

Summary of Comments

Winery Ordinance Update Community Meeting #5 – Ordinance Structure, Permitting, and Enforcement & Monitoring

February 21, 2013 3:00 PM – 5:00 PM
Board of Supervisor's Conference Room
105 E. Anapamu St, 4th Floor, Santa Barbara, CA
Dear Interested Persons,

Below is a summary of the public comments received during the Winery Ordinance Update community meeting held on February 21, 2013. Thank you to everyone that participated; your comments will be considered as we move through the process. The comments were either sent by email, written on a comment card, or spoken at the meeting. Please keep in mind the following as you read through the comments:

- Some of the comments pertain to more than one category. If you do not see your comment in one category, look in the other categories.
- If a comment was made more than once, it may have been recorded only once.
- All comments are weighted equally regardless of who made the comment or how the comment was made (email, comment card, or spoken).
- When necessary, comments were edited for grammar, punctuation, brevity, etc. but the original intent of the comment was retained.
- The comments are opinions expressed by the citizens and do not necessarily reflect County positions or policies.
- Comments that report a "fact" have not been checked for accuracy.

Comments are organized into the following questions:

- What ambiguities should we address in the existing winery ordinance?
- What are some factors to consider that may assure uses are incidental and supportive of agriculture?
- What are some suggested tools for monitoring and enforcement?

Comments that pertain to ordinance structure, permitting, monitoring and enforcement but do not fit into the above categories were included under "Other comments".

What ambiguities should we address in the existing winery ordinance?

1. The permitting process is complex, expensive and time consuming. The Good Neighbor Ordinance has a permitting process which is very user friendly and should be incorporated into the winery ordinance.
2. Special events should be re-evaluated.
3. There should be clarification between the difference between tasting rooms, wine bars, taverns, and bars.
4. Distinguish between "public" versus "trade" visitors.

5. Limit tour size to 12 people maximum and do not distinguish between vineyard and winery tours.
6. Refer to the recently negotiated “Conditions of Approval” between the Vincent Winery applicant and the neighborhood (east of Hwy 154) for definitions. These good faith negotiations are the only “middle ground” that has been found so far.
7. The design review process should be relied on to determine the limitations of the aesthetics of the winery, i.e. does it need to look residential or agricultural?
8. There should be more emphasis on findings that have to be made besides development standards.
9. The issues largely surround agricultural and residential uses, therefore, expectations need to be set.
10. Some farmers think they have more rights than they do, and the content of the Right To Farm Ordinance should be clarified.
11. There needs to be consistency in the rules for agricultural businesses.
12. The basic structure or the existing ordinance is very good, but it has been demonstrated that we need more clear and enforceable language.
13. The intent statement needs to be clarified to adequately protect the property values, peace, quiet, and safety of rural residential neighborhoods.
14. Change the tier system to bring back the intent to appropriately scale winery activities to property size. No public visitation at wineries in or adjacent to AG-1 is a good start.
15. “May” statements are misunderstood. Therefore, change all “may” statements to “may or may not depending on the individual permit”.
16. Special events would be simplified by taking them out of the winery ordinance.
17. The ordinance should look into factors of lighting, noise, parking, dust, and traffic.
18. Why should wineries be treated differently than other agriculturally related sales? It is all commerce and shouldn’t be restricted by numbers, hours, etc.
19. All aspects of the ordinances should be defined so rules can be followed. This would reduce the fear of non-compliance and ignorance.
20. The friction is between AG-I and non agricultural commercial uses in areas that are 97% residential. There should be clarity about agricultural vs. non agricultural commercial.
21. AG-I has some larger acres too as well as commercial uses. The Ordinance needs to be consistent.
22. There needs to be a clear tie to the Right to Farm Ordinance.
23. There needs to be clear ties to other regulations in place, such as ABC rules. There should be clarity on what rules trumps what.
24. There needs to be clearer definitions of vineyard, winery, tasting room, and special event.
25. The current ordinance should be used; there is no need to reinvent something that is already there.
26. The relationship between the winery and other structures on the property needs to be clarified.

What are some factors to consider that may assure uses are incidental and supportive of agriculture?

27. Residents who buy agricultural land need to realize that they are on agricultural land, not an estate in the city or farmland next to farmers.
28. Special events should be taken out of the ordinance and permitted separately.
29. A Tier 0 winery would allow very small, start up wineries (1000 cases/yr range).
30. The same rules should be applied to all farmers, no matter what they grow.
31. There is a line between education and tourism.
32. Agriculture is a business and is economically viable.
33. Determining appropriate ways of marketing is critical.
34. AG-I land is an oxymoron- they think they live in a city and no agricultural is done on it. There shouldn't be any more AG-I as this creates conflict when agricultural land is not used for agriculture.
35. The conflict is with the commercial activities, such as wine tasting and special events.
36. There should not be a minimum planted acreage for wineries.
37. Zoning should be considered.
38. Tiering should focus on roads and acreage of the site, not case production.
39. Changing permitting in AG-I zone districts could make existing facilities non-conforming.
40. There is overlap with the Special Events Ordinance which should be looked at.
41. Do not limit the design of winery structures.
42. Findings that need to be made by decision makers should be made aware to applicants prior to submittal of an application.
43. The County should educate the public about the Right to Farm Ordinance.
44. Realtor disclosures do not address agricultural uses. The County should work with realtors regarding better disclosures.
45. A minimum planted acreage at wineries will diminish small vineyards.
46. Different areas of the County have different issues; one size does not fit all.
47. Having different rules can create problems in the future.
48. Buffers or more modern zoning could be potential tools.
49. There should be a three year "safe harbor" for existing wineries, such as in the Right to Farm Ordinance.
50. Five acre areas and AG-I should not be allowed to have wine tasting and events. Only wineries should be allowed.
51. In Santa Ynez, 97% of land used for residential is zoned AG-I with 5, 10, 20, and 40 acre parcels.
52. Agriculture is occurs on AG-I land and should be given equal consideration.
53. Regional differences do exist within the County.
54. Consider limiting the tasting room size to 10% of the winery size (Tier II and Tier III).
55. Limit retail sales to wine produced on the property averaged over 5 years to accommodate fluctuations in yield.
56. Restrict the use of non winery related structures for commercial winery purposes (residences, barns, etc.).

What are some suggested tools for monitoring and enforcement?

57. The financial penalties need to be increased significantly for a failure to obtain permits and/or unauthorized events like commercial weddings. The fines should be sufficient to deter intentional violations.
58. There should be significantly high penalties for those with multiple, continuing violations of the ordinance.
59. Consider anonymous reporting, even on weekends when County offices are closed.
60. Vigorous and consistent enforcement is the key to compliance
61. Fines of \$500 are meaningless when you compare them to the profit of an unpermitted event. Penalties must be sufficient to deter violations.
62. Events should be permitted under a revocable Conditional Use Permit.
63. Consider the following for penalty structure for special events: First time, loss of one future event; Second time, loss of one event per year in perpetuity; Third, no events for at least five years.
64. Fines for commercial events where none are permitted should be equal to the gross proceeds of the event.
65. The existing ordinance provides very little opportunity for enforcement. The Good Neighbor Ordinance provides a template for enforcement and standards by which wineries can operate without bringing on complaints.
66. Without enforcement there is no ordinance.
67. Monitoring, enforcement and penalties are all hopelessly weak today.
68. Make monitoring simple and objective.
69. Wineries should be required to give the County a 10 day advance notice of any event. Failure to do so would result in a fine.
70. The County should maintain an online database of future and past events for the public.
71. The use of overlays could help treat different areas specifically.
72. A good neighbor approach should be used if a winery will lose its ability to hold special events if there are too many violations.
73. The County should pro-actively monitor events at wineries and the cost should be borne by the wine industry.
74. Clarify who and how a person could file a complaint.
75. Reject the comment that the County should have to prove violations are “willful” because that is unenforceable.
76. Neighbors should talk to each other before complaining.
77. The County should provide a complaint point person that can give information about how to deal with complaints.
78. The wine industry should reach out to neighbors to educate them.
79. How do wineries address complaints with no basis?
80. An ombudsman would help solve some of these problems.
81. Information should be provided regarding what can occur at wineries. This will help people think through complaints and provide them with facts.
82. A new winery task force should form which could be used to dispense information.

83. Industry wants to help enforce rules.
84. A Conditional Use Permit (CUP) should be required for each Special Event.
85. There is a difference between unintentional problems and willful violations.
86. For every violation, a winery should lose one special event.
87. The enforcement of a CUP is different from a Winery Permit.
88. Regarding the CUP idea for special events, how would CUPs affect existing permits?
89. There needs to be guidelines to distinguish accurate complaints.
90. Costs should be kept in mind as this is already an expensive process.
91. Complaints can't just be based on having a Special Event, but on the impacts or exceeding the number of Special Events.
92. There needs to be access to complaint information.
93. Wineries want to comply with rules and are willing to participate in the drafting of these rules.
94. Road standards should be considered.
95. When the police are called about a disturbance, is P&D informed of the complaint? If not, it would be an interesting exercise to check the police files.

Other Comments

96. Conflicts can happen in towns too
97. Profit is critical to agriculture. Wine has to be marketed to be sold and the ordinance should recognize this.
98. Wine is not liquor.
99. There are other uses, not relating to wineries that contribute to traffic.
100. This process would have been more fruitful if P&D had pursued a meeting format with a group of small, like-minded people.