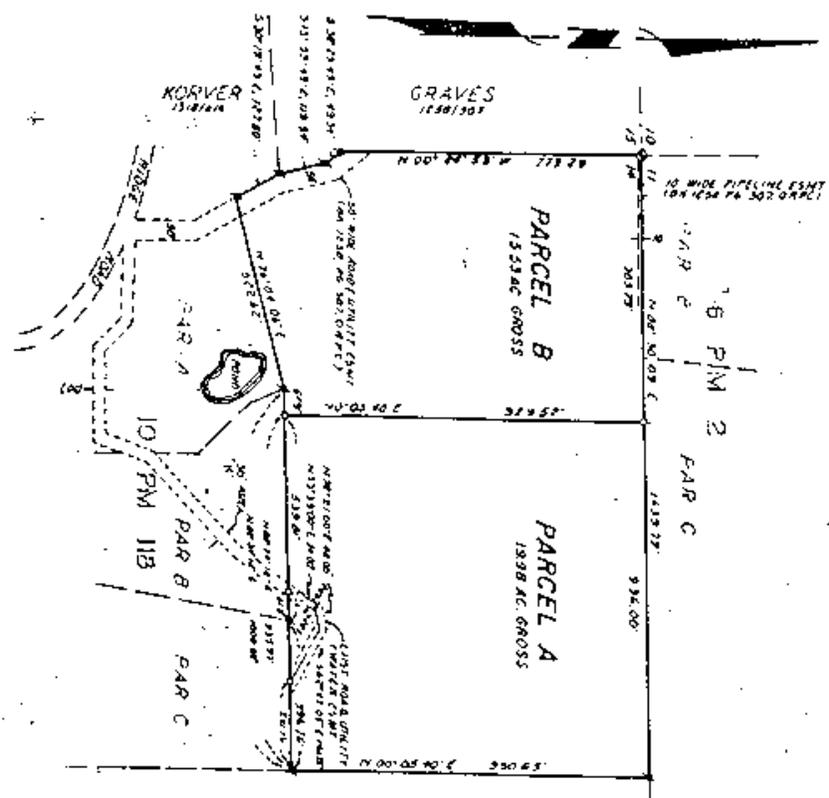


PARCEL MAP

NO. 73943

A PORTION OF THE NW 1/4 OF SECTION 14 T2E N7E MDB & M  
 PARCEL D AS SHOWN ON PARCEL MAP NO 72281 BOOK 10 PAGE 118  
 COUNTY OF PLACER  
 STATE OF CALIFORNIA  
 DECEMBER 1980  
 MATTIOME / STURGIS AND ASSOCIATES  
 SCALE: ZERO  
 SHEET 1 OF 1



*Drew E. Breyer*  
 DEPUTY SURVEYOR  
 COUNTY OF PLACER  
 STATE OF CALIFORNIA

*Robert M. Sturges*  
 DEPUTY  
 COUNTY SURVEYOR

COMMIT NUMBER 3 CERTIFICATE  
 THIS MAP CONFORMS WITH THE REQUIREMENTS  
 OF THE DIVISION AND IS IN ACCORDANCE  
 WITH THE PROVISIONS OF THE SURVEYORS  
 ACT OF 1907 AND THE SURVEYORS  
 ACT OF 1941  
 FILED THIS 6th DAY OF APRIL 1981  
 AT 10:30 AM IN BOOK 18 OF PARCEL  
 MAPS AT FIVE 30. AT THE REQUEST OF  
 MATTIOME STURGIS AND ASSOCIATES.

RECORDED & SEMI-PUBLIC  
 FILE NO. 12681  
 COUNTY RECORDER  
 STATE OF CALIFORNIA  
 DEPUTY

MONUMENT PER 10 PAR 118  
 CALCULATED POINT ONLY

EXHIBIT 9

284



**COUNTY OF PLACER**  
**Community Development Resource Agency**

John Marin, Agency Director

**PLANNING**

Michael J. Johnson, AICP  
Planning Director

**TO:** Honorable Board of Supervisors

**FROM:** Alex Fisch, Planning Department

**DATE:** July 31, 2007

**SUBJECT:** Appeal of the Planning Commission's Approval of a Modification to Minor Use Permit for the Pescatore Winery (PMPM 20060909) - Document Transmittal

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Accompanying this memo is additional correspondence not included in the packet distribution for this project. Please add this information to your packets for reference.

285

RECEIVED  
MAY 01 2007

Specific Complaint (15) At the March 1, 2007 public hearing for PMPM T20060909 the Zoning Administrator granted hours of operation for wine tasting from 12AM-7PM (all guests gone by 8PM) (March 1, 2007 Public hearing audio). NRG objects to the granting of these hours on the grounds that a request for these hours of operation was not requested in Placer Counties February 27, 2007 Memorandum (Exhibit 13) or in Pescatore Winery PMPM T20060909, initial review (Exhibit 8) or in his letter to his neighbors (Exhibit 15). As such, there was insufficient time to prepare a response to such a request. The Zoning Administrator should not have authority to grant provisions that are not requested in the application and that members of the public do not have time to adequately respond to.

PLANNING DEPT.

Specific Complaint (16) NRG disagrees with Staffs conclusion in Placer Counties Memorandum that "if operated within the limitations described above, wine tasting by appointment would be consistent with the rural residential character of the surrounding neighborhood and that wine tasting would not duly disrupt, inconvenience, or jeopardize the safety or peace of adjacent property owners" (Exhibit 13). When Stewart and Stephanie Perry of Fawnridge Winery applied for a proposed winery and tasting room in approximately early 2003 the Zoning Administrator denied the permit. His findings included "The establishment, maintenance or operation of the proposed wine tasting and retail sales will, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County due to general public use of a narrow, private road and incompatibility with the residential neighborhood" and "The proposed elements of wine tasting and retail sales elements will not be consistent with the character of the immediate neighborhood and will be contrary to its orderly development." (Exhibit 14)

RECEIVED  
MAY 01 2007

PLANNING DEPT.

Specific Complaint (17) At the March 1, 2007 public hearing for PMPM T20060909 the Zoning Administrator determined wine tasting at Pescatore Winery was consistent with the Placer County General Plan (March 1, 2007 Public Hearing Audio). NRG disagrees with this finding and sites the minor use permit findings of the proposed winery and tasting room for Fawnridge Winery (Exhibit 14) which says "The proposed wine tasting and retail sales uses are not consistent with applicable policies and requirements of the Placer County General Plan ..."

Specific Complaint (18) In order for the Zoning Administrator to approve wine tasting at Pescatore Winery (PMP T20060909) wine tasting would have to be consistent with the applicable provisions of the Placer County Zoning Ordinance. Currently, nothing in the Placer County Ordinance allows public wine tasting or wine tasting rooms in the Farm Zone. This is consistent with the minor use permit findings for Fawnridge Winery

(Exhibit 14) which reads "The proposed element of wine tasting and retail sales are not consistent with all applicable provisions of the Placer County Zoning Ordinance."

Specific Complaint (19) Planning Director Michael Johnson demonstrates bias and tells Mr. David Wegner "I am not going to let them treat you like commercial" (March 1, 2007 Public Hearing Audio). NRG feels the application and hearing process was compromised by a Planning Director that made determinations about requirements without first hearing public comments on the proposed project.

Specific Complaint (20) PMPM T20060909 should not be approved because the applicant has shown disregard for County Ordinances, the conditions of his minor use permit (as previously demonstrated) and ABC regulations as evidenced in "Notice of Violation" (Exhibit 16)

Specific Complaint (21) PMPM T20060909 should not be approved because the winery building where tastings and sales would take place is going to be located on a separate property from the applicant Dave Wegner's residence (Exhibit 18). This would constitute a violation of both County Codes and ABC regulations which are too extensive to include in this document but can be found at [www.abc.ca.gov/trade/TradeEnforcement.html](http://www.abc.ca.gov/trade/TradeEnforcement.html) (Exhibit 17)



**COUNTY OF PLACER**  
Community Development Resource Agency

**ENGINEERING &  
SURVEYING**

**MEMORANDUM**

**TO:** JULIE EDZARDS, PLANNING DEPT  
ALEX FISCH, PLANNING DEPT

**DATE:** FEBRUARY 27, 2007

**FROM:** SHARON BOSWELL, ENGINEERING AND SURVEYING DEPT

**SUBJECT:** PMPM 20060909: MODIFICATION OF MUP 2511, PESCATORE WINERY; RIDGE RD, NEWCASTLE; WEGNER; (APN: 031-161-028)

The Engineering and Surveying Department (ESD) supports the Development Review Committee's recommendation for the Modification of Use Permit application.

Should the Zoning Ordinance make a determination for approval of the modification to add "wine tasting", the Engineering & Surveying Department (ESD) recommends the following conditions to be added to MUP 2511:

1. The applicant shall prepare and submit Grading Plans for the improvements required in these conditions (per the requirements of Section 2 of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval. The plans shall show pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to those facilities, which may be affected by planned construction, shall be shown on the plans. The applicant shall pay plan check and inspection fees (NOTE: Prior to plan approval, all applicable reproduction costs shall be paid). It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Grading Plans. Record Drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD prior to acceptance by the County of site improvements.
2. All proposed grading, road and drainage improvements, staging areas, and vegetation shall be shown on the Grading Plans and all work shall conform to provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's Stormwater Management Manual. The applicant shall pay plan check fees and inspection fees. No grading, or clearing shall occur until the Grading Plans are approved and any required temporary construction fencing has been installed and inspected by a member of the DRC.

The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Grading Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction.

Submit to the ESD a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Grading Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance

period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

3. Provide the ESD with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of Grading Plans, and a fire protection district representative's signature shall be provided on the plans.
4. Construct an all-weather surface for the on-site parking and 20'-wide access road capable of supporting a 40,000-pound vehicle. Minimum recommended surfacing is 6" aggregate base on 90% compacted soil.
5. Within 60 days, submit to Engineering & Surveying Department (ESD) evidence of participation in a road maintenance agreement or other financial arrangement for the maintenance of the off-site access road.
6. Prepare and submit with the project Grading Plans, a limited drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the ESD for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing and proposed conditions, the downstream effects of the proposed improvements, and a Best Management Practices (BMP) Plan to provide temporary and permanent water quality protection.
7. This project is subject to the payment of traffic impact fees that are in effect in for the Newcastle/Horseshoe Bar Fee District, pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW within 60 days of approval of this Use Permit.

County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code  
South Placer Regional Transportation Authority (SPARTA)  
Placer County/City of Roseville Joint Fee (PC/CR)

The current combined estimated fee is \$5,379.00 per D.U.E. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.

Project Description  
Fawnridge Winery

RECEIVED  
JUN 10 2003  
PLANNING DEPT.

RE: Proposed winery and tasting room -5560 Fawnridge Road, Auburn

**Location:** 5560 Fawnridge Road, Auburn CA. 95602 (APR: 75-050-58)  
Approximately 1/8 mile off Cramer Road and Hwy 49 north of Auburn.  
Property is located within a Placer County Farm Zone  
Approximately 1 acre of grapes now being farmed in 2 separate vineyards

**Description:**

The project proposes the construction of a 30'W X 50'L X 14'H metal building adjacent to grape vineyards on subject property to be used as a winery for the processing of grapes and an on-site tasting room. It is the owner's intent to produce approximately 500-1000 cases of wine per year initially, with possible future plans for expansion to no more than 3,000 cases maximum per year. The property owners currently farm one acre of grapes with plans for farming an additional one acre in the next 1-3 years. Similar operations located throughout California are being referred to as "boutique" wineries and remain small in their total operation. The winery operation has peak activity during the fall with the harvesting and processing of grapes takes place. The two owners anticipate operating the facilities with only one or two additional part-time employees as the business develops in later years. An ADA accessible restroom is included in the building plans.

The tasting room incorporated into the project would initially be by appointment only and not operated on a daily basis. Following the first 3 months of operation, hours of the tasting room are proposed to be Friday, Saturday and Sunday 11am-5pm. It is anticipated that impact on the environment or traffic flow will not be significant as it is estimated that an average of approximately 5-10 visitors per week will access the facility. It is anticipated that many visitors will arrive in vehicles together or use private van services, with only limited traffic. There are plans to hold occasional seasonal events such as "wine release parties" and "winemaker's dinners". This would involve private invitations to approximately 10-20 persons. These functions would not otherwise be open to the public in order that a reasonable number of persons may be accommodated.

No food is to be offered for sale for on-site consumption and no fee will be charged for wine tasting. Bottled water will be made available if requested by the public. No food preparation would take place at the facility. The project plans to offer retail sales of boutique items as an accessory activity to include non-potentially hazardous (non perishable) foods such as crackers, mustards, sauces and other locally produced items, as well as, logo clothing items. A picnic area will be available at the site with a small, prefabricated gazebo to provide seating.

EXHIBIT 14 590

RECEIVED  
JUN 16 2003  
PLANNING DEPT.

**Structure:**

The new 30'Wx50'Lx14'H prefabricated metal building structure is similar to other agricultural-type buildings erected in Placer County. The building is to be constructed of steel I-beam framing with tan-colored exterior metal siding and brown trim. The floor area consists of a concrete slab with appropriate drainage to be incorporated for wastewater provisions in the main winery and interior partitions for a separate restroom and tasting room. Electric air conditioning, water heater and electrical space heating are planned for use as needed. All plans are to be certified by professional engineers.

**Utilities:** The owner proposes running a service line to the new structure's electrical service from an existing secondary 200amp main panel on the house, OR, through installation of a new service line in the event this is approved by PG&E. The property is serviced by a 100gpm well with water that has previously tested acceptable. The owner proposes to install water and sewage line connections to the main house and its septic system. Prior approval for a second mobile home residence in 1994 (since removed) may indicate the current septic system could accommodate such a plan for use.

**Access:** The property is to be accessed as diagramed in the project site plan via a driveway off Fawnridge Road. The owner is in a private road maintenance agreement for Fawnridge Road. The facility will be accessible to persons with disabilities per ADA regulatory requirements

**Signage:** It is requested that an off-site sign be permitted to be placed at the corner of Fawnridge Road and Cramer Road in order to direct visitors to the property and to indicate if the winery is open or closed. Attached is a conceptual drawing that would be placed on a small two-sided 4'x4' sign to be visible from both east and west directions traveling on Cramer Road. An existing signboard may be used for this purpose with permission from Fawnridge property owners.

Attachment to Variance Application  
Question #4: Requested Variance and grounds for request

IN 1001012  
JUN 10 2003  
PLANNING DEPT.

A variance to the requirement for a 50' setback on the front of the proposed building site to that of 30' is requested in order to accommodate the development of additional grape vineyard acreage adjacent to the proposed building.

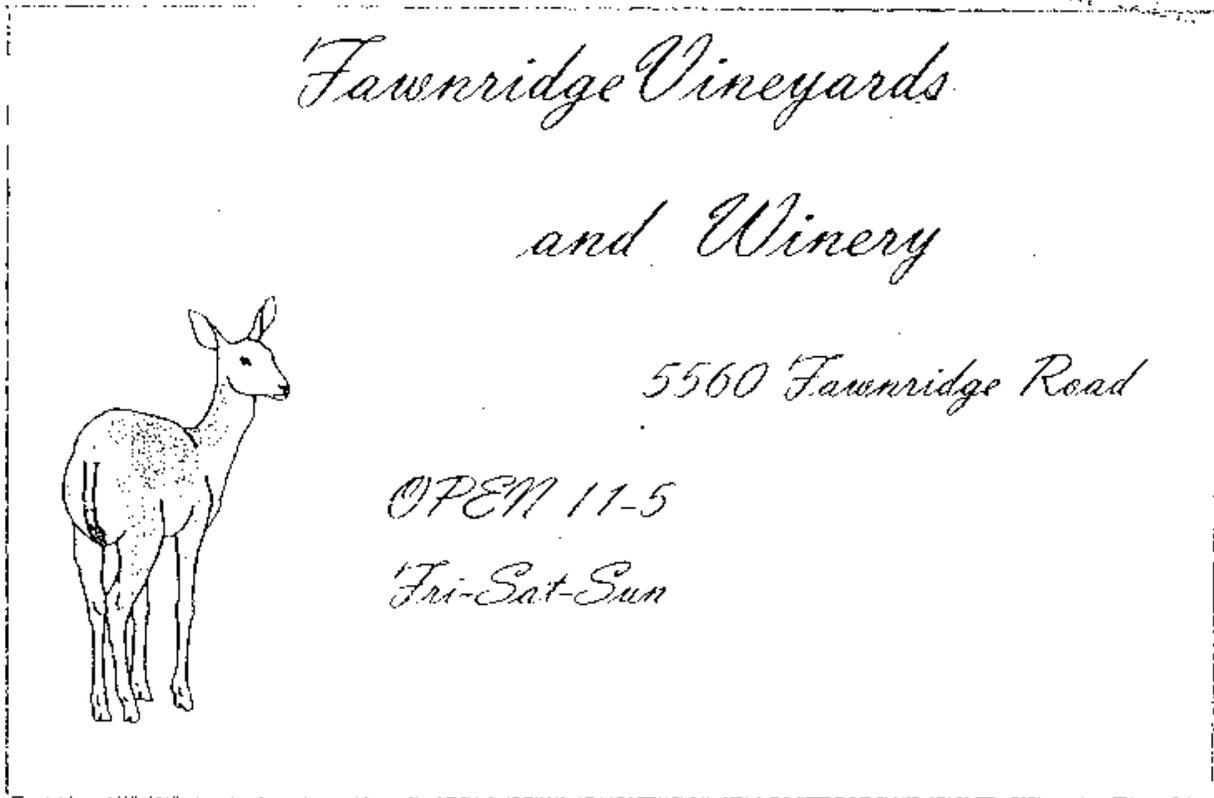
Placer County Right to Farm statement recognizes and supports the right-to-farm agricultural lands in a manner consistent with accepted customs and standards. The purpose of the guidelines for Placer County wineries and tasting rooms is to facilitate the development of vineyards, wineries, wine tasting rooms, and agricultural open space in Placer County, while encouraging tourism and economic development. The proposed building is located within a farm zone with the primary use as an agricultural processing facility but is categorized as commercial. Due to special circumstances that require the development of an extensive commercial building site, with required access and paving, it became necessary to locate the building within potential farmland on the property. There are plans for Fawnridge Vineyards to expand and plant additional vineyards in the next 1-3 years. The required use of additional land for the building site will further limit use of much potential cropland for additional vineyards. Remaining acreage adjacent to the site is inundated with large rock outcroppings and is the location of many large native oaks, further limiting the available land to be farmed on the property.

The proposed site plan presently places the building 30' from the closest point of the Fawnridge Road easement and approximately 60' from the centerline of the easement. A request for variance is made to allow for a reduction of 20' from the 50' front setback due to the above constraints that would occur should the building be moved further back into the property. This would allow preservation of approximately 3,000 square feet of farmland in which to plant grapevines. It is believed that the proposed site plan will allow ample space for setback to the road if the variance is granted.

Thank you for your consideration of this request

RECEIVED  
JUN 14 2023

PROPOSED SIGN



(NOT TO SCALE)

NOTE: Above image to be placed on a 4' x 4' sign placed at the corner of Fawnridge Road and Cramer Road. A closed sign would be placed as an overlay over hours of operation when closed.

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FINDINGS:

CEQA FINDINGS - MINOR USE PERMIT.

This project is categorically exempt from the provisions of CEQA per Section 18.36.050 (Class 3) (C) [New Construction of Small Structures] of the Placer County Environmental Review Ordinance, October 4, 2001

MINOR USE PERMIT FINDINGS:

1. The proposed use of wine processing is consistent with applicable policies and requirements of the Placer County General Plan and the Auburn/Bowman Community Plan. The proposed wine tasting and retail sales uses are not consistent with applicable policies and requirements of the Placer County General Plan and the Auburn/Bowman Community Plan, Chapter III, (B)(4)(c), which states that "New development in this land use district should maintain and promote the rural, agricultural character of the area".
2. The proposed project of wine processing is consistent with all applicable provisions of the Placer County Zoning Ordinance. The proposed elements of wine tasting and retail sales are not consistent with all applicable provisions of the Placer County Zoning Ordinance.
3. The establishment, maintenance or operation of the proposed use of agricultural processing will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County in that this small scale agricultural operation will have minimal impacts on the neighborhood. The establishment, maintenance or operation of the proposed wine tasting and retail sales will, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County due to general public use of a narrow, private road and incompatibility with the residential neighborhood
4. The proposed project of agricultural processing will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development. The proposed wine tasting and retail sales elements will not be consistent with the character of the immediate neighborhood

and will be contrary to its orderly development

5. The proposed project of wine processing will not generate a volume of traffic beyond the design capacity of all roads providing access to the project site. The proposed elements of wine tasting and retail sales will generate a volume of traffic beyond the design capacity of all roads providing access to the project site.

#### CEQA FINDINGS - VARIANCE:

This project is categorically exempt from the provisions of CEQA per Section 18.36.070 (Class 5) (A) [Minor Alterations in Land Use Limitations] of the Placer County Environmental Review Ordinance, May 6, 1997.

#### PROJECT FINDINGS - VARIANCE

1. There are special circumstances applicable to this property, including the topography and shape of the parcel, and the presence of a private road easement that runs through the middle of the parcel. This would make the strict application of Chapter 25.130 (D) (Action on a variance), Placer County Code, resulting in depriving the property of privileges enjoyed by other property in the vicinity under identical zoning classification.
2. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
3. The variance does not authorize a use that is not otherwise allowed in the zoning district.
4. The granting of the variance does not, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
5. The variance is consistent with the Placer County General Plan and the Auburn-Bowman Community Plan.
6. The variance is the minimum departure from the requirements of the ordinance necessary to grant relief to the applicant, consistent with Chapter 25.130 (D) (Action on a variance), Placer County Code.

#### CONDITIONS:

1. The Minor Use Permit (MUP-2925) is approved which authorizes a wine processing facility only with a maximum annual production capacity of 3,000 cases (winery with no tasting room), including the construction of a 1,500 sq. ft. agricultural accessory building. The approval of this Minor Use Permit shall expire on July 27, 2005, unless it is exercised by the issuance of a building permit for the building, and meeting all conditions prior to that date.
2. Per the Placer County Guidelines for Small Wineries without Tasting Rooms, gravel entries, driveways and parking spaces are permitted. The applicant shall provide a minimum of one space per 1,500 square feet of use area.
3. Hours for truck traffic and machinery operation relating to the processing of grapes shall be limited to the hours of 7:00 am to 7:00 pm.
4. The Variance (VAA-4148) is approved to the front setback requirement of 50' from edge of easement to 30' from edge of easement, in order to allow for the construction of a 1,500 sq. ft. building on the parcel. This approval shall expire on July 27, 2003, unless it is exercised by the construction of the structure.
5. The applicant shall apply for and obtain a building permit for the 1,500-sq. ft. accessory structure through the Placer County Building Department.
6. Prior to occupancy of the wine processing and/or tasting room building(s), the applicant shall submit to Department of Public Works evidence of participation in a road maintenance agreement or other financial arrangement for the maintenance of Fawnridge Road that is proportional to the additional traffic generated from the winery use.
7. Prior to Building Permit issuance, the applicant shall obtain a Grading Permit from DPW (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal). All retaining walls measuring 4' tall or greater, as measured from the bottom of footing to the top of wall, need to be designed by a California Registered Civil Engineer and submitted for review and approval to the DPW prior to Building Permit issuance.

ADVISORY COMMENT: The grading permit shall also address erosion and water quality impacts related to the concentration of impervious flows generated and collected from the parking lot.

8. Submit to Environmental Health Services, a project description detailing the number of employees, vehicles, the extent of public use, days and hours of operation, quantity and quality of wastewater generated, and any

other information relating to wastewater flow or domestic water demands

9. No water is to be used in the wine making process.
10. Wine making equipment shall only be washed with water from the existing well.
11. Management of solids (seeds, stems and skins, etc.) left after crushing shall be done in such a manner to provide adequate vector control and to prohibit significant odors generated by the project beyond the property lines of the project.

To this ends, upon generation,

**EITHER**

These solids must be stored in rodent and fly proof container(s) and be thinly spread and immediately incorporated into the existing vineyard within 48 hours of generation or sooner if necessary

**OR**

These solids must be properly composted and spread on site (NOTE: composting activities must be performed with appropriate permit from Environmental Health Services, if necessary per regulations)

12. Contact Environmental Health Services, pay required fees and obtain a septic permit to install a separate septic tank and pump tank and to connect the restrooms in the wine tasting building to the existing septic system. (Proof of pumping of the existing septic tank within the last 3 years is also required.)
13. **ADVISORY COMMENT:** Disposal of all winery production liquid and solid waste shall be in accordance with local and state rules and regulations. Contact the California Regional Water Quality Control Board regarding their filing and discharge requirements.
14. Contact Environmental Health Services, pay required fees, obtain permits, approvals, and inspections, and properly destroy the existing abandoned well.
15. Submit to the Environmental Health services a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service.

October 26, 2006

Dear Neighbor,

I would like to explain a couple of things that we are doing at 7055 Ridge Rd, and Pescatore Vineyard & Winery.

First, you may have seen the notice posted by the mailboxes and at the entrance to our property. This relates to our splitting our 15.5 acres so that our son who lives in Phoenix can begin to build his home. This does not in any way relate to anything at Pescatore Vineyard & Winery. It is simply to allow his residence to be built over the next several years.

Second, I am beginning to redo my California ABC license and county Minor Use Permit to make them compatible and specifically accurate to what we have done over the last 5 years. **I am not trying to change anything we have been doing over the last 5 years.** At the time I applied for my minor use permit I stated I was not interested in a public tasting room with hours of operation, open on a regular basis. I was told by the county that I could do tastings by appointment. My use permit states "no public tastings" and I have been told numerous times this allows tastings by appointment. The latest time was Oct. 6<sup>th</sup> of this year, when I inquired about changes that are being made to better define zone definitions, one relating to wineries.

I have requested my Calif. ABC license be changed to read "tastings by appointment. One document I have from them says "no public tastings" while one says "no tastings". I want to clear this up with them and the county. I will do the same with my county Use Permit.

As most of you know the last two years we have had 4 "open house" tours each year ( Feb., May, Aug. & Nov.)with the other wineres. At the time of my application for my minor use permit I was told if I wanted to do an open house event several times a year, I could get an "event permit".over the counter, no fee. Late last year one of the wineries was told they could not, since they had a "no public tasting" on their use permit. All nine wineries met with Tom Miller, head of Placer County on three occasions and he directed the Planning Dept. to allow these four events, plus the Farm and

Barn Tour, which is sponsored by the county. Some wineries wish to do more than these 4-5 events. **I do not.** I am asking the Calif. ABC and my new use permit to state only 4-5 events a year, and only noon to 5 p.m. this is no more than I was told I could do and I want my neighbors to know I have not changed what I want to do.

Some of you may receive a notice from the Calif. ABC and I wanted you to know this is because of my efforts to get everything consistent with county and state.

I am also applying for a change to my County Use Permit, but will wait until after the first of the year, because the county is adopting new sign ordinances that affect me. I will also put this in the new Use Permit. There will be an open hearing at that time and of course you can express your feelings.

If you have any questions, please feel free to contact me at 663-1422. You may also call Asst. Planning Dir. Melanie Heckel at 530-886-3000. She can attest to my intent and that the county has allowed what I am doing to date.

Sincerely,

Dave Wegner



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

CODE ENFORCEMENT

Mike Harris
Supervising Officer

NOTICE OF CODE VIOLATION

The property at 7055 Ridge Road APN: 031 161 028
was inspected at 2:45 a.m./p.m. on August 14, 2006 by Mike Harris
and found to be in violation of the Placer County Code, Section 17.10.010 Farm (Zone District)

Violations:

- Section 17.58.140C Conditions of Approval Minor Use Permit #2511
Section
Section
Section
Section
Section

On or after October 18, your property will be re-inspected and if any violation still exists, enforcement action will follow. You are hereby directed to correct all listed violations by Nov 22, 2006. The property owner may request and be provided a meeting with the Code Enforcement Officer to discuss possible methods and time limits for the correction of identified violations. Please call the Code Enforcement Division at (530) 745-3050

Comments: Must meet and maintain conditions of approval of Minor Use Permit. Condition #1 prohibits public wine tasting. To allow any future activity, application needs to be submitted and approved by all County Departments to modify the Use Permit.

Advisory comment: All signs displayed must be in conformance with Placer County Code, Section 17.54.170 et seq
Weddings, events, etc. other than personal parties associated with residential use, require County approval - 17.56.300 Temporary Events

Authorized Signature, County of Placer Date 10-4-06

PENALTY FOR FAILURE TO COMPLY

The County may charge the property owner for all administrative costs associated with abatement of conditions defined as a Nuisance by Section 17.62.160(A), pursuant to Section 17.62.090 (Recovery of Costs). Failure to correct the above listed violations may result in the issuance of a Citation or other legal action. If an Infraction Citation is issued, conviction of code violations may be punishable by a fine, not to exceed \$500 per violation. The penalty imposed for a conviction under this Section may include probation and/or condition of sentence. The Court is authorized, as a condition of sentence, to impose fines, and/or to order that the property be brought into compliance. Under the Code, each day any violation continues constitutes a separate offense and you can be cited for multiple day violations. This notice of Code Violation may be recorded against the property in the Placer County Recorder's Office pursuant to section 17.62.080B (Notices-Services and Releases). Should you correct the conditions identified as being in violation, you must immediately notify this office so that we can confirm the correction. Where a Notice of Code Violation has been recorded and we have confirmed the correction of the violation(s), we will then record a "Satisfaction Release and Removal of Notice of Code Violation" with the Recorder's Office.

cc: [ ] Assessor [ ] Other

Owner: Steve & Noelle Wegner et al Lessee dba: Pescatore Winery
7055 Ridge Rd
Address: Newcastle, CA 95658

RE: requirements for wine tasting

**Subject:** RE: requirements for wine tasting  
**From:** "West, Karen@ABC" <Karen.West@ABC.ca.gov>  
**Date:** Fri, 13 Apr 2007 09:40:26 -0700  
**To:** "Mike & Lonna Giles" <doubleduck@lanset.com>

You would need to be licensed as a Type 02 Winegrower, this allows you to have wine tasting on the premises. I have provided the link below, so you can review the privileges, restrictions and requirements of a Type 02 license. After reaching link, go to References, then to Comprehensive Non-retail Licenses, then to page 14 of document. If you are interested in applying for a license our website can direct you to the district office that covers where your licensed premises would be located. The application would be submitted and processed at the district office.

EXHIBIT 17 <sup>301</sup>



## NOTICE OF PUBLIC HEARING

### PLACER COUNTY PLANNING COMMISSION

**WHERE:** PLANNING COMMISSION HEARING ROOM  
3091 COUNTY CENTER DRIVE, SUITE 140, AUBURN, CALIFORNIA 95603

**WHEN:** MAY 10, 2007, 10:30 AM

**SUBJECT:** THIRD-PARTY APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF A MODIFICATION OF A MINOR USE PERMIT – PESCATORE WINERY (PMUP 2006 0909)  
CATEGORICALLY EXEMPT (Class 1, 18.36.030 and Class 3, 18.36.050)

Notice is hereby given that the Placer County Planning Commission will conduct a public hearing, on the date and at the time noted above, in order to consider a third-party appeal from Laurence Graves, Mike Giles and the Neighborhood Rescue Group Association of the Zoning Administrator's approval of a Modification of a Minor Use Permit to allow wine tasting and wine sales by appointment in conjunction with a previously approved winery. The property (APN 031-161-028) is located at 7055 Ridge Road in the Newcastle area, and is zoned F-B-X 4.6 Acre Minimum (Farm, Combining Minimum Building Site of 4.6 acres).

Administrative remedies must be exhausted prior to an action being initiated in a court of law. If the proposed project is challenged in court, one may be limited to those issues raised at the public hearing described in this notice or in written correspondence delivered prior to the public hearing.

All letters, written materials, studies or reports, in excess of one (1) page should be delivered to the Planning Department, 3091 County Center Drive, Auburn, CA 95603, at least 24 hours or (1) business working day prior to the beginning of the meeting as noticed above. Copies of the staff report and environmental document are available for review upon request or at the above location.

Further information on the project can be obtained by calling the Staff Planner Alex Fisch at (530) 745-3081 or 1-800-488-4308, ext. 3000 during normal business hours. Interested persons are invited to attend the hearing or submit written comments.

**PLACER COUNTY PLANNING COMMISSION  
ALEX FISCH, STAFF PLANNER**

**DISTRIBUTION:**

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CAMPBELL DISTRICT

**COUNTY DEPARTMENTS:**

Environmental Health  
Engineering and Surveying Dept  
Facility Services  
Parks Department  
Air Pollution Control District  
Assessor  
Office of Education  
Sheriff's Department  
Ag Commissioner

302  
EXHIBIT 18

APN - 031 - 161 - 028

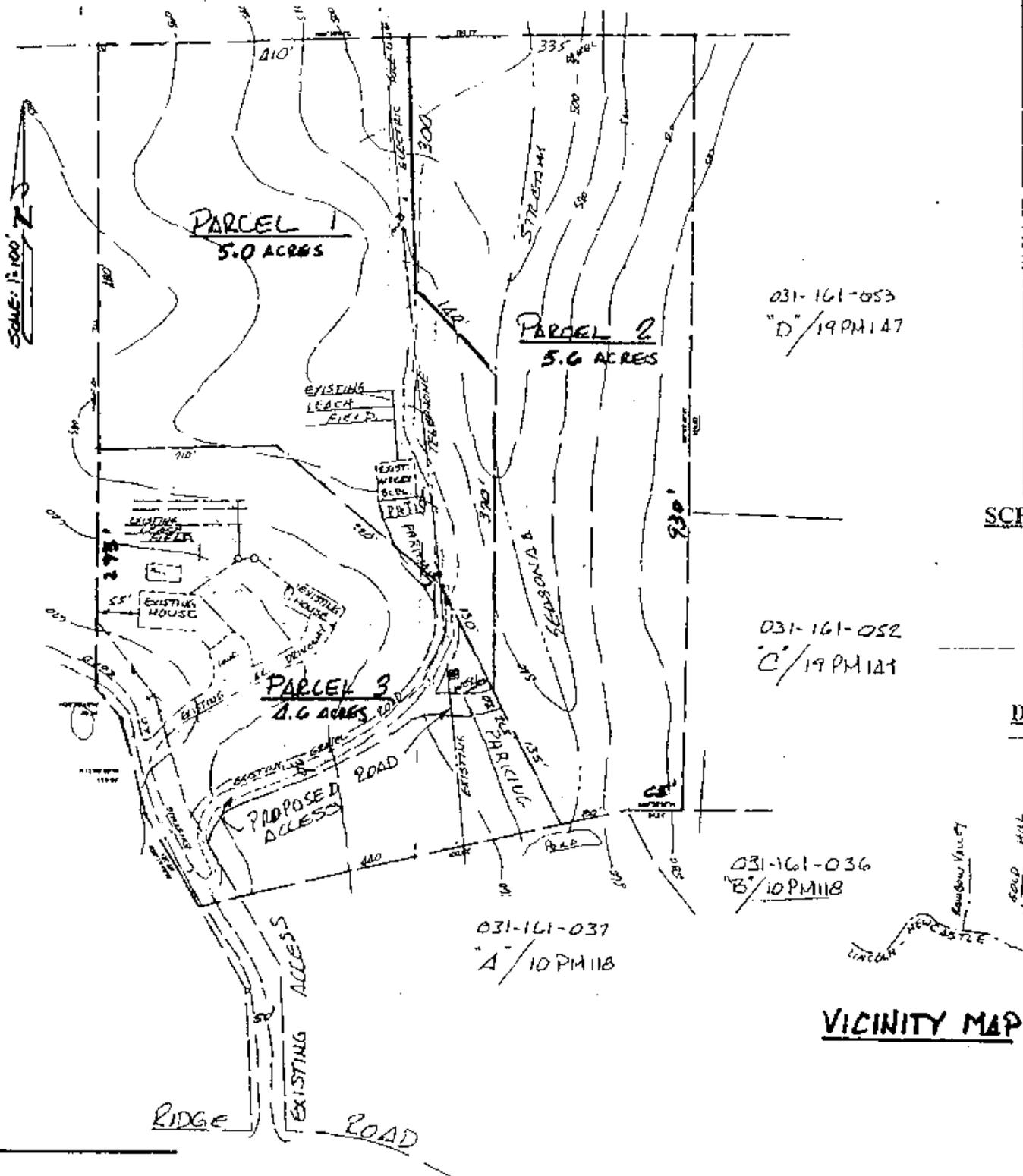
Dave Wegner  
Pescatore Winery  
7055 Ridge Rd, Newcastle

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031-161-053  
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031-161-052  
"C" / 19PM147

031-161-036  
"B" / 10PM118

031-161-037  
"A" / 10PM118

VICINITY MAP

33

RECEIVED

MAY 09 2007

CDRA

**Laurence A. Graves**  
6995 Ridge Road  
Newcastle, CA 95658  
Telephone: (916) 663-3731

May 9, 2007

Alex Fisch – Staff Planning  
Placer County Planning Department  
3091 County Center Drive, Suite 140  
Auburn, CA 95603

Re: Application for Minor Use Permit of Pescatore Vineyard & Winery  
Owners: David & Patricia Wegner  
Location: 7055 Ridge Road, Newcastle, CA 95658

Dear Mr. Fisch:

This is to acknowledge receipt of your appeal package relating to the May 10, 2007, Planning Commission hearing.

First, I assume the same package is also given to the Planning Commission for their review of all background items.

The only items I note from your package is that I did not see any of the copies of photographs I previously submitted as to a model winery situation of the Mt. Vernon Winery versus the Pescatore Winery. Second, I did not see, and I thought you were going to refer this to your county counsel's office for their legal view as to whether or not a private road easement is possibly being "overburdened" by the allowance of wine tasting over a private easement designated as simply a private roadway including utilities allowances. Due to the shortness of time, I can only give you a very quick quote as to a case which was entitled *Scruby v. Vintage Grape Vine* (1995) at 37 Cal.App.4<sup>th</sup> 697, 704, in which the paving of a roadway at the entrance to an easement was constituted as an undue burden on a servient tenement where the roadway created an unlawful safety hazard and was not necessary to ensure ingress and egress to a dominant estate. In our present case there is a request to use a private road easement originally intended only for residential and agricultural use along with a use for any type of utilities, and it is now being requested to change that use over to a commercial use not originally intended by the original grant and it is only the present winery association growers lobbying which is requesting the use of private roads for wine tasting. This question of overburdening the use of a private road should have been addressed through the county counsel's office.

I have also not seen any comments by staff as to what other counties have already done in this regard where wine tasting has been requested and "associated activities." Within the last five years, we have seen the Placer County Wine Growers Association lobby the county to add the

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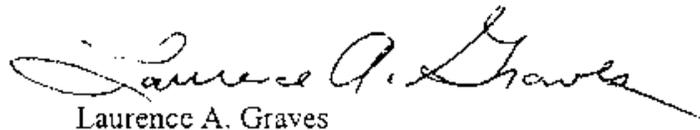
wording of "wine tasting and associated activities" into the agricultural farm zoning for wineries and vineyards. We have also seen a possible change of wording as to "outside activities" since our Zoning Administrator hearing in which we were advised that there would be a full review of any request for "outside activities" to recent possible changes to allow only the Planning Director to make decisions for these applications without any public input or protest. I would hope that these issues could be addressed at this Planning Commission hearing.

I think as to the overall picture, Placer County needs not only the Wine Growers Association but public input as to whether there should be any requirement setting forth full vineyard-wine growers who want to do wine tasting, that they should have their own private road as a requirement, such as we have with the Mount Vernon Winery, as good planning and then this problem would not arise except for the occasions of possible "special activities requests."

As a final item to this appeal, should the Planning Commission uphold the Zoning Administrator's decision to allow wine tasting by private appointment we would request that the staff review and recommend that such a wine tasting which Pescatore Winery is requesting as to 15 cars and 20 to 24 people be limited to one set day per week since we have, in the area surrounding the Pescatore Winery for the past three years, been unable to control any type of flow of traffic; and we simply can't sit out on our roadway seven days a week to control the wine tastings by private appointment and, frankly, there is no code enforcement by Placer County as to any restrictions. It seems it would be very simple to restrict Pescatore Winery to simply pick one day a week for 15 cars and 20 to 24 people should the Planning Commission approve this wine tasting situation.

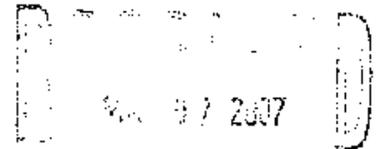
Thank you for your past considerations.

Very truly yours,



Laurence A. Graves

May 31, 2007



PLANNING DEPT.

Alex Fisch - Staff Planning  
Placer County Planning Department  
3091 County Center Drive, Suite 140  
Auburn, CA 95603

Re: Pescatore Vineyard and Winery  
Owners: David and Patricia Wegner  
Location: 7055 Ridge Road, Newcastle, CA 95658  
Planning Commission Hearing Date: May 10, 2007 - 10:30  
a.m.

Dear Mr. Fisch:

We, James and Kim Jordan of 7001 Ridge Road, Newcastle, California, 95658, home telephone number 916-663-4988, are the owners of Placer County real property and improvements on parcel no. 031-140-009 at the above Ridge Road address.

We are the property owners adjacent to the Kenneth Williams property at 7077 Ridge Road, Newcastle, as well as the property of David and Patricia Wegner at 7055 Ridge Road, Newcastle. Our real property adjoins the 50 foot road easement over the Williams and Wegner property as well as the area where Welcome Road comes over the Williams property and enters onto Ridge Road.

Due to increased auto traffic on the 50 foot road easement adjacent to our property due to wine tasting activities at the Pescatore Winery and also the fact that within the last year and a half, there appears to have been direct activity which has taken away a part of our property along the 50 foot easement, we have recently obtained a licensed survey to get the property lines fully established and to reassert our full ownership of our properties within our own property boundaries. As a result of this survey, it appears that the recently paved roadway primarily used by the Wegners and Larry and Dottie Graves of 6995 Ridge Road, Newcastle, California, at present, runs across our property and not within the easement boundaries. This ranges from a few inches up to what appears to be at least a ten

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foot differential near the point of the mailboxes just off of Ridge Road.

As we intend to move our fences over to the proper placement of the property lines, it does appear under the present circumstances that the 50 foot easement will need to be moved further over into the Wegner's and Williams' property for whatever adjustments they may need to make to meet proper county requirements.

By this letter, we are requesting that you or someone from your office immediately contact us so that we can show you the property lines which are presently marked and where we intend to put our fencing as this may certainly affect the upcoming Planning Commission meeting and they should have that information prior to the May 10, 2007, meeting.

Please set up an immediate appointment to cover this problem area by calling us at our home telephone number of 916-663-4988, or Mr. Jordan's cell phone is also available at 916-599-4496.

This letter is also to advise Planning Code Enforcement that on Monday, April 23, 2007, about 6:00 p.m., we had stopped our neighbor, Mr. Graves, to discuss our property lines and while on the 50 foot easement, Mr. Graves, my wife, and I observed six to eight vehicles exiting the Wegner property which appeared to be from a wine tasting event, which was also noted on a sign by the mailboxes in apparent violation of the present appeal rules.

Very truly yours,

James Jordan



Kim Jordan



