

# Distilleries Ordinance

## PUBLIC REVIEW DRAFT

### 22.30.070 Agricultural Processing Uses.

Agricultural processing activities, including but not limited to wineries, packing and processing plants, fertilizer plants, commercial composting, and olive oil production without the use of solvents, are allowable subject to the following standards.

#### A. Permit requirements.

1. Minor Use Permit approval is required for agricultural processing activities, including, but not limited to, wineries, distilleries, packing and processing plants, fertilizer plants, commercial composting, and industrial hemp processing, unless Section 22.08.030 (Project-Based Permit Requirements) or Subsection D. would otherwise require Conditional Use Permit approval.
2. **Olive oil production.** In the Agriculture and Rural Lands land use categories the permit shall be determined by Section 22.06.030, Table 2-3 for olive oil production as allowed by this Section where ~~the~~ 100 percent of the raw materials being processed are grown on the site of the processing facility or on adjacent parcels. Olive oil production facilities as allowed by this Section where any of the raw materials being processed are not grown on the site of the processing facility or on adjacent parcels shall be subject to Minor Use Permit approval.

#### B. Application content.

##### 1. Public notice.

- a. **Prior to application submittal.** The applicant shall submit evidence that the neighboring property owners and the applicable advisory group were notified of the request prior to the submission of the land use permit to the county. This notice shall be provided by the applicant sending a letter using the form provided by the Department of Planning and Building. The letter shall be mailed or delivered at least 10 days prior to application submittal to the applicable advisory group and to all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the subject site.
- b. **Public hearing notice.** Public notice shall be provided to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed agricultural processing site and to all property owners fronting any local roads that serve the facility back to an arterial or collector, instead of in the manner normally required for public hearings by Section 22.70.060. Public notice may be required to be provided to

properties greater than 1,000 feet away for certain applications at the discretion of the Director of Planning and Building.

2. **Description of use.** Applications for agricultural processing uses are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Article 6 (Land Use and Development Permit Procedures), in order to evaluate the conformity of a proposed use with the standards of Article 3 (Site Planning and General Project Design Standards).

**C. Minimum site area.** No minimum required unless Subsection D. would otherwise require a minimum site area.

**D. Standards for specific uses.**

1. **Fertilizer plants.** The following are minimum requirements to enable consideration of a specific proposal. Greater separation between fertilizer plants and other uses may be required through land use permit approval.

- a. **Location:** No closer than one-half mile from any residential category located within an urban or village reserve line; and no closer than 400 feet to any residence outside the ownership of the applicant.
- b. **Setbacks:** 200 feet from each property line.

**2. Wineries and Distilleries.**

For the purposes of this section, a winery is defined as an agricultural processing facility used for the processing (fermentation when combined with any of the following: crushing, barrel aging, blending, and bottling) of juices into wine or the refermenting of still wine into sparkling wine. This definition does not include the storage of case goods in the absence of processing (included under Warehousing).

For the purposes of this section, a distillery is defined as an agricultural processing facility used for the processing (fermentation when combined with any of the following: crushing, mashing, barrel aging, blending, and bottling) of fermentable raw materials into distilled spirits. This definition does not include the storage of case goods in the absence of processing (included under Warehousing).

For existing permitted wineries, the incorporation of distilling into the existing wine making activities may be deemed consistent with the approved winery land use approvals in accordance with Section 22.64.050.B (Changes to an Approved Project).

- a. **Access location.** The principal access driveway to a winery or distillery with public tours, tasting, retail sales or special events held in compliance with Subsection D.2.i. is to be located on or within one mile

of an arterial or collector. Location of wineries and distilleries must be in compliance with access and Dead-end road requirements set in CCR title 14 and San Luis Obispo County Title 16.

**b. Solid waste disposal.** Pomace may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable Health Department standards.

**c. Liquid waste disposal.** Standards will be set, where applicable, through Regional Water Quality Control Board discharge requirements developed in compliance with Section 22.10.180 (Water Quality).

**d. Setbacks.**

**(1) Rural areas.** All winery or distillery structures and outdoor use areas shall be a minimum of 100 feet from each property line and no closer than 200 feet to any existing residence outside of the ownership of the applicant. Where a winery or distillery has public tours, tasting, retail sales, or special events (in compliance with Subsection D.2.i.), the setback shall be increased to 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant. These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required by Subsection A. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

**(2) Urban and village areas.** As required by Section 22.10.140 et seq.

**e. Signing.** As provided by Chapter 22.20 (Signs) of this title and San Luis Obispo County Title 16.

**f. Parking.** Parking shall be provided in compliance with Chapter 22.18 (Parking and Loading Standards). Parking lot construction standards shall be provided in compliance with Section 22.18.060. The parking shall be located and/or landscaped so it is screened from public roads where topography or existing on-site vegetation (including vineyards)

does not provide for adequate screening. No parking shall be allowed within any adjoining road right-of-way.

**g. Design standards.**

**(1) Exterior.** In the Agriculture, Rural Lands or Residential Rural land use categories, all structures associated with the winery or distillery (including production facilities) shall have an exterior design style that is agricultural or residential in nature using non-reflective siding and roofing materials. Structures shall not use an exterior design style typically associated with large industrial facilities unless the facility is proposed in the Commercial Service or Industrial land use categories.

**(2) Screening.** Any portion of the winery structures that are visible from public roads shall be screened where necessary to ensure the rural character of the area is unchanged unless screening is not practical, feasible or necessary due to existing topographic conditions or existing on-site vegetation (including vineyards). The screening may include such measures as landscape or existing vegetative screening, existing topography, and/or arrangement of the structures on the site to minimize bulky appearance. Any tank located outside of structures shall be screened 100 percent from public roads.

**(3) Height.** The maximum height of any structure associated with a winery or distillery facility shall be 35 feet. The height may be increase to 45 feet where a pitched roof of greater than 4 in 12 is proposed and at least 50 percent of the structure is at 35 feet in height or less.

**(4) Lighting.** All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from any location off the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed operated in a manner that would throw light, either reflected or directly, in an upward direction.

**h. Tasting rooms.** Tasting rooms shall be clearly incidental, related and subordinate to the primary operation of the winery or distillery as a production facility.

**(1) Permit requirement.** Minor Use Permit approval. Tasting rooms shall also meet all the standards for wineries and distilleries set forth in Subsection D.2., in addition to the specific standards of this Subsection.

**(2) Location.** The tasting room shall be located within or no more than 200 feet from the winery or distillery facilities. This standard may be waived where site constraints, on-site access, visual concerns, grading or other environmental issues can be better addressed through an increased distance. A Minor Use Permit application may be used to modify this standard where an existing structure built prior to 1980 is being used as the tasting facility.

**(3) Number of tasting rooms allowed.** ~~One tasting room is allowed for each winery. A site that includes both winery and distillery production facilities is allowed a total of two tasting rooms, one for each production facility. If more than one winery share production facilities or more than one is located on a site, only one tasting room is allowed. A site that includes only a winery production facility or only a distillery production facility is allowed one tasting room. If Mm~~ more than one winery or distillery facility share a production facility or are located on the same site, the wineries or distilleries may share a tasting room, subject to the limits above.

**i. Special events.** For the purposes of this section special events are defined as any of the following events when there is the possibility that 50 people or more individuals will attend: concerts (with or without amplified sound), weddings, advertised events (including fund raising, but not including industry-wide events), and advertised winemaker / distiller dinners open to the general public. Does not include normal patronage of the tasting room or non-advertised events.

**(1) Permit requirement.** Minor Use Permit approval where six or less special events for no more than 80 individuals are proposed, unless a higher level of permit is required by this ordinance for the proposed facility. Conditional Use Permit approval for six or more special events or where there is the possibility that more than 80 individuals may attend.

**(2) Minimum site area.** 20 acres. A Minor Use Permit application may be used to waive this standard where the character of the area, access, and the types of special event proposed make a 20 acre minimum site area unnecessary, unless a higher level of permit is required by this ordinance for the proposed facility.

**(3) Limitation on use.** Special events are limited to 40 days a year. Any special event proposing outdoor amplified music shall only be allowed from 10:00 a.m. to 5:00 p.m. No outside amplified sound shall occur before 10:00 a.m. or after 5:00

p.m. The standard relating to amplified music may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB.

**(4) Design and operational standards:** All special events shall also meet all the applicable standards set forth in Subsection D.2. and the standards set forth in Subsection 22.30.610.D.1 - 4 and E, in addition to the specific standards of this Subsection.

**(5) Setbacks.** All special events shall conform to the setback standards of Subsection D.2.d.

**(6) Effect on existing Special Events.** All unpermitted existing special events in existence on the effective date of this section (November 21, 2001) shall be subject to the standards specified in this Subsection. Required land use permits shall be requested from the county within 120 days of the effective date specified above. If the required land use permit, has not been requested within the time frames set forth in this section, the penalties of Chapter 22.74 (Enforcement) of this Title shall apply.

**3. Commercial composting.** These standards apply to the establishment of a commercial composting operation in addition to any applicable standards or permits that may be required from the California Integrated Waste Management Board or the County Environmental Health Department.

**a. Minimum site area:** Five acres.

**b. Parking requirement.** None, provided that sufficient usable area is available to permanently accommodate all employee and user parking needs entirely on-site. Parking areas shall be located no closer than 100 feet from each property line.

**c. Setbacks.** Outdoor use areas and structures shall be 200 feet from each property line, and no closer than 500 feet to any residence outside of the ownership of the applicant.

**4. Olive oil production.** For the purposes of this section the production of olive oil is the making of edible oil obtained solely from the fruit of the olive tree (*olea europea L.*) and specifically excludes the manufacture of edible oils obtained using solvents or re-esterification processes and any oils resulting from a mixture with other oils except in the making of flavored olive oil. Olive oil processed using solvents is included under "Food and Beverage Products."

- a. **Solid waste disposal.** Pomace may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable Health Department standards.
- b. **Liquid waste disposal.** Standards shall be set, where applicable, through Regional Water Quality Control Board discharge requirements developed in compliance with Section 22.10.180 (Water Quality).
- c. **Setbacks.**
  - (1) **Rural areas.** All structures and outdoor use areas shall be a minimum of 200 feet from each property line and no closer than 500 feet to any existing residence outside of the ownership of the applicant.
  - (2) **Urban and village areas.** As required by Section 22.10.140 et seq.
- d. **Parking.** None, provided that sufficient usable area is available to permanently accommodate all employee and visitor parking needs entirely on-site.
- e. **Design standards.** In the Agriculture, Rural Lands or Residential Rural land use categories, all structures associated with olive oil production shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities unless the facility is proposed in the Commercial Service or Industrial land use category.
- f. **Lighting.** All lighting fixtures shall be shielded so that neither the lamp nor the related reflector or interior surface is visible from any location off the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed or operated in a manner that would emit light, either reflected or directly, in an upward direction.
- g. **Tasting rooms and retail sales.** Tasting rooms and retail sales shall be clearly incidental, related and subordinate to the primary operation of olive oil production facility. On-site tasting rooms and retail sales of olive oil are subject to Section 22.30. 075 (Agricultural Retail Sales - Farm Stands).
- h. **Effect on existing olive oil production facilities.** All existing unpermitted olive oil processing facilities in existence on the effective date of this section (January 17, 2013) shall be subject to the standards specified in this Subsection. Required land use permits shall be requested from the County within 18 months of the effective date specified above. If the required land use permit, has not been requested within the time frames set forth in this section, the penalties of Chapter 22.74 (Enforcement) of this Title may apply.

**5. Industrial Hemp Processing.** For the purposes of this section the processing of industrial hemp is limited solely to drying, curing, trimming, packaging and preparing for further processing within a permanent building (not a hoop house or similar non-permanent structure). The harvesting of industrial hemp grown onsite that is performed in the field with mobile equipment not involving permanent buildings, hoop houses, or trailers is included under crop production and grazing and subject to the standards set forth under 22.30.244. Industrial hemp processing does not include cannabinoid extraction and infusion and manufacturing of finished products. Extraction of cannabinoids from industrial hemp is considered chemical manufacturing. Manufacturing of finished hemp products are classified under existing industry, manufacturing, and processing uses according to their end product and scale of operations. For example and not limitation, manufacturing of CBD infused chemical products would be considered chemical manufacturing, hemp cloth manufacturing would be classified as textile products and manufacturing of CBD infused food and beverage products, once allowed under state law, would be included under food and beverage products.

**a. Location.** Industrial hemp processing is only allowed in the Agriculture (AG), Rural Lands (RL), Commercial Service (CS), Residential Rural (RR), and Industrial (IND) land use categories.

**b. Nuisance Odors.** All industrial hemp processing facilities shall be sited and/or operated in a manner that prevents hemp nuisance odors from being detected offsite. An odor management plan shall be submitted with the use permit application that demonstrates how nuisance odor will be controlled to be undetectable offsite.

**c. Design Standards.** In the agriculture and rural lands land use categories, all new structures associated with onsite industrial hemp processing shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities.



**22.18.050 Required Number of Parking Spaces.**

**C. Parking requirements by land use.**

**1. Agricultural uses.** Except for the specific uses listed in this Subsection, improved off-street parking and loading spaces are not required for an agricultural use, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors and loading activities entirely on the site of the use.

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
<b>Ag Processing:</b> Packing and Processing	1 per 1,000 sf. of use area.	Low	High
Wineries / <u>Distilleries</u>	1 per 2,000 sf. of active use area, and 1 per 5,000 sf. of storage, and	Low	High
	1 per 200 sf. of tasting room	Medium	
Animal Husbandry, Farm Equipment and Supplies, Nursery Specialties	1 per 500 sf. of floor area, and 1 per 1,000 sf. of outdoor use area.	Low	Low

**22.80.030 Definitions of Land Uses, and Specialized Terms and Phrases.**

As used in this Title, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

**Ag Processing (land use).** Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, distilleries, production of olive oil without the use of solvents, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting). Green material is any wastes which are derived from plant material, including but not limited to, leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of the receiving and processing of green material other than that produced on-site) are included under "Crop Production and

Grazing." Olive oil produced with the use of solvents is included under "Food and Beverage Products." (SIC: 0723, 0724)

**Food and Beverage Products (land use).** Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes:

bakery, sugar, and confectionery products

beverages and liquors (except wineries, and distilleries; see "Ag Processing")

bottled water production

canned and preserve fruit and vegetables and related processing

dairy products processing

fats and oil products, including rendering plants and olive oil produced with the use of solvents (Olive oil produced without the use of solvents is included under "Ag Processing") [Amended 2012, Ord. 3235]

grain mill products and by-products

ice plants

meat, poultry and seafood slaughtering, and curing, and by-product processing

miscellaneous food preparation from raw products

Operations on crops after harvest are included under "Ag Processing." (SIC: Group 20)