

Winery Ordinance Draft Language (3-10-2014)

(without strikethrough and underline)

- Below is a “clean” Microsoft Word version of staff’s recommended changes to Santa Barbara County’s existing winery ordinance.
- The recommended changes are the same as those contained in the previously released draft pdf version (also dated 3-10-2014) but without strikethrough and 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. 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).
 2. 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

	Tier A (Winery with no winery visitors)	Tier B (Winery with tasting room)	Tier C (Winery with tasting room and special events)
Required Permit and Review authority	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. If winery special events are included then 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.
Minimum winery premises area	None.	20 acres.	40 acres.
Planted vineyard acreage requirements	Minimum 2 acres, and a minimum of 2 acres for every 1,000 cases produced. There is no maximum on the number of acres planted.	Minimum 10 acres, and a minimum of 2 acres for every 1,000 cases produced. There is no maximum on the number of acres planted.	Minimum 20 acres and a minimum of 1 acre for every 1,000 cases produced. There is no maximum on the number of acres planted.
Maximum area of winery structural development	20,000 sq. ft. See Subsection C.3 (Winery structural development) for additional standards.	20,000 sq. ft. See Subsection C.3 (Winery structural development) for additional standards.	At the discretion of the review authority as long as the development is incidental to the agricultural operation. See Subsection C.3 (Winery structural development) for additional standards.
Tasting Room	A tasting room is not allowed.	A tasting room is allowed. The floor area of the tasting room shall not exceed 400 sq. ft. or 10% of the winery structural development area located on the winery premises, whichever is greater. The calculated tasting room floor area does not include attached bathrooms or attached food preparation areas.	A tasting room is allowed. The allowable floor area of the tasting room shall be determined through Final Development Plan approval.
Winery visitors	Winery visitors are not allowed on the winery premises except that a maximum of 20 members of the trade are allowed at any one time.	Winery premises less than 40 acres: A maximum of 50 winery visitors are allowed on the winery premises at any one time. Winery premises 40 acres and greater: A maximum of 80 winery visitors are allowed on the winery premises at any one time.	A maximum of 80 winery visitors are allowed on the winery premises at any one time.
Winery visitor hours	Members of the trade are allowed on the winery premises between the hours of 10:00 a.m. and 6:00 p.m.	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.	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.

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

	Tier A (Winery with no winery visitors)	Tier B (Winery with tasting room)	Tier C (Winery with tasting room and special events)
Cooking classes and vineyard/winery tours	Cooking classes are not allowed. Vineyard/winery tours are only allowed for a maximum of 20 members of the trade at any one time.	Tours and cooking classes allowed.	Tours and cooking classes allowed.
Winemaker meals	Winemaker meals are not allowed.	A maximum of four winemaker meals may be allowed within a calendar year. Winemaker meal attendees shall be included within the maximum number of winery visitors allowed on the winery premises at any one time.	A maximum of six winemaker meals may be allowed within a calendar year. Winemaker meal attendees shall be included within the maximum number of winery visitors allowed on the winery premises at any one time.
Food service and food preparation	Food service and food preparation is not allowed except when prepared for and served to members of the trade.	Food service and food preparation may be allowed in compliance with Subsection C.13 (Food service and food preparation).	Food service and food preparation may be allowed in compliance with Subsection C.13 (Food service and food preparation).
Winery special events	Winery special events are not allowed.	Winery special events are not allowed.	Winery special events may be allowed in compliance with a Conditional Use Permit approved by the Commission and in compliance with the following development and operational standards: <ul style="list-style-type: none"> • Maximum number of events: 12 within a calendar year; however additional events may be approved by the Commission. • Maximum number of winery visitors allowed at any event: 200 at any one time; however additional winery visitors may be approved by the Commission. • See Subsection C.9 (Winery special events) for additional standards.

C. 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. 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.
- c.** The proposed project may also be subject to the permit requirements of other County departments in compliance with the County Code and County special districts.

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.
- e. See Subsection C.9 (Winery special events) for winery special event setbacks.

3. Winery structural development.

- a. Winery structural development is restricted to development associated with the winery operation including:
 - (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 such as a wine lounge, hospitality room, food preparation area, conference room, special event venue, and offices.
- 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.
- c. Winery structural development shall be directly related and in proportion to the permitted uses of the winery premises.

4. Access

- a. 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.

5. 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.

- 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.

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 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 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.

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) A green waste reduction plan shall be submitted for review and approval by the Public Works Department. The plan shall include 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.

8. 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 including those described in Subsection C.5 (Design standards).
- c. The primary focus of the tasting room shall be the marketing and sale of the wine produced on the winery premises.
- d. 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. More than one winemaker or winery facility may share a tasting room.
- f. Tasting room hours of operation shall be limited between the hours of 10:00 a.m. and 6:00 p.m.

9. Winery special events.

- 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 events as determined by the Santa Barbara County Vintners' Association or wine industry-wide events held at individual wineries associated with the four annual wine industry events.

c. Use limitations.

(1) **Amplified sound and hours of operation.** Amplified sound associated with winery special events shall not exceed 65 dBA at the exterior boundary of the winery premises.

(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. and any outdoor amplified sound shall cease by 7 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., and any outdoor amplified sound shall cease by 10 p.m. unless the Commission determines that the sound at the property line does not exceed 65 dBA.

(c) The hours of operation required in compliance with Subsections C.9.c.(1)(a) and C.9.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.

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 and who is responsible for assuring compliance with all winery special event permit conditions.

e. **Reporting requirement.** Within the five days following the conclusion of each winery special event, the winery operator shall report the event's occurrence to the Department on a form provided by the Department.

10. **Hazardous Materials Business Plan.** A Hazardous Materials Business Plan shall be reviewed and approved, or waiver granted, by the County Certified Unified Program Agency (CUPA) in the event that storage, handling, or the use of hazardous materials occurs on the winery premises.
11. **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.
12. **Retail sales.** Retail sales of winery-related promotional items may be allowed as part of the winery operation in compliance with the following:
 - a. Retail products shall only be offered for sale within the tasting room.
 - b. Retail sale items may include:
 - (1) Wine grape products produced by the winery operator or bottled or grown on the winery premises.
 - (2) 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.
 - (3) Pre-packaged food.
13. **Food service and food preparation.**
 - 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 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.
14. **Tours and cooking classes.** 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.
 - b. Unless otherwise stated, 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 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 winery project application shall be submitted in compliance with Subsection 35.80.030 (Application Preparation and Filing).

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.
3. **Tasting Room.** A room or rooms used by a winery visitor primarily for the tasting of wine and the marketing of winery products.
4. **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.
5. **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.
6. **Winery Special Event.** An event of less than one day and occurring on the winery premises attended by 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, weddings, advertised events, fund raising events, tours, cooking classes, winemaker meals open to the public, etc.
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 are intended to be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the winemaker meals occur.
8. **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 and/or not visiting the winery structural development or vineyard, are not considered a winery visitor.