

ATTACHMENT 9

Planning Commission Memo dated July 27, 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: July 27, 2016

RE: Winery Ordinance Update – Memorandum for August 3, 2016 Planning
Commission Hearing

At the June 22, 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 August 3, 2016. Based on Planning Commission input, Planning and Development staff drafted potential ordinance revisions to the Land Use and Development Code (LUDC), which are included as Attachment A, Exhibit 1 of this memorandum. For ease of review, the revisions in Exhibit 1 are highlighted in yellow. Additions are shown in double underline and deletions are shown in ~~single strikeout~~. The proposed ordinance revisions are summarized below.

1. Ordinance Revisions:

Staff has drafted ordinance revisions throughout Section 35.42.280 to address comments and issues raised by the Commission. Each issue is listed below along with the section of the ordinance in which it is addressed and a summary of the change. All changes are included in Attachment A, Exhibit 1.

a) Agriculture is Primary Use

Subsection A: Purpose and intent. Revised based on Planning Commission guidance 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.

b) 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.

c) 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.

For example, 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).

- Also 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).

d) 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. Staff presented this text change at the June 22, 2016 hearing and it was generally supported by the Commission.
- 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.

This revision is consistent with similar requirements in the LUDC for agricultural processing that includes milling and/or bottling of horticultural or agricultural products (e.g. olive oil pressing), and the Uniform Rules requirement for proposed wineries on agricultural preserve lands.

LUDC Section 35.42.040 – Agricultural Processing, Subsection B.1.b (5): “*The legal parcel on which the processing occurs is planted with the horticultural or agricultural product prior to the commencement of any processing allowed in compliance with this Section.*”

Uniform Rule 2-2.1.B.1: “*A vineyard(s) has been planted on the parcel for which the winery is proposed prior to County approval of the winery.*”

e) Provisions for Cooking Classes

Table 4-16 and Subsection C.16: Cooking classes. Several Commissioners expressed concern regarding the frequency of cooking classes, the size of cooking facilities, and concern that cooking classes would function like a restaurant potentially on a daily basis.

The Commission stated a need for additional standards. Staff's proposed revisions would allow a certain number of cooking classes and/or winemaker meals by tier as summarized below.

- Cooking classes are treated as a permitted use similar to winemaker meals, with limited frequency.
- 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.
- Removed Conditional Use Permit requirement for cooking classes in Tier C.

f) 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.

g) Findings for Special Events

Table 4-16 and Subsection C.11: Winery special events. The Agricultural Preserve Advisory Committee (APAC) submitted a letter (Attachment B) recommending the Planning Commission consider adopting a required finding that 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.

Staff has revised the development standards for winery special events (Subsection C.11) to incorporate the APAC's recommendation to the Planning Commission.

h) Number of Special Events per Year

Table 4-16 and Subsection C.11: Winery special events. Added provision that 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.

i) 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.

j) 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.

k) 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.

l) Definitions for Cooking Class and Winery Special Event

Definitions Section.

- Revised the definitions for “cooking class” and “winery special event” based on the above changes and additional Planning Commission input.

2. Other Planning Commission Comments

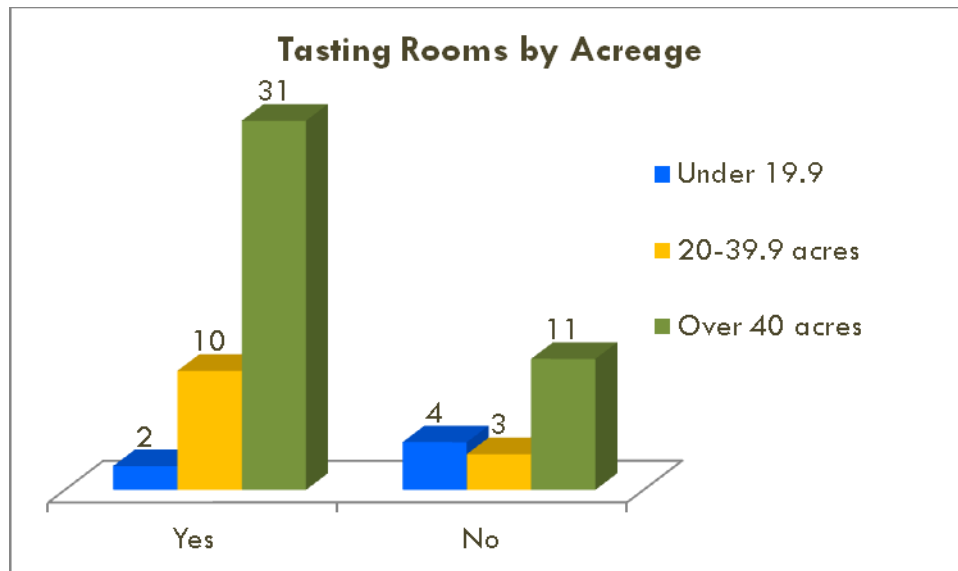
Three additional issues were raised in the June 22nd hearing that warrant evaluation in this memorandum but do not have corresponding changes within the ordinance. These issues are discussed below.

a) Allowance for Tasting Rooms in Tier A

Another concern from the Planning Commission was that the limitations for tasting rooms (i.e. not allowed in Tier A) might be too restrictive. Currently staff has proposed the standard below:

	Tier A	Tier B	Tier C
Minimum winery premises area	None.	Inner-Rural Area: 40 acres. Rural Area: 20 acres.	40 acres.
Tasting Room	A tasting room is not allowed.	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.	A tasting room is allowed. The allowable floor area of the tasting room shall be determined through Final Development Plan approval.

These standards are consistent with the current winery ordinance, which does not allow a Tier 1 winery to have a tasting room. Allowance for tasting rooms within the first tier was not analyzed in the Environmental Impact Report (EIR), nor was it included in any of the project alternatives in the EIR. This analysis approach was partially based on the permit history in the County (see below graph). Over the 39-year permit history, smaller wineries do not have a pattern of requesting a tasting room as part of the permit. In fact, only two of the permitted six wineries on premises of less than 20 acres have a tasting room (3% of the total permits issued in the County).



The EIR did study an alternative with a smaller minimum premise size for Tier B wineries shown below:

	Tier A	Tier B	Tier C
Minimum winery premises area	None.	10 acres with further restrictions on premises less than 20 acres. No more than 20 visitors on premise less than 20 acres	20 acres with further restrictions on premises less than 40 acres.
Tasting Room	A tasting room is not allowed.	Allowed.	Allowed.

This alternative was not in the proposed ordinance because it does not reduce significant impacts on quality of life from temporary population increases in Rural Areas, Inner-Rural Areas, and EDRNs.

Furthermore, the demand for tasting rooms for small, start-up wineries was partially addressed in 2010 when state law changed to allow wine producers the ability to obtain a duplicate alcohol sales license for offsite tasting facilities. These tasting facilities can be located in many different areas of the County including Los Olivos, the Santa Barbara Funk Zone, the Lompoc Wine Ghetto, Old Town Orcutt, Los Alamos, and other areas of the City of Santa Barbara.

To allow Tier A wineries the option of a tasting room would require substantive changes to the EIR. Since the Winery Ordinance EIR budget has been expended, additional funding would need to be approved by the Board of Supervisors for any further environmental analysis.

Based on all of the above information, staff does not recommend changes to the ordinance to allow for tasting rooms in Tier A or to reduce minimum premise size for tasting rooms in Tier B.

b) Planted Acreage Requirements

Another issue raised at the hearing was the planted vineyard acreage requirements. The current winery ordinance states that:

“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.”

The proposed ordinance recommends a similar standard:

“At least 51 percent of the winery case production shall be from grapes grown on the winery premises and/or from Santa Barbara County. At least 20% of the case production shall be from grapes grown on the lot on which the winery is located.”

Along with the addition of this language:

“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.”

This provision supports the intent of the project, which is that the growing of grapes is the primary agricultural use of the property. The processing of grapes is considered an industrial use to support the agriculture; and tasting rooms are considered a commercial use to support the agriculture. If the standard for planted acreage requirements is removed, non-agricultural uses could be established as the primary uses on permitted properties. As such, staff does not recommend reducing or elimination the standards for planted acreage requirements.

c) Road Conditions for Ballard Canyon Road and Happy Canyon Road

Numerous comments have been received regarding existing conditions along Ballard Canyon Road and Happy Canyon Road. Thus, staff was asked to review options for addressing the concerns related to these roadways. However, as was discussed at the June 22nd hearing, there are limited feasible options to make changes associated with these roads as part of the Winery Ordinance Update.

One of the options carefully evaluated by staff is the potential to improve one or both of these roads either through the Capital Improvement Program or through future conditions on development permits. This option is not preferable for three reasons. First, based on the traffic analyses to date, and on County staff's careful review, there are no geometric deficiencies associated with these roads. Rather, the roads are operating acceptably for the classifications they have been given and are still expected to do so under future conditions. Accordingly, there is no nexus for directing the County, or future developers, to improve the roads. Second, the scope and cost of the road improvements are unknown. Additional technical studies would be needed to analyze the perceived issues and propose corresponding improvements to address those issues effectively. And third, based on public input, the community is not likely to support these roadway improvements. The existing rural character of these two roads is consistent with the surrounding character of the community, and modifications such as those typical of a higher classification would potentially diminish that character.

Another option that staff considered was the potential for a zoning/regulatory overlay on properties accessed by these roads. Such an overlay would be used to prohibit winery development or place extra restrictions on winery development for the affected properties. However, as noted above, there is no direct nexus to warrant an overlay. Moreover, there is no difference in existing conditions or in the zoning of these areas when compared to any other areas affected by the Winery Ordinance.

Based on both the existing and the proposed ordinance, future wineries along these roads will still require a permit and will undergo site-specific environmental review to address any issues that are not covered at this programmatic level. Section 35.82.060E.1 (Findings required for all Conditional Use Permits) states:

“Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.”

No changes to the Winery Ordinance are recommended which would specifically address road conditions for Ballard Canyon Road and Happy Canyon Road.

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 - Planning Commission Memorandum dated June 15, 2016) 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 Draft Final Environmental Impact Report (Draft FEIR) (State Clearinghouse No. 2014061083) (Attachment B – Planning Commission Staff Report dated May 3, 2016) and EIR Revision Letter (RV01) dated July 27, 2016, 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 A (Planning Commission Memorandum dated July 27, 2016) 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 A - 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. Resolution – Land Use and Development Code Ordinance Amendment
Exhibit 1: 14ORD-00000-00006
- B. Letter: Agricultural Preserve Advisory Committee
- C. Revisions (RV01) to the Draft Final Environmental Impact Report (15EIR-00000-00002)

ATTACHMENT A: 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 Staff report dated May 3, 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 plan protection structures	2 spaces per acre of land in such use.
Wineries (Inland area only) Bus/limousine parking <u>(Tier B and Tier C wineries only)</u>	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.	1 space per 300 square feet and; 1 space per 2 employees for tasting rooms, reception areas, kitchens, or other areas used by patrons.
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 <u>winemaker dinners 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.~~
 - ~~c. 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.~~
 - ~~c. 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.~~
 - ~~c. 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 except that they occur on the winery premises (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 in 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 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 or cooking classes are proposed as part of the winery operation.
<u>Minimum winery premises area</u>	None.	Inner-Rural Area: 40 acres. Rural Area: 20 acres.	40 acres.
<u>Planted vineyard acreage requirements (1)</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. At least 20% of the case production shall be from grapes grown on the lot on which the winery is located. (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. At least 20% of the case production shall be from grapes grown on the lot on which the winery is located. (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. At least 20% of the case production shall be from grapes grown on the lot on which the winery is located. (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.	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. A maximum of 20 members of the trade are allowed at any one time. 2. A maximum of 50 winery visitors at a wine industry-wide event are allowed at any one time. <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> 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.</p> <p><u>Winery premises 40 acres and greater:</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.</p> <p>See Subsection C.10 (Winery visitors) and Subsection C.12 (Wine industry-wide events) for additional development standards.</p>	<p>A maximum of 80 winery visitors are allowed on the winery premises at any one time except that during:</p> <ol style="list-style-type: none"> 1. A wine industry-wide event a maximum of 200 winery visitors are allowed at any one time. 2. 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. <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>Members of the trade <u>and attendees at a wine industry-wide event</u> are allowed on the winery premises between the hours of 10:00 a.m. and 6:00 p.m.; <u>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>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 <u>cooking classes or winemaker meals</u>, and attendees of wine industry-wide events, may be allowed on the winery premises until 10:00 p.m.</p> <p>See Subsection C.10 (Winery visitors) for additional development standards.</p>	<p>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 <u>cooking classes or winemaker meals</u>, and attendees of wine industry-wide events, may be allowed on the winery premises until 10:00 p.m. <u>Winery visitors attending winery special events may be allowed on the winery premises or as allowed 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>Cooking classes are not allowed.</p>	<p><u>Cooking classes are not allowed. 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>Cooking classes may be allowed in compliance with a Conditional Use Permit approved by the Commission. 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> <p><u>See Subsection C.17 (Cooking classes and vineyard and winery tours) for additional development standards.</u></p>
<u>Vineyard and winery tours</u>	<p>Vineyard and winery tours are only allowed for a maximum of 20 members of the trade at any one time. See Subsection C.17 (<u>Cooking classes and vineyard Vineyard and winery tours</u>) for additional development standards.</p>	<p>Vineyard and winery tours are allowed in compliance with <u>Subsection C.17 (-Cooking classes and vineyard Vineyard and winery tours).</u></p>	<p>Vineyard and winery tours are allowed in compliance with <u>Subsection C.17 (-Cooking classes and vineyard 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 four six winemaker meals may be allowed within a calendar year. <u>See Subsection C.16 (Food service and food preparation) for additional development standards.</u> Winemaker meal attendees are <u>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.</u> <u>See Subsection C.10 (Winery visitors) for additional development standards.</u>	A maximum of six eight winemaker meals may be allowed within a calendar year, <u>except as limited in compliance with Subsection C.16 (Food service and food preparation) which contains additional development standards.</u> Winemaker meal attendees are <u>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.</u> <u>See Subsection C.10 (Winery visitors) for additional development standards.</u>
<u>Food service and food preparation</u>	Food service and food preparation is <u>not allowed except when prepared for and served to members of the trade.</u>	Food service and food preparation <u>may be allowed in compliance with Subsection C.16 (Food service and food preparation).</u>	Food service and food preparation <u>may be allowed in compliance with Subsection C.16 (Food service and food preparation).</u>
<u>Wine industry-wide events</u>	A maximum of 4 events within a calendar year are <u>allowed in compliance with Subsection C.12 (Wine industry-wide events).</u>	A maximum of 4 events within a calendar year are <u>allowed in compliance with Subsection C.12 (Wine industry-wide events).</u>	A maximum of 4 events within a calendar year are <u>allowed in compliance with Subsection C.12 (Wine industry-wide events).</u>
<u>Winery special events</u>	Winery special events are <u>not allowed.</u>	Winery special events are <u>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.</u> <u>See Subsection C.11 (Winery special events) for additional development standards.</u>

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 structure 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, 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 cooking classes and 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 35.30.160 (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. The following development standards apply to all tasting rooms allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above.

- a. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility.
- b. 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 c.~~ The location of the tasting room shall take into consideration site constraints, onsite access, visual concerns, grading and other environmental issues.
- e d. 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 e. ~~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; 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 f. More than one winemaker or winery facility may share a tasting room.
- f g. Tasting room hours of operation shall be limited between the hours of 10:00 a.m. and 6:00 p.m.
- h. 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.

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 Sspecial 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. b. 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. 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. d. **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.d f(1)(a) and C.11.d 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-Rural 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 Rural 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. Noise/Sound.

- 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.

- a. (1)** All food service and food preparation facilities shall comply with all applicable Public Health Department requirements.
- b. (2)** Food served at a winery may be prepared on-site or off-site.
- c. (3)** Except for food served in association with **cooking classes, winemaker meals** and winery special events, food served or sold at a winery shall:
 - (1)** (a) Be limited to small, appetizer-like portions, and
 - (2)** (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.
- d. (4)** Food preparation facilities shall only support the permitted type of food service and **permitted cooking classes 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. ~~Cooking classes and vineyard~~ Vineyard and winery tours. ~~Fours and cooking classes~~ 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. Tours and cooking classes 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 and cooking classes are subject to all of the requirements of Section 35.42.280 (Wineries) including parking, waste disposal, etc.
- c. Tours and cooking classes Vineyard and winery tours shall only be allowed between 10:00 a.m. to 6:00 p.m.
- d. Tours and cooking classes 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 and cooking classes occur.

Non-compliance. Failure to comply with the cooking class development standards in Subsection C.17 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).

- D.** ~~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 instructional 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.~~ 3. **Tasting room.** A room or rooms, open to the general public, primarily 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.
- ~~2~~ 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 refermenting 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.
39. **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.
- ~~4~~ 10. **Winery special event.** An event of less than one day and occurring on a 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.
- 5 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

COUNTY OF SANTA BARBARA

Debbie Trupe
Chair



123 E. Anapamu St.
Santa Barbara, CA 93101
Telephone: (805) 568-2000

AGRICULTURAL PRESERVE
ADVISORY COMMITTEE

July 8, 2016

Santa Barbara County Planning Commission
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Winery Ordinance Update

On June 3, 2016, the Agricultural Preserve Advisory Committee (APAC) reviewed the Winery Ordinance Update. The APAC unanimously voted to urge the Planning Commission to consider that the goal of the County, as stated in the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules), is that “compatible uses allowed on contracted land be beneficial to and inherently related to the agricultural use of the land.” This is particularly relevant for the issuance of winery special event permits.

The APAC recommends the Planning Commission consider adopting a required finding that 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.

Truly yours,

A handwritten signature in blue ink, appearing to read 'D Trupe', written over a horizontal line.

Debbie Trupe, Chair,
Agricultural Preserve Advisory Committee

Cc: Agricultural Preserve Advisory Committee members, County Counsel

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: July 27, 2016

RE: **Revisions (RV01) to the Draft 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 Draft Final Environmental Impact Report (Draft 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 plan modifications recommended by the Planning Commission.

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 Draft 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

Winery Ordinance Update
Memo to the Planning Commission – EIR Revision Letter
July 27, 2016
Page 2

May 3, 2016, Planning Commission Memorandum dated June 15, 2016, and Planning Commission Memorandum dated July 27, 2016). None of the changes recommended by the Planning Commission would result in any new, changed, or unmitigated environmental impacts nor would they cause changes to the conclusions in the impacts analysis in the draft 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 Draft 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 Draft FEIR 15EIR-00000-00002 Revision Letter (RV 01)

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Winery Ordinance Update

Draft Final Environmental Impact Report

15EIR-00000-00002

SCH #2014061083

Revision Letter (RV 01)

July 27, 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 DRAFT 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 Draft Final EIR evaluated two 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 Draft 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, and August 3, 2016. On June 22, 2016, the Planning Commission directed staff to make changes to various sections of the proposed Winery Ordinance which are included in the July 27, 2016 Planning Commission Memorandum (Attachment A, Exhibit 1).

II. REVISIONS TO THE EIR ANALYSIS

At the August 3, 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 include: EIR Alternative components previously analyzed in the Draft Final EIR, 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 substantial increases in impacts or substantially new mitigation strategies, 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 Draft Final EIR. Therefore, no change to the Draft Final EIR analysis is warranted.

Table 1

ALTERNATIVE 1			
	Tier A	Tier B	Tier C
Planted Vineyard Acreage Requirements	<p>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.</p> <p><u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County. At least 20 percent of the case production shall be from grapes grown on the parcel with the winery.</u></p>	<p>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.</p> <p><u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County. At least 20 percent of the case production shall be from grapes grown on the parcel with the winery.</u></p>	<p>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.</p> <p><u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County. At least 20 percent of the case production shall be from grapes grown on the parcel with the winery.</u></p>

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 show 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 Draft Final EIR. Therefore, no change to the Draft Final EIR analysis is warranted.

Table 2

ALTERNATIVE 2			
	Tier A	Tier B	Tier C
Winery Special Events	<p>Winery special events are not allowed with the exception of four approved Santa Barbara County industry weekend open houses.</p>	<p>Winery special events are not allowed with the exception of four approved Santa Barbara County industry weekend open houses.</p>	<p>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.</p>

ALTERNATIVE 2			
	Tier A	Tier B	Tier C
			*Winery Premises less than 40 acres: A maximum of 6 events allowed per calendar year. 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>

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 Draft Final EIR. Therefore, no change to the Draft 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 A, Exhibit 1 of Planning Commission Memorandum dated July 27, 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.

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.

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).

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.

5) 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.

6) Findings for Special Events

Table 4-16 and Subsection C.11: Winery special events. Added new developments 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.

7) 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.

8) 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.

9) 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.

10) Definitions for Cooking Class and Winery Special Event

Definitions Section.

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

III. CONCLUSION

The Planning Commission recommendations resulted in a minor revision 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, changed, or unmitigated environmental impacts nor would they cause changes to the conclusions in the impacts analysis in the Draft Final EIR, or deprive the public of a meaningful opportunity to comment.