

SUMMARY OF ISSUES WINERY ORDINANCE STRUCTURE AND MONITORING & ENFORCEMENT

Winery Ordinance Update Community Meeting #5 – Winery Ordinance Structure, Permitting, and Monitoring & Enforcement
February 21, 2013 (3:00-5:00 PM)
Board of Supervisor’s Conference Room, 105 E. Anapamu St., 4th Floor, Santa Barbara, CA

This is the last of the topic based meetings pertaining to the existing winery ordinance. During the prior meetings the community and staff have worked together to identify common themes and areas of ambiguity pertaining to the existing winery ordinance. Below is a summary of the most prevalent issues and terms that appear in need of additional clarity.

Ordinance Structure

General

- Relationship between the tiers and lot size.
- Whether the tiers are intended to be progressively scaled so that they build on each other. For example, does a Tier II winery need to meet all the requirements for a Tier I winery?
- Reassess the relationship between the scale of the proposed winery development, proposed uses and the required planted vineyard acreage.
- Maximum case production identified but not average case production, sales of excess inventory and yearly variation due to natural factors (i.e. meteorological, market, management practices).
- Relationship between case production and allowed uses is unclear.
- Wholesale marketing activities associated with wineries are not adequately addressed in the ordinance.

Tasting Rooms

- Does not address “private” or “appointment only” tasting rooms.
- Size of a tasting room addressed for Tier II wineries, but not for Tier III wineries.
- Clarify what can be sold in a tasting room.

Food Service

- The ordinance needs to specify the appropriate level of food service and food preparation for all winery related activity on the winery premises (i.e. tasting room, special events, etc.).
- Remuneration for food served at winery/tasting room needs clarity.

Special Events

- Gatherings with less than 80 people are not addressed.
- The current 80-person threshold for what triggers a special event may need reconsideration.

- Construction of structures to host events or wholesale marketing activities not addressed.
- Appropriateness of special events at Tier I wineries.
- Wine Clubs not defined and addressed; confusion with special events

Neighborhood Compatibility

- Neighborhood compatibility standards should be clarified.
- Combined daily impact from a winery tasting room, tours, or organized events not addressed.
- Winery and/or vineyard tours not addressed.

Definitions: Winery related terms that are not defined in the Land Use and Development Code:

- By invitation
- Events
- Food Service and food service related definitions (i.e. kitchen, portion size, finger food, menu service)
- General public
- Hospitality house
- Incidental
- Kitchen
- Neighborhood
- Organized gatherings
- Public vs. Private (wine tasting, gatherings, events)
- Small gatherings
- Tours
- Wholesale marketing
- Wine clubs
- Wine grape products
- Wine marketing trade
- Winery related uses
- Winery tours

Enforcement and Monitoring

- Special events are permitted with a Development Plan, a non-revocable process. However, a Conditional Use Permit (CUP) could be required for special events so that if the conditions are not met, the CUP can be revoked.
- The County does not have an effective tracking mechanism for monitoring and enforcing the number of cumulatively held special events.
- Enforcement is complaint-driven; consider extending monitoring period during winery establishment.

Summary of Existing Winery Ordinance Tiers

Tier	Maximum Wine Prod.	Min. Planted Acreage (per 1,000 cases)	Tasting Room	Special Events	Approved by
1	20,000 Cases	2 acres	Not permitted	4 per year; not to exceed 150 attendees	Director
2	50,000 Cases	1 acre	Up to 400 sq.ft.- not to exceed 10% of winery area	8 per year; not to exceed 150 attendees	Zoning Administrator
3	Unlimited	½ acre	Unrestricted Size	12 per year; not to exceed 200 attendees. Addition permit req'd (CUP) for more.	Planning Commission

Source: Santa Barbara Land Use and Development Code: 35.42.280 - Wineries

<http://sbcountyplanning.org/pdf/forms/LUDC/County%20LUDC%20December%202011%20Updated%20April%202012.pdf>

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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.
- 4. 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.

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 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.

2. Setbacks:

- 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.
- 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. 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 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 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. 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. 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. Design standards. New structures associated with the winery including production facilities 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.

5. 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 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 special events.
- f. Parking for special events, group events, or winemaker dinners 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).

6. Waste disposal.

- a. **Solid waste disposal.** A winery solid waste management plan shall be submitted for review and approval by the Public Health Department. The plan shall include a green waste reduction program that includes the disposal of stems, leaves, and skins of grapes by drying, spreading, and disking 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 shall be in compliance with applicable Regional Water Quality Control Board and County of Santa Barbara discharge requirements.

7. Tasting rooms.

- a. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility.
- b. The location of the tasting room shall take into consideration site constraints, onsite access, visual concerns, grading and other environmental issues.
- c. 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. 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.

8. Special events.

- a. **Site area.** The minimum winery premises area on which a special event shall occur is 20 acres. However, this requirement may be reduced by the review authority upon a determination that the character of the area and the type of special event makes a 20 acre winery premises site area unnecessary.
- b. **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 properly line shall not exceed 65 dBA.

- (2) The site of a 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) County Fire Department requirements shall be met.
- (4) Water supply and sanitation facilities shall be provided as required by the County Public Health Department.

c. 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.

9. 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. 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 a.m. and 5 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.

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

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

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

DEFINITIONS (from Section 35.110.020 - Definitions of Specialized Terms and Phrases)

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

1. **Tasting Room.** A room or rooms, open to the general public, primarily used for the retail 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.
2. **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. **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. **Winery Special Event.** An event of less than one day and occurring on a winery premises attended by 80 or more people including concerts with or without amplified sound, such as weddings, and advertised events, fund raising events, winemaker dinners open to the general public, etc. Winery special events do not include wine industry-wide events (e.g., Vintner's Festival, 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.



Winery Ordinance Update – Fact Sheet

February 1, 2013

- Current Winery Ordinance:
 - The current winery ordinance was approved in 2004
 - Since 2004, the wine industry has changed and ambiguities and inadequacies in the existing winery ordinance have become apparent.
 - The ambiguities in the existing ordinance are being dealt with on a case-by-case basis. As a result, the existing winery permit process has become increasingly inefficient.
- Project Description:
 - The Board of Supervisors made the Winery Ordinance Update the #1 new policy related project for Planning and Development in 2011.
 - The project focus is to improve efficiency by clarifying ambiguities and increase certainty in the winery permit process.
 - The update may address tasting rooms, food service, special events, neighborhood compatibility, enforcement and monitoring, and the ordinance structure.
- What Is Affected:
 - The project would apply to wineries located on agriculturally zoned land located within the County.
 - Tasting rooms in commercial areas are unaffected.
 - Special events on non-winery, agricultural land are unaffected by this project. (Commercial events require a Conditional Use Permit under the existing and proposed Special Event Ordinance.)
 - The project does not affect previously approved winery projects, unless they apply for a new or revised permit.
- Process
 - At this stage in the process we are seeking community input and gathering all ideas. All comments are considered on their merits. We are not voting or counting the number of people in support of broad ideas at this point.
 - As is the case with all of our projects, we solicit comments that are submitted in a variety of formats so people have the opportunity to contribute their opinions and ideas in whatever manner that is comfortable for them. We are using technology, such as email, to assist us.
 - New ordinance language has not been written and no decisions have been made regarding what to include or not include in any ordinance revision.
 - There will be subsequent opportunities for public input as the process moves forward.

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***Winery Ordinance “Winery Ordinance Structure,
Permitting, and Monitoring and Enforcement”
Meeting Ground Rules***

- Be respectful and considerate in your comments and interactions.
- Recognize that each person participating is here because they care about our community.
- Focus comments pertaining to the topic of “winery ordinance structure, permitting, and monitoring and enforcement”.
- No personal attacks and no side conversations.
- No public discussion about current winery applications.
- Make direct and specific comments.
- Do not repeat comments made by others.
- Provide facts and be careful not to generalize.
- Direct comments to the facilitator, not each other.
- Be concise in your comments to allow others to maximize opportunities for input.

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