

## Attachment A

### Winery Ordinance Draft Language (6-25-2014)

- Below are staff's recommended changes to Santa Barbara County's existing winery ordinance.
- Proposed deletions are shown as ~~strikethrough~~ and proposed insertions are shown as underline.

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 35.4, 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-00000-000XX

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

#### **SECTION 1:**

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.** This Section provides regulations for the development and operation of wineries, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). The intent is to promote the orderly development of wineries within the County and ensure their compatibility with surrounding land uses in order to protect the public health, safety, natural, and visual resources.
- 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.~~

**C. 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.

**Table 4-16 - Winery Permit Requirements and Development Criteria**

	<b><u>Tier A</u></b>	<b><u>Tier B</u></b>	<b><u>Tier C</u></b>
<b><u>Required Permit and Review Authority</u></b>	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.
<b><u>Minimum winery premises area</u></b>	None.	20 acres.	40 acres.
<b><u>Planted vineyard acreage requirements</u></b>	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.	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.	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.
<b><u>Maximum area of winery structural development</u></b>	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.
<b><u>Tasting Room</u></b>	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.8 (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.8 (Tasting rooms) for additional development standards.
<b><u>Winery visitors</u></b>	Winery visitors are not allowed on the winery premises except that:  1. A maximum of 20 members of the trade are allowed at any one time.  2. A maximum of 50 attendees, including members of the trade, at a wine industry-wide event are allowed at any one time.  See Subsection C.9 (Winery visitors) and Subsection C.11 (Wine industry-wide events) for additional development standards.	<b>Winery premises less than 40 acres:</b> 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.  <b>Winery premises 40 acres and greater:</b> A maximum of 80 winery visitors are allowed on the winery premises at any one time except that during a wine industry-wide event then a maximum of 150 winery visitors are allowed.  See Subsection C.9 (Winery visitors) and Subsection C.11 (Wine industry-wide events) for additional development standards.	A maximum of 80 winery visitors are allowed on the winery premises at any one time except that during:  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 Planning Commission.  See Subsection C.9 (Winery visitors), Subsection C.10 (Winery special events) and Subsection C.11 (Wine industry-wide events) for additional development standards.

**Table 4-16 - Winery Permit Requirements and Development Criteria (continued)**

	<b><u>Tier A</u></b>	<b><u>Tier B</u></b>	<b><u>Tier C</u></b>
<b><u>Winery visitor hours</u></b>	<p><u>Members of the trade and attendees at a wine industry-wide event are allowed on the winery premises between the hours of 10:00 a.m. and 6:00 p.m.</u></p> <p>See Subsection C.9 (Winery visitors) for additional development standards.</p>	<p><u>Winery visitors may be allowed on the winery premises between the hours of 10:00 a.m. and 6:00 p.m.; however winery visitors attending winemaker meals may be allowed on the winery premises until 10:00 p.m.</u></p> <p>See Subsection C.9 (Winery visitors) for additional development standards.</p>	<p><u>Winery visitors may be allowed on the winery premises between the hours of 10:00 am and 6:00 p.m.; however winery visitors attending winemaker meals may be allowed on the winery premises until 10:00 p.m. or as allowed in compliance with Subsection C.10 (Winery special events).</u></p> <p>See Subsection C.9 (Winery visitors) for additional development standards.</p>
<b><u>Cooking classes</u></b>	<p><u>Cooking classes are not allowed.</u></p>	<p><u>Cooking classes are not allowed.</u></p>	<p><u>Cooking classes may be allowed in compliance with a Conditional Use Permit approved by the Commission. See Subsection C.16 (Cooking classes and vineyard and winery tours) for additional development standards.</u></p>
<b><u>Vineyard and winery tours</u></b>	<p><u>Vineyard and winery tours are only allowed for a maximum of 20 members of the trade at any one time. See Subsection C.16 (Cooking classes and vineyard and winery tours) for additional development standards.</u></p>	<p><u>Vineyard and winery tours are allowed in compliance with Subsection C.16 (Cooking classes and vineyard and winery tours).</u></p>	<p><u>Vineyard and winery tours are allowed in compliance with Subsection C.16 (Cooking classes and vineyard and winery tours).</u></p>
<b><u>Winemaker meals</u></b>	<p><u>Winemaker meals are not allowed.</u></p>	<p><u>A maximum of four winemaker meals may be allowed within a calendar year.</u></p> <p><u>Winemaker meal attendees are considered to be winery visitors and shall be included within the maximum number of winery visitors allowed on the winery premises at any one time.</u></p> <p>See Subsection C.9 (Winery visitors) for additional development standards.</p>	<p><u>A maximum of six winemaker meals may be allowed within a calendar year.</u></p> <p><u>Winemaker meal attendees are considered to be winery visitors and shall be included within the maximum number of winery visitors allowed on the winery premises at any one time.</u></p> <p>See Subsection C.9 (Winery visitors) for additional development standards.</p>
<b><u>Food service and food preparation</u></b>	<p><u>Food service and food preparation is not allowed except when prepared for and served to members of the trade.</u></p>	<p><u>Food service and food preparation may be allowed in compliance with Subsection C.15 (Food service and food preparation).</u></p>	<p><u>Food service and food preparation may be allowed in compliance with Subsection C.15 (Food service and food preparation).</u></p>
<b><u>Wine industry-wide events</u></b>	<p><u>A maximum of 4 events within a calendar year are allowed in compliance with Subsection C.11 (Wine industry-wide events).</u></p>	<p><u>A maximum of 4 events within a calendar year are allowed in compliance with Subsection C.11 (Wine industry-wide events).</u></p>	<p><u>A maximum of 4 events within a calendar year are allowed in compliance with Subsection C.11 (Wine industry-wide events).</u></p>

**Table 4-16 - Winery Permit Requirements and Development Criteria (continued)**

	<b><u>Tier A</u></b>	<b><u>Tier B</u></b>	<b><u>Tier C</u></b>
<b><u>Winery special events</u></b>	<u>Winery special events are not allowed.</u>	<u>Winery special events are not allowed.</u>	<p><b><u>Maximum number of events.</u></b> <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).</u></p> <p><b><u>Maximum number of winery visitors allowed at any event:</u></b></p> <p><u>200 at any one time; however, additional winery visitors may be approved by the Commission.</u></p> <p><u>See Subsection C.10 (Winery special events) for additional development standards.</u></p>

**D. 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. **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.
- b. **Winery.** 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.~~

**2. Setbacks.** Structures and outdoor use area associated with a winery shall be located in compliance with the following requirements. Winery special events are subject to additional setback requirements as contained in Subsection C.10 (Winery special 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 visitor activities.
- 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 visitor activities. 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. Winery structural development includes:

- (1) 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.
- (2) The footprint area of uncovered storage tanks and wine caves.
- (3) Structural development not directly associated with the making of wine but used to support the winery operation including conference rooms, food preparation areas, hospitality rooms, laboratories, offices, special event venues and wine lounges.

- b. Winery structural development does not include residential development including employee housing and development that is solely accessory to vineyards and other agricultural activities not directly associated with the winery. Such development 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.
- (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 winery 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.** A parking plan shall be implemented for winery special events. The plan shall include:

- (1) The use of a parking coordinator who shall be present at all times during winery 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 winery special 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.

**7-8. 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, if such areas are used solely by winery staff and are not available for use by winery visitors.
- bc. The location of the tasting room shall take into consideration site constraints, onsite access, visual concerns, grading and other environmental issues.
- ed. 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.~~
- de. ~~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.
- ef. More than one winemaker or winery facility may share a tasting room.
- fg. Tasting room hours of operation shall be limited between the hours of 10:00 a.m. and 6:00 p.m.

**9. 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.10 (Winery special events), below.
- c.** If the number of winery visitors exceeds the maximum allowed either in compliance with this Section, Table 4-16 (Winery Permit Requirements and Development Criteria) above or Subsection C.11 (Wine industry-wide events) at any one time, it shall be considered a winery special event and is subject to the limitations and restrictions in Table 4-16 (Winery Permit Requirements and Development Criteria), above, and Subsection C.10 (Winery special events).

**8-10. Winery Special events.** The following development standards apply to all winery special events allowed in compliance with Table 4-16 (Winery Permit Requirements and Development Criteria), above.

- a. Site area.** ~~The minimum winery premises area on which a winery special event shall occur is 20 acres. However, this requirement may be reduced by the review authority upon a determination that the character of the area and the type of special event makes a 20-acre winery premises site area unnecessary.~~

- a.** Winery special events are intended to 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 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.11 (Wine industry-wide events), below.

**b-c. Use limitations.**

- ~~(1) 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 from 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 from 10 a.m. to 11 p.m.

- (c)** The hours of operation required in compliance with Subsections C.10.c.(1)(a) and C.10.c.(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) **Other permit requirements.** ~~County Fire Department requirements shall be met. The winery special 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.~~
  - (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.~~
  - 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 regarding a winery special event during the winery special event and who is responsible for assuring compliance with all winery special event permit conditions.
  - e. Reporting requirement.** The winery operator shall provide notice to the Department of each proposed winery special event on a form provided by the Department no later than ten days prior to the beginning of each proposed event.
- 11. 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.
- 912. 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.
- 1013.NoiseSound.**
- a. Construction noise.** Noise-generating construction activities associated with winery structural development occurring within 1,600 feet of a noise-sensitive land use as defined in the County Noise Element shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, and shall not occur on State holidays. Non-noise generating construction activities (e.g., painting without the use of a compressor) are not subject to these restrictions.
  - b. Sound associated with winery visitor activities.**

    - (1) Sound associated with winery 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 extended 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.

**14. 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.15, below, are complied with.

**15. 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.

- a. All food service and food preparation facilities shall comply with all applicable Public Health Department requirements.
- b. Food served at a winery may be prepared on-site or off-site.
- c. Except for food served in association with cooking classes, winemaker meals and winery special events, food served or sold at a winery shall:
  - (1) Be limited to small, appetizer-like portions, and
  - (2) Not include menu options or meal service such that the winery premises functions as a restaurant, café, or coffee shop.
- d. Food preparation facilities shall only support the permitted type of food service and permitted cooking classes allowed on the winery premises.

**16. Cooking classes and vineyard and winery tours.** Tours and cooking classes 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 or cooking classes with more than the maximum number of winery visitors are considered a winery special event and are subject to the limitations and restrictions on winery special events in compliance with Subsection C.10 (Winery special events), above.
- b. Unless otherwise stated, tours and cooking classes are subject to all of the requirements of this Section including parking, waste disposal, etc.
- c. Tours and cooking classes shall only be allowed from 10:00 a.m. to 6:00 p.m.
- d. Tours and cooking classes shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the tours and cooking classes occur.

**~~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 2:**

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 “Winery” to read as follows:

**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 may be demonstrational or instructional 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.
- 13. 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. 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).
- 5. Winemaker meals.** Meals occurring on the winery premises attended by winery visitors primarily for the tasting, education and marketing of winery products. Winemaker meals are intended to be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the winemaker meals occur. An attendee at a winemaker meal is considered a winery visitor.

- ~~26.~~ **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.~~
- ~~3-7.~~ **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.
- ~~4-8.~~ **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. 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.~~ **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.~~
- ~~9.~~ **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. Persons attending a wine industry-wide event held at an individual winery are not considered a winery visitor. 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.