.f(1)(b), above, may be modified by the Commission based on site-specific considerations that address neighborhood compatibility.

- (2) **Winery special event setback.** The site of a winery special event shall be located a minimum of 1,000 feet from a residential ~~one-family~~ zone that has a minimum lot area requirement of one acre or less.

- (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.

- (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.
- (4) **Other permit requirements.** County Fire Department requirements shall be met. The winery special event and wine industry-wide event may also be subject to the requirements of other County departments and County special districts in compliance with the County Code and the regulations of the County special districts.
- (5) **Non-compliance.** Failure to comply with the winery special events development standards in Subsection C.11 and Table 4-16 (Winery Permit Requirements and Development Criteria) may result in Conditional Use Permit revocation in compliance with Section 35.84.060 (Revocations).
- ~~(4) Water supply and sanitation facilities shall be provided as required by the County Public Health Department.~~
- e. **Parking plan.** A parking plan shall be implemented for special events. The plan shall include:
 - ~~(1) The use of a parking coordinator who shall be present at all times during special events attended by 100 or more persons to manage and direct vehicular movement and parking.~~
 - ~~(2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.~~
 - ~~(3) Appropriate signage placed onsite directing visitors to and indicating the location of parking areas, including open field overflow areas. Signs shall be in place before the commencement of each special event.~~

12. Wine industry-wide events. The following development standards apply to all wine industry wide events allowed in compliance with Table 4- 16 (Winery Permit Requirements and Development Criteria), above.

- a. Events held at individual wineries that are associated with wine industry-wide events shall comply with the following criteria:
 - (1) The event occurs during the same time-frame as the wine industry-wide event.
 - (2) The event does not last more than one day.
 - (3) Each event day shall count as a separate event.
- b. **Maximum number of winery visitors.** The maximum number of winery visitors allowed during a wine industry -wide event on the winery premises at any one time is specified in Table 4-16 (Winery Permit Requirements and Development Criteria), above.
- c. **Hours of operation.**
 - (1) **Inner-Rural areas.** For wineries located in Inner-R ural Areas, as designated on the Comprehensive Plan maps, wine industry-wide events shall only be allowed between 10 a.m. to 8 p.m.
 - (2) **Rural areas.** For wineries located within Ru ral Areas, as designated on the Comprehensive Plan maps, wine industry-wide events shall only be allowed between 10

a.m. to 11 p.m.

(3) The hours of operation required in compliance with Subsections C.12.c.(1) and C.12.c.(2) above, may be modified by the Commission based on site-specific considerations that address neighborhood compatibility.

d. Wine industry-wide event setback. The site of a wine industry-wide event shall be located a minimum of 1,000 feet from a residential zone that has a minimum lot area requirement of one acre or less.

e. 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 regarding a wine industry-wide event during the event and who is responsible for assuring compliance with all winery permit conditions.

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

9 13. Hazardous Materials Business Plan. A Hazardous Materials Business Plan shall be reviewed and approved, or waiver granted, by the County ~~Fire Department or fire district with jurisdiction~~ in the event that storage, handling, or the use of hazardous materials occurs on the winery premises.

10 14. NoiseSound.

a. Construction noise. Noise-generating construction activities associated with winery structural development occurring within 1,600 feet of a noise-sensitive land use as defined in the County Noise Element shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, and shall not occur on State holidays. Non-noise generating construction activities (e.g., painting without the use of a compressor) are not subject to these restrictions.

b. Sound associated with winery visitor activities.

(1) Sound associated with winery special events and other winery visitor activities shall not exceed 60 dBA at the exterior boundary of the winery premises.

(2) **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.

(3) **Rural areas.** Outdoor amplified sound shall cease by 10:00 p.m. for wineries located in the Rural areas, as designated on the Comprehensive Plan maps. This may be modified by the Commission based on site-specific considerations that address neighborhood compatibility, including the proximity of the winery to dwellings on adjacent lots and the size of the winery premises.

15. Retail sales.

a. Retail sales of winery-related promotional items may be allowed as part of the winery operation in compliance with the following:

(1) Retail products shall only be offered for sale within the tasting room.

(2) Retail sale items may include:

(a) Wine grape products produced by the winery operator or bottled or grown on the winery premises.

(b) Souvenirs and clothing bearing the logo of the winery as well as wine-related items and other products that reflect or enhance the character or theme of the winery.

b. Pre-packaged food provided the standards contained in Subsection C.16 (Food service and food preparation), below, are complied with.

16. Food service and food preparation. The following development standards apply to all food service and food preparation allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above, including cooking classes, winemaker meals, and winery special events.

a. Standards that apply to all food service and food preparation.

- (1) All food service and food preparation facilities shall comply with all applicable Public Health Department requirements.
- (2) Food served at a winery may be prepared on-site or off-site.
- (3) Except for food served in association with cooking classes, winemaker meals and winery special events, food served or sold at a winery shall:
 - (a) Be limited to small, appetizer-like portions, and
 - (b) Not include menu options or meal service, including food directly prepared at customer request, such that the winery premises functions as a restaurant, café, or coffee shop.
- (4) Food preparation facilities shall only support the permitted type of food service and food preparation allowed on the winery premises.
- (5) All food service and food preparation shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the food service and food preparation occur.
- (6) Unless otherwise stated, all food service and food preparation is subject to all of the requirements of Section 35.42.280 (Wineries) including parking, waste disposal, etc.

b. Additional standards that apply to cooking classes and winemaker meals. In addition to the standards of Subsection C.16.a (Standards that apply to all food service and food preparation), above, the following standards also apply to cooking classes and winemaker meals as specified:

- (1) **Maximum number of allowed cooking classes and/or winemaker meals.**
 - (a) **Tier B winery.** A maximum of six cooking classes and/or winemaker meals may be allowed at a Tier B winery within a calendar year provided that the cumulative total of cooking classes and winemaker meals does not exceed six.
 - (b) **Tier C winery.** A maximum of eight cooking classes and/or winemaker meals may be allowed at a Tier B winery within a calendar year provided that the cumulative total of cooking classes and winemaker meals does not exceed eight.
- (2) Cooking classes and winemaker meals whose attendees exceed the maximum number of winery visitors allowed on the winery premises at any one time are considered a winery special event and are subject to the limitations and restrictions on winery special events in compliance with Subsection C.11 (Winery special events), above.
 - (a) If special events are not allowed on the winery premises, then the County may either:
 - (i) Revoke the approved and/or issued planning permit for the winery in compliance with Section 35.84.060 (Revocations) or.
 - (ii) Require compliance with Section 35.42.280 (Wineries) through a zoning enforcement action in compliance with Chapter 25.108 (Enforcement and Penalties).
- (3) Food service and food preparation associated with cooking classes shall not include menu options or meal service, including food directly prepared at customer request, such that the winery premises functions as a restaurant, café, or coffee shop.

17. Vineyard and winery tours. Vineyard and winery tours may be allowed on the winery premises if allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above, and in compliance with the following.

- a. Vineyard and winery tours whose attendees exceed the maximum number of winery visitors allowed on the winery premises at any one time are considered a winery special event and are subject to the limitations and restrictions on winery special events in compliance with Subsection C.11 (Winery special events), above.
 - (1) If special events are not allowed on the winery premises, then the County may either:
 - (a) Revoke the approved and/or issued planning permit for the winery in compliance with Section 35.84.060 (Revocations) or.
 - (b) Require compliance with Section 35.42.280 (Wineries) through a zoning enforcement action in compliance with Chapter 25.108 (Enforcement and Penalties).
- b. Unless otherwise stated, vineyard and winery tours are subject to all of the requirements of Section 35.42.280 (Wineries) including parking, waste disposal, etc.
- c. Vineyard and winery tours shall only be allowed between 10:00 a.m. to 6:00 p.m.
- 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.

E. ~~Application requirements.~~ ~~The Director shall establish and maintain a list of information that shall accompany every application for a winery facility. The information shall be in addition to the information required in Section 35.82.110 (Land Use Permits) and Section 35.82.080 (Development Plans), as appropriate, and shall include, but shall not be limited to:~~

- ~~1. The range of activities occurring onsite directly related to wine production (e.g., crushing, fermentation, barrel aging, bottling, bottle storage) accompanied by a site plan that provides a description of where the different winery processes will occur on the site.~~
- ~~2. Production capacity, existing, and proposed.~~
- ~~3. The type of cooperage used in fermentation.~~
- ~~4. Origin of grapes used in the wine production (e.g., percent of grapes produced onsite, percent of grapes imported from off site).~~
- ~~5. The area (existing and proposed) of structures, parking, roads, and driveways, uncovered processing areas, vineyard, and other planted areas.~~
- ~~6. A description of measures proposed to minimize the off-site effects of dust, odor, or noise generated by the proposed winery operation.~~
- ~~7. Information regarding proposed public tours, and wine tasting, retail wine sales, other retail sales including food service and picnic areas available to the public.~~

~~The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submittal application.~~

SECTION 3:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, Chapter 35.110, Definitions, to amend the existing definition of “Bar, Tavern”, and “Winery” to read as follows:

Bar, Tavern. A business where alcoholic beverages are sold for onsite consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, cocktail lounges, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Does not include wineries.

Winery. The following terms are defined for the purposes of Section 35.42.280 (Wineries).

- 1. Cooking class.** A gathering occurring on the winery premises attended by winery visitors primarily for the tasting, education and marketing of winery products. Cooking classes shall be instructional, and may be demonstrational or participatory in nature, and shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the cooking classes occur.
- 2. Members of the trade.** Wine agents, brokers, critics, media, press, wholesalers and other wine trade professionals who are directly related to the business aspects of the winery.
- 3. Tasting room.** A room or rooms, open to the general public, primarily, or an area within a structure, used by a winery visitor primarily for the retail tasting of wine and the marketing of winery products. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery. A room or rooms where wine tasting occurs, where wine tasting is part of the normal business practice in the wholesale marketing of winery products and not open to the public is not considered a tasting room.
- 4. Vineyard/winery tour.** Visitation to the winery structural development and/or vineyard(s) on the winery premises by public or private attendees for various purposes, including educating winery visitors about wine making, grape growing, and the attributes and history of individual wineries.
- 5. Wine club event.** Event or activity reserved for attendance by members of the wineries' wine club, which may include wine release parties, educational wine events, barbeques and food pairing events, and winemaker meals.
- 6. Wine industry-wide event.** An event that is promoted by an organization primarily organized for the purpose of promoting wines produced in Santa Barbara County (e.g., Harvest Festival, Vintners' Festival).
- 7. Winemaker meals.** Meals occurring on the winery premises attended by winery visitors primarily for the tasting, education and marketing of winery products. Winemaker meals shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the winemaker meals occur.
- 8. Winery.** A bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the fermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing. Retail sales and tasting of wine and retail sales of related promotional items may be allowed as part of the winery operation.
- 9. Winery premises.** A lot or group of contiguous lots that has an approved Development Plan, Conditional Use Permit, or Land Use Permit that allows for the development and operation of a winery. Lots shall be considered to be contiguous even if separated by roads, streets, utility easements, or railroad rights-of-way.
- 10. Winery special event.** An event of less than one day and occurring on the winery premises attended by 80 or more people more than the maximum number of winery visitors allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria) including concerts with or without amplified sound, such as weddings, and advertised events, fund raising events, tours, cooking classes, etc. Winery special events shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the winery special event occurs. winemaker dinners open to the general public, etc. Winery special events do not include wine industry wide events (e.g., the Vintner's Festival and Harvest Festival) including associated events held at individual wineries, the normal patronage of a tasting room, and private gatherings of the owner or employees where the general public does not attend.
- 11. Winery Structural Development.** Anything constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof. The footprint area of uncovered storage tanks and wine caves is also included as winery structural development. Winery structural development is restricted to development associated with the winery operation and does not include residential development including employee housing, development that is solely accessory to vineyards, and other agricultural activities not directly associated with the winery.

12. Winery visitor. All persons visiting the winery structural development and/or vineyard(s) on the winery premises such as members of the trade and/or public or private attendees at a tasting room, vineyard/winery tour, cooking class, winemaker meal, wine club event, or other winery related activities. People visiting the premises for non-winery related activities or are not visiting the winery structural development or vineyard, are not considered a winery visitor.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Article 35.3, Article 35.4 and Article 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

PETER ADAM, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

Santa Barbara County Wineries

Wineries in the Unincorporated Portion of Santa Barbara County:

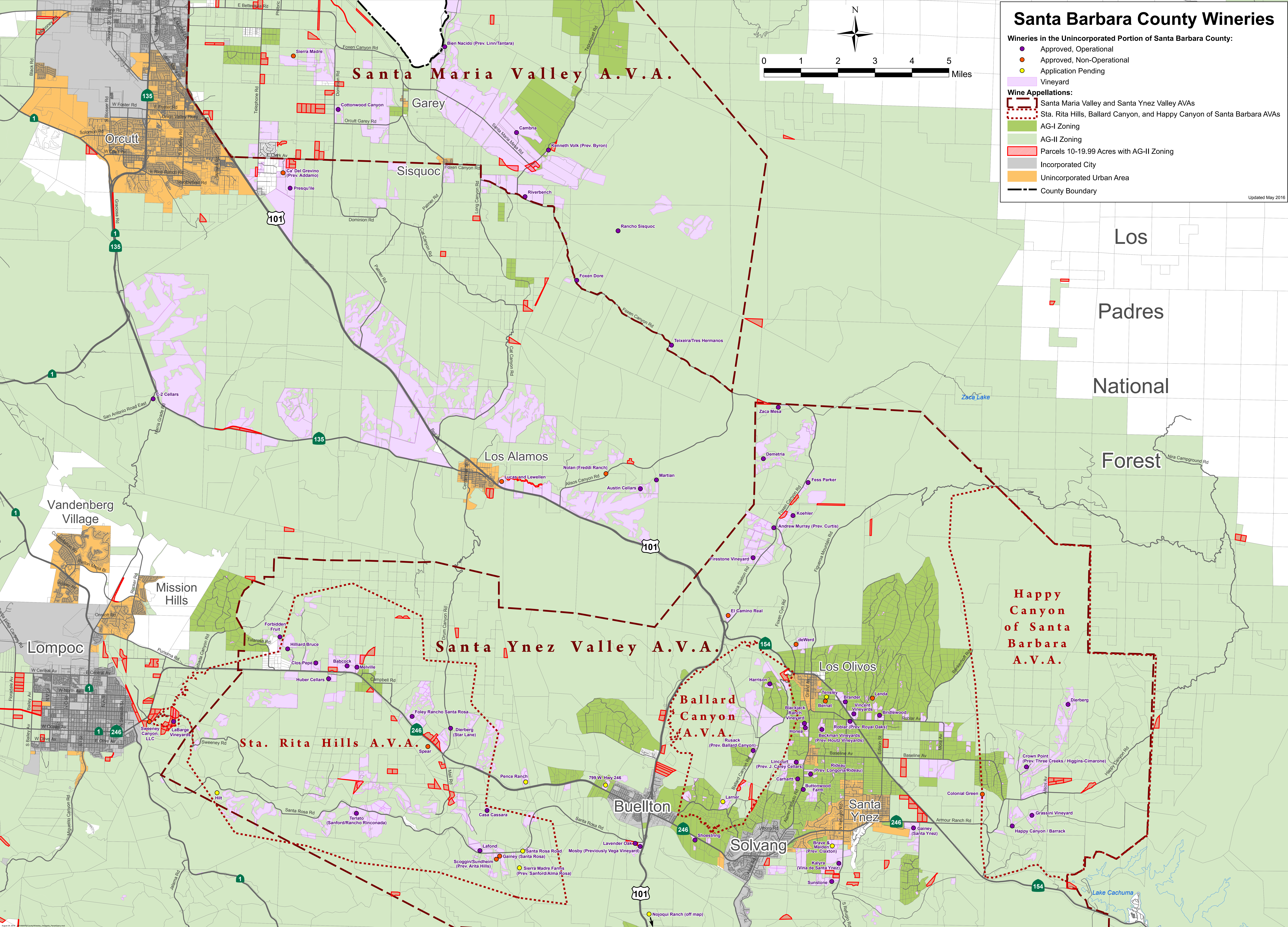
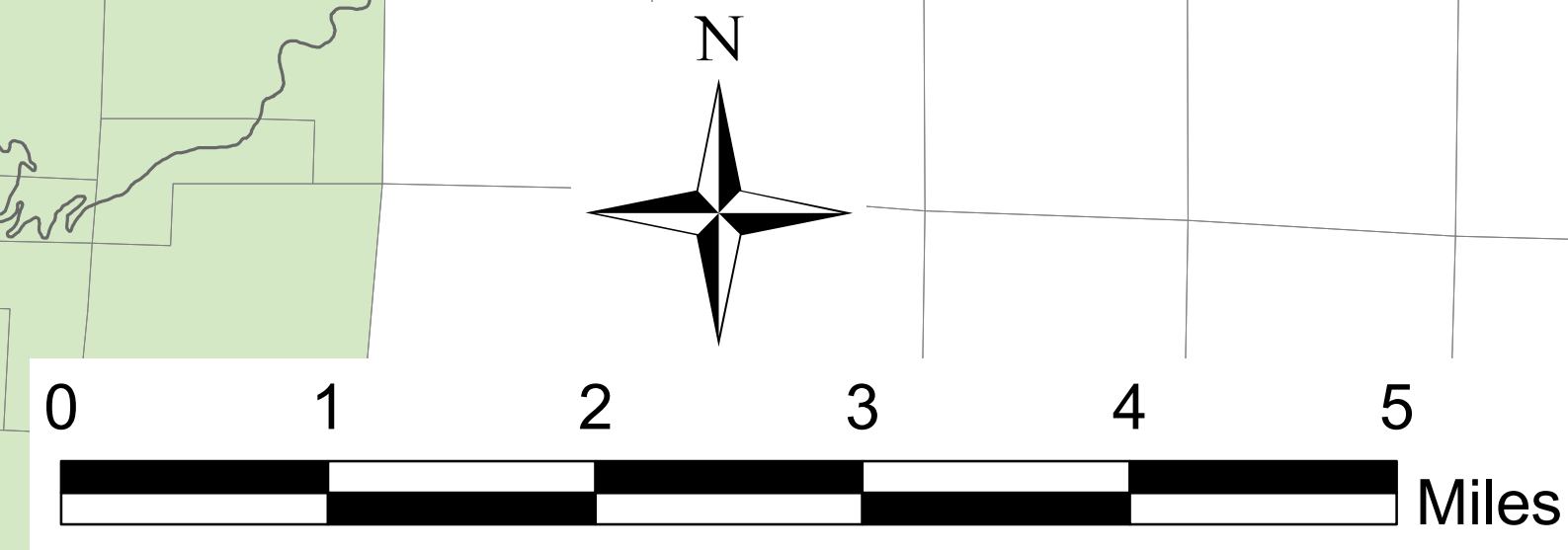
- Approved, Operational
- Approved, Non-Operational
- Application Pending

Vineyard

Wine Appellations:

- Santa Maria Valley and Santa Ynez Valley AVAs
- Sta. Rita Hills, Ballard Canyon, and Happy Canyon of Santa Barbara AVAs
- AG-I Zoning
- AG-II Zoning
- Parcels 10-19.99 Acres with AG-II Zoning
- Incorporated City
- Unincorporated Urban Area
- County Boundary

Updated May 2016



Los
Padres
National
Forest

Happy
Canyon
of Santa
Barbara
A.V.A.

Santa Maria Valley A.V.A.

Santa Ynez Valley A.V.A.

Sta. Rita Hills A.V.A.

Ballard
Canyon
A.V.A.