January 10, 2008

Placer County Planning Commission
3901 County Center Drive
Auburn, CA 95603
Attn: Michael Johnson, Planning Director

Re: New Winery Draft Ordinance

Dear Michael,

In response to comments made at today's meeting, I would like to submit the following regarding RA zoned parcels:

It seems RA zoned parcels are basically the same as Farm zoned parcels with the exception that RA allows for homes to be built in an Agricultural area and not the other way around?

I am not sure if the Commission resolved my request that RA zoned parcels with ten acres or more be given the same consideration as a 4.6 acre Farm zoned parcel, therefore encouraging the Agricultural use of the land rather than the Residential use it is allowed. This consideration would certainly be in line with Placer County's commitment to supporting and promoting Agricultural land use. In other words, I would like to be required to have a 'zoning clearance' to start my business; if the same is required of a 4.6 acre Farm zoned parcel. Again, I would submit a larger parcel should have concessions to insure an Agricultural use.

The Planning Commission's decision will affect my business future and will certainly determine the amount of time it will take for me to proceed. The sooner I can open my business the sooner I can start recovering some of my investment and this will hopefully insure my success. I know the Commission will evaluate this request keeping in mind that Placer County's farms come first. Thank you for your consideration.

Respectfully Submitted,

Lisa Reagan Mann, Owner/operator
Fortezza Vineyards (and future winery)
10555 Harris Road
Auburn, CA 95603
(530)889-2824

Attachment: List of Placer County Wineries and Prospective Wineries and their Zoning

Melanie Heckel

From: Ronald Morris [rmorris@ncbb.net]

Sent: Monday, January 07, 2008 12:01 PM

To: Melanie Heckel

Cc: Christine Turner

Subject: Draft Winery Ordinance - Comments for Commission Consideration

Dear Ms. Heckel:

The following comments on the subject Draft Winery Ordinance are submitted for Planning Commission consideration at their meeting on 10 January 2008. I will be unable to attend this meeting and respectfully request that you make them available to the Commission.

Thank you for the assistance.

Ron Morris

Placer County Planning Commission
DeWitt Center
Placer County, CA

RE: Draft Winery Ordinance

The Draft Winery Ordinance (12-10-07) is workable from both the winery and Planning Department perspectives and the Planning staff deserves recognition for attempting to accommodate all of the special interests in the development of the draft. The following recommendations intend to further simplify the Ordinance to better reflect the character of a winery business, to improve the continued application and administration of the Ordinance by the County, and to clarify the responsibilities of the winery operator:

Revise the definition of winery to correspond with the federal and state definitions, that is, "Winery" means a duly permitted, by the appropriate Federal and State agencies, wine production facility used to convert fruit into wine, and to age, bottle, store, distribute and sell said wine. The winery facility, for the purposes of this section, consists of one or more structures housing the functions of crushing, fermentation, blending, bulk and bottle aging, bottling, marketing and sales (including wine tasting and promotional events), laboratory, and administration. For purposes of this section, "promotional events" as defined herein shall not exceed one per month.

1. The term "bonded winery" is replaced by "duly permitted, by the appropriate Federal and State agencies". A legally operating wine production facility must be permitted by both the Federal and the State governments, the Federal permit requires the acquisition and maintenance of a bond to cover the tax liability of all wine produced that has not had the tax paid. Further, such wine must be housed in a secured area, access controlled, which is specified in the federal permit and which rarely includes the entire winery facilities. This area is referred to as the "Bonded Area" or "Bonded Facility".

2. Wine tasting is essential to the production and sale of wine. No one would consider operating a winery without the ability to perform tastings just as no one would make perfume if they were not allowed to smell it. The above recommended definition incorporates wine tasting into the sales function and recognizes it as an essential function of the winery. Further, the Federal and State permits to operate a winery control the wine tasting function as it relates to the sale of bottled wines. It is redundant and unnecessary for the County to regulate this fundamental function.

3. Eliminate the definition of "Public Tasting" and eliminate this term in paragraph 2. Parking. Therefore, paragraph 2.A would be "Small Wineries – A minimum of five permanent parking spaces shall be provided."

4. Eliminate "Such events include winemaker's dinners" from the definition of Promotional Events. If a winery conducts a dinner for a group, it is a private party and typically will involve less than 40 invited guests The food served must be catered or must be prepared in a commercial kitchen in the winery facility. If the winery conducts "winemaker dinners" as a commercial undertaking (i.e. charging a fee for the food and wine consumed) then it is acting like a restaurant and should be permitted as such. In any case, this should not be construed as a promotional event

By incorporating the above recommendations, the tables on Page 2 of the Draft Ordinance reduce to two rows, one for small wineries and one for larger wineries as currently defined in the tables. Further recommend that the Residential Zoning Districts and Agricultural and Resource Districts require an ARP for small wineries and a MUP for larger wineries. This will ensure that appropriate scrutiny of the proposed winery projects is conducted by the Planning Department and it should reduce the total energy required in administration of winery related development and code enforcement.

Respectfully submitted for your consideration.

Ron Morris, Manager
Secret Ravine Vineyards, LLC
4390 Gold Trail Way
Loomis, CA 95650

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January 3, 2008

To: Placer County Planning Commission
RE: Hearing consideration on Zoning Text Amendment
Draft Winery Ordinance on January 10, 2008

I am requesting the Planning Commission consider larger RA zoned parcels (ten acres or more) be given the same consideration as a 4.6 acre Farm zoned parcels in the new winery ordinance. A ten acre parcel zoned RA B100 (2.3 acre min) can be split into four additional RA zoned lots.

My vineyard is located on a 10.76 acre RA B100 (2.3 acre min) zoned parcel. My research revealed that no other winery or prospective winery at this time is zoned RA B100 with ten or more acres. This consideration would encourage other larger RA parcels like mine to keep the property in tact if they wish to become a winery. Per the latest winery draft, with no consideration for acreage, I have to not only an obtain an ARP but also a MUP to run my business even though the impact on the neighborhood as a larger parcel is less than a 4.6 Farm zoned acre parcel. It is reasonable if you need to consider access to the larger RA parcels in addition to acreage. My parcel is not located on a shared private road. I have access to a public road.

Thank you for your consideration to this request.

Respectfully submitted,

Lisa Reagan Mann
Fortezza Vineyards
10555 Harris Road
Auburn, CA 95603
(530)889-2824
lreaganmann@hughes.net

WINE INSTITUTE
THE VOICE FOR CALIFORNIA WINE

RECEIVED
NOV 14 2007
PLANNING DEPT.

November 12, 2007

Placer County Planning Commission
Ms. Melanie Heckel, Assistant Director
3091 County Center Drive, Suite 140
Auburn, CA 95603

Subject: Zoning Text Amendment – Discussion – Draft Winery Ordinance

Dear Ms. Heckel,

On behalf of Wine Institute, the association of California wineries representing over 1,000 members responsible for 85% of our nation's wine production and more than 90% of U.S. wine exports, we respectfully submit the following comments for the public record at the Planning Commission's November 15th hearing. Approximately, 50% of our member wineries produce less than 2,000 cases annually and over 90% make less than 10,000 cases a year.

Our comments are focused on and applaud those modifications made by the Agricultural Commission to the Placer County staff's proposed Winery Ordinance. In our opinion, the Agricultural Commission's modifications are consistent with the Department of Alcoholic Beverage Control's (ABC) privileges afforded Type 02 winegrowers, commonly referred to as wineries. The privileges that come with the Type 02 license prominently include: wine manufacturing, on-premise tasting, and direct sales to consumers. Secondly, as an organization whose mission is advocating for California wine at the state, national and global levels, the Institute is well versed to comment on precedents and trends affecting the wine community. Quite simply, we are unaware of any local ordinance in any California county that has imposed as severe restrictions on wineries' most basic privileges than those proposed by county staff.

For the record, it is important to note that there is unquestionably an appropriate role for local government to regulate wineries' activities.

That having been stated, we wholeheartedly concur with the Agricultural Commission's modifications that strike all references that tasting rooms are "accessory uses". An age-old tradition, tasting rooms are vital for any small winery's profitability. An independent analysis by MKF Research LLC pegs a small winery's tasting room sales to constitute approximately 60% of all sales. The Agricultural Commission similarly struck the language in the proposal that "tasting rooms shall be clearly incidental, related, and subordinate to the primary operation of the winery as a production facility ..." Empirically, tasting rooms are a winery's necessary retail outlet. California's restaurants and grocery stores cannot possibly sell the 3,000+ chardonnays produced by California's 2,400 wineries alone and without any consideration for the other 15-20 major varietals produced by the same wineries. Lastly, it would have been clearly unprecedented, as proposed by staff, to limit public tastings by appointment-only. No other county has deemed it appropriate to restrain consumers and wineries in such a manner. Consistent with their ABC

license privileges, all wineries should be allowed to be open to the public without prior reservations and to operate tasting rooms without having to obtain a special permit, as now proposed by the Agricultural Commission.

Critics of the Placer County wineries make the accusation that the county's private roads could become victimized by inebriated wine tasters. There are existing safeguards to avoid such occurrences. All ABC licensees are subject to license suspension and revocation if they serve inebriated individuals; i e Business and Professions Code Section 25658. Wineries are serious about their civic duty The Institute is finalizing our updated, 28-page "Responsible Wine Service" guide with an emphasis on wine education to further assist tasting room staff in providing an enjoyable, educational, and safe experience for visitors.

In sum, wineries are good for the local government. They generate needed sales and property taxes. Wineries are good for the local economy. They are a valuable source of jobs. They are a magnet for related businesses like local retailers, restaurants, and lodging establishments that benefit from tourists. We urge the Planning Commission to recommend that the Board of Supervisors adopt the above-mentioned modifications to the Winery Ordinance by the Agricultural Commission

Respectfully,

Mike Falasco

Mike Falasco, California State Director
Wine Institute

Melanie Heckel

From: Diana Hermance on behalf of Placer County Planning
Sent: Wednesday, November 14, 2007 10:34 AM
To: Melanie Heckel
Subject: FW: Winery Draft Ordinance.

Hi Melanie,

Here is the email I discussed with you.

Thanks,
Diana

From: Tim Howell [mailto:timhowell@sbcglobal.net]
Sent: Wednesday, November 14, 2007 8:52 AM
To: Placer County Planning
Subject: Winery Draft Ordinance.

As property owners one parcel over from the Fawnridge Winery, we have concerns regarding the proposed onsite wine tasting events.

1 Customers of the winery will be driving on the home owners private single lane dirt road with no turnouts for passing vehicles. The road has a very tricky dogleg crossing over the Lone Star canal. The maintenance of the road is paid by the home owners.

2 The added traffic our road will have an adverse effect on the neighborhood, primarily added dust and noise.

3 This will cause a decrease in our property values.

4 The liabilities of having drivers unfamiliar with narrow dirt roads will be left to the home owners.

5 Who will enforce the rules for the Winery, will they be available on weekends? The Winery held a wine tasting on November 9th 10th and 11th, but called it an open house, this would seem to indicate that they will circumvent the intent of the restrictions that are being discussed in this ordinance.

6 Will this ordinance allow weddings, receptions, and private parties? If so would music and dancing be allowed?

7 This will change our quiet, private, rural neighborhood.

Tim and Roberta Howell
5530 Fawnridge Rd

PLACER COUNTY DEPARTMENT OF AGRICULTURE WEIGHTS AND MEASURES

11477 E Avenue. Auburn, CA 95603-2799 (530) 889-7372 FAX (530) 823-1698

CHRISTINE E. TURNER
Agricultural Commissioner/
Sealer of Weights and Measures

November 13, 2007

TO: Placer County Board of Supervisors

FROM: Christine E. Turner, Agricultural Commissioner/Sealer

SUBJECT: Proposed Winery Ordinance

During the Agricultural Commission's November 12, 2007 meeting, the Commission voted 7-0, (one member absent and one position vacant), to recommend the Board of Supervisors approve the proposed Winery Ordinance as submitted by the Agricultural Commission, dated November 12, 2007 (see Attachment A). There is also attached a highlighted strikeout version for your reference as to the changes made to the County staff version (see Attachment B).

Background:

Placer County Board of Supervisors has supported agriculture in the County over the years. The County's General Plan has numerous references to the unique role of agriculture to the County's economy, resource rich land base, and rural quality of life that brings so many people to Placer County in the first place. Specifically, the County has a goal identified in the General Plan, "To provide for the long-term conservation and use of agriculturally-designated lands." To accomplish this, and support long-term viability, the Plan states, "The County shall encourage continued and, where possible, increased agricultural activities on lands suited for agricultural uses." For family farmers and ranchers to remain on their land, they have to be able to make money. One effective way to do that is to increase the sales of farm products directly to the consumer.

The Agricultural Commission's proposed Winery Ordinance supports the direct sales of wine, and associated wine sampling, from county wineries in a manner that is more consistent with the direct sales of other value-added commodities from local farms and ranches. It is important to make it as easy as possible for wineries to sell direct to the customer. Other counties have seen the value in doing this and reap the economic benefit of a healthy agri-tourism related industry that supports family vineyards and wineries.

Action Requested:

The Placer County Agricultural Commission, and the greater agricultural community, asks you to support the County's vineyards and wineries by approving the Agricultural Commission's proposed Winery Ordinance.

cc: Placer County Agricultural Commission
Placer County Planning Department
Placer County Wine and Grape Association

"If you eat food and wear clothes, you ARE involved in agriculture." -- CA Women for Agriculture

Ordinance. _____

DRAFT WINERY ORDINANCE – Attachment A
(Revised 11-12-07 by Placer County Agricultural Commission)

Section 17.56.330 - Wineries

A. Purpose. The purpose of this section is to provide for the orderly development of wineries within agricultural zoning districts and certain commercial, industrial and residential zoning districts, to encourage the economic development of the local agricultural industry, provide for the sales of value added products, protect the agricultural character and long-term agricultural production of agricultural lands.

B. Definitions

"Administrative Review Permit" – See Zoning Ordinance Section 17.58.100.

"Conditional Use Permit" – See Zoning Ordinance Section 17.58.130.

"Minor Use Permit" – See Zoning Ordinance Section 17.58.120.

"Promotional Event" means an event, sponsored by the property owner, an association of agricultural property owners, or similar organizations formed to assist the agricultural industry in the area, to promote the sale of Placer County wines, and which is intended to allow for the direct marketing and sales of wines produced on the premises or produced elsewhere from grapes grown on site. Such events include "winemaker's dinners." No single event shall exceed more than two consecutive days.

"Public Tasting" refers to wine sampling by the general public.

"Winery" means a bonded winery facility comprising the building or buildings used to convert fruit juices (all or part of which are produced on the property) to wine, and to age, bottle, store, distribute and sell said wine. Onsite sales includes sampling by the general public as permitted by the California Alcoholic Beverage Control Board. A winery, for the purposes of this section, includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, public tasting and administrative office functions.

C. Wineries. The permit requirements for wineries permitted as set forth below. If a proposal includes more than one of the elements listed below, the highest applicable permit process shall apply.

Ordinance. _____

	Commercial					Industrial				
	Zone Districts									
	CPD	C2	C3	HS	C1	RES	AP	BP	IN	INP
Winery Production <20,000 Cases	CUP	MUP	C					C	C	C
Winery Production >20,000 Cases			MUP					MUP	MUP	MUP
Wholesale and Retail Sales of Wine and Grape Products	CUP	C	C	C	C	C	MUP	C	C	C
Retail Sales of Winery-Related Merchandise	CUP	C	C	C	C	C	MUP	C	C	C
Promotional Events Up to 6/year	CUP	ARP	ARP	ARP	ARP	ARP	ARP	ARP	ARP	ARP

Residential Zoning Districts		
	RA	RF and Public Road Access
Winery Production <20,000 Cases	ARP	ARP
Winery Production >20,000 Cases	MUP	MUP
Wholesale and Retail Sales of Wine	ARP	ARP
Retail Sales of Winery-Related Merchandise	ARP	ARP
Promotional Events Up to 6/year	MUP	ARP

Agricultural and Resource Districts
(Agricultural Exclusive, Farm, Forestry, Timberland Production)

	4.6 – 9.99 Acres or Private Road Access	**10+ Acres and Public Road Access**
Winery Production <20,000 Cases	C	C
Winery Production >20,000 Cases	MUP	MUP
Wholesale and Retail Sales of Wine Grown or Produced on Premises	C	C
Retail Sales of Winery-Related Merchandise	C	C
Promotional Events Up to 6/year	ARP	ARP

KEY TO PERMIT REQUIREMENTS	
Zoning Clearance required (Section 17.06.050)	C
Administrative Review Permit required (Section 17.06.050)	ARP
Minor Use Permit required (Section 17.06.050)	MUP
Conditional Use Permit required (Section 17.06.050)	CUP
Use not allowed	

D. Development and Operational Standards. The following development and operational standards shall apply to all wineries. These standards will be applied with flexibility to encourage wine grape growing.

1. General.

A. The primary purpose of the winery shall be to process wine grapes grown on the winery premises or on other local agricultural lands. In the Residential, Resource and Agricultural zoning districts where wineries are allowed, at least one acre of planted vineyard on site is required, unless the Agricultural Commissioner makes a determination that a functional equivalent occurs (i.e. winery is contracted to receive a substantial portion of the winery production capacity from locally produced vineyards).

B. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared or bottled by the winery operator or grown on the winery premises, or custom crushed at another facility for the winery operator.

C. The minimum parcel size for establishment of a winery is 4.6 acres in the Residential, Resource and Agricultural zoning districts where wineries are allowed.

2. Parking. The following parking standards shall apply to large wineries (+20,000 cases).

A. Permanent parking spaces shall be provided for wineries. The parking spaces shall provide all weather surfacing (e.g., aggregate base, chip seal, asphalt, concrete) capable of supporting a forty thousand (40,000) pound vehicle load and properly designed.

3. Access Standards

A. Access to winery structures shall meet reasonable Fire Safe Standards. Alternative design allowances and/or requirements will be determined on a case-by-case basis for mitigation to the standards dependent upon anticipated level of use, site constraints, turnout opportunities, road length, slope, and other site-specific issues.

4. Potable Water

A. If the winery is served by well water and there are more than 25 people on-site in a 60-day period, employees and guests shall be provided with bottled water for consumption, unless otherwise approved by Environmental Health. Well water shall meet potable water standards for the purposes of dishwashing and hand washing.

5. Waste Disposal.

A. Solid Waste. All solid waste shall be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions. Pomace, culls, lees, and stems may be recycled onsite in accordance with the Report of Waste Discharge approved for each individual winery by the Regional Water Quality Control Board.

B. Winery Production Waste. Standards for waste disposal shall be set, where applicable, by the Regional Water Quality Control Board and shall be stipulated in the Report of Waste Discharge.

C. Onsite Sewage Disposal. If public sanitary sewer is not available, then the onsite sewage disposal system shall be designed in

compliance with County Code Chapter 8.24 and sized to accommodate employee, tasting room and commercial sewage flows. Portable toilets may be approved by the Environmental Health Division for temporary and promotional events.

Planning Commission
3091 County Center Dr
Auburn, CA 95603

November 10, 2007

RE: Wine Tasting Ordinance

The right to farm was never intended to permit a retail establishment to sell processed and/or manufactured goods or to put on huge events. For hobby vintners and so-called "boutiques" to try to hide behind the Ag shield is a disingenuous attempt to circumvent the intention of laws and take unfair advantage in our capitalistic economy. The proposed ordinance even allows wine made from grapes gown out of the area to be sold—this does not support the "Placer Grown" principles.

On our privately shared country road, we all recognize and identify neighbors as they drive by our homes. Our Neighborhood Watch makes note of "visitors." If tasting operations or any kind of retail is allowed, we'll have no idea who the strangers are as they slowly creep by, day after day. How safe will my kids and pets be after visitors have imbibed; and then, in a possibly impaired state (HBD--Had Been Drinking), they drive out? If there's an accident, on my section of the road easement, will I be named as a defendant? Will the County cover the liability issues?

The threat of choosing between development or grapes is a nonsensical fear tactic. Enforcing Ag zoning prevents unwanted development better than tasting operations ever will. Wine tasting is neither a tool nor guarantee for saving Ag land; in fact, it generates the very nuisance issues we moved to the country to get away from! Worse, if the zoning is changed, vintners will most likely be first in line to cash in.*

Hobby wineries who want to sell bottled wine, should establish a co-op or centralized places (such as Farmers Markets). The County is in no way obligated to keep hobby farms and/or retail establishments viable or profitable by bending rules to allow them to operate to the detriment of neighborhoods—either by stretching Ag zoning interpretations or ignoring health and safety issues. The bottom line is that these tasting rooms do not qualify as Ag operations.

Ag zoning is for growing, not for retailing manufactured value-added, off-site grown products or for promoting events. Traffic and intrusions from tasting will destroy rural ambiance. If it's an Ag operation, then let visitors taste grapes, not wine.

Sincerely,

Ernie Jay

Ernie Jay
P.O. Box 7167
Auburn, CA 95604

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Cc Board of Supervisors

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* Since this door has been opened, someone needs to address the incredibly negative environmental impacts that a vineyard creates—clear scraping, removing of natural habitat, ancient trees, chemical spraying, annihilation of wildlife corridors and excessive water use. There is even speculation that the devastation caused by Napa vineyards (tree removal, etc.) has resulted in a slight temperature increase, which in turn is affecting the grape quality and production. In other words, the environmental impacts are now so severe that the very crop the land was destroyed for is now experiencing declines.

The Planning Commission needs to study the possibility of applying CEQA regulations to any proposed vineyard and/or winery.

Newcastle Community Association

NCA
Post Office Box 777
Newcastle, CA 95658

Officers:

Diane Ross
President
663-4818

Kevin Odell
Vice President
663-9546

Jerry Mohlenbrok
Treasurer
663-4822

Cathie Cordova
Secretary

Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

November 10, 2007

Dear Planning Commission Members,

The Newcastle Community Association (NCA) Mission Statement includes the directive "to take action as needed in order to preserve the rural flavor, pride, and safety of the community." Pursuing this part of our mission, the Board of the NCA submits the following comments regarding the Placer County Draft Winery Ordinance.

The stated intent of the Winery Ordinance is to encourage local agriculture and to protect agricultural lands. We believe that the proposed ordinance fails to achieve these stated purposes and suggest several significant changes that enable the ordinance to achieve its goals while also enhancing compatibility with adjacent land uses.

The Winery Ordinance, as proposed, requires a winery to have only one acre of planted vineyard. That requirement is unrealistically low. One acre will produce no more than 350 cases of wine and can produce as little as 250 cases. But the ordinance permits small wineries to sell as many as 20,000 cases of wine. Even the more restricted boutique wineries referred to in the ordinance are permitted to sell up to 3,000 cases of wine. It is obvious that wineries with even a few acres in grape production will be forced to buy grapes, grape juice, or finished wine from other sources (all of which are permitted by the proposed ordinance). We believe virtually all of these products will be purchased outside of Placer County.

According to the 2006 Agricultural Crop Production Report, Placer County has 189 acres planted in grapes producing 485 tons of grapes. 485 tons of grapes produce, at most, only 28,500 cases of wine. Placer County vineyards will not be the source of grapes for numerous wineries permitted to sell 20,000 cases of wine. This means that grapes will be purchased from Lodi, Napa, and Sonoma Counties. While such purchases will promote agriculture in those other counties, they will do nothing to promote and encourage agriculture in Placer County. A one acre minimum vineyard simply introduces

commercial winery activity into rural, residential neighborhoods while doing little or nothing to protect agricultural lands.

If the Winery Ordinance is to fulfill its stated intent, the minimum number of acres required to be committed to viticulture must be significantly increased. Five acres of planted vineyard, while still very low, should be the minimum number of acres required for wineries located in Residential, Resource, and Agricultural zoning districts. Fifteen to twenty acres (which would produce no more than 7,000 cases) would be more appropriate for wineries permitted to sell 20,000 cases of wine annually.

We also propose that wineries unable or unwilling to grow their own grapes or use Placer County-grown grapes need to be more strictly limited in the on-premise sale of wine. Selling wines that are in no way a product of Placer County agriculture is simply commercial activity in rural, residential neighborhoods. Such activity, which does not protect or encourage agriculture, and which may adversely impact residential neighbors, needs to be more rigorously regulated. Wineries that can certify they are growing their own grapes or using grapes grown in Placer County would be permitted to sell more cases of wine. Wineries not able to so certify would be required to sell fewer cases. Wineries using very little or no Placer product should be disqualified under this ordinance; such vendors can use the more traditional outlets for selling their product.

Finally, the potential for noise complaints originating from winery events will be very high in what have always been very quiet rural neighborhoods. To minimize conflict from excessive noise, winery owners should be meticulously apprised of the requirements of Placer County Code Article 9.36 (referred to but not included in the Draft Ordinance). Additionally, enforcement of noise regulations must be resolute with violators being justly penalized.

While wineries may have a place in rural residential neighborhoods, they must be regulated and the emphasis must be on supporting agriculture. Our association doesn't support introducing commercial operations into these neighborhoods.

Thank you for your consideration.

Sincerely,

Diane Ross

Diane Ross
President, Newcastle Community Association

cc: Ruth Alves
Michael Leydon
Clerk of the Board of Supervisors

HARRIET WHITE
3765 GRASS VALLEY HWY #239
AUBURN CA 95602

October 25, 2007

Placer County Planning Commission
DeWitt Center
Auburn, CA 95603

Dear Commissioners:

I have long advocated for Placer County Wineries and hope you will do so as well. Wine is an agricultural product which has a great draw for our local economy in the form or agri-tourism.

There are many fine examples of small vineyards in neighboring counties which sell their wines from tasting rooms off of country roads. The ambiance of traveling narrow country roads and turning up a narrow driveway to reach a picturesque vineyard is priceless.

The new draft of the wine ordinance does not hold smaller wineries to retail sales standards for roads. Without this feature this viable new, and growing, industry in Placer County would basically fade away because of the tremendous costs involved in the retail sales standards.

However, the requirement of a 90 day event notice to the Planning Department seems particularly onerous as individuals and organizations frequently do not plan that far ahead. Perhaps a 30-45 day notification could be implemented. I hope it will be the responsibility of the Planning Department to notify anyone else it is deemed necessary to notify and not the winery's responsibility.

I have enclosed an article by Teena Wilkins which illustrates some of the points I am presenting to you.

If all of our agricultural producers were held to retail standards we would no longer have farms and ranches or the open space they provide.

We don't want to turn Placer County's rural atmosphere where wine is produced into an urban area. Please work with the wineries to keep standards to a minimum for the safety and enjoyment to which we all look forward.

Thank you for your consideration of this important issue.

Sincerely,

Harriet White

Harriet White

Enclosure

PLACER COUNTY WINERY WOES

By Teena Wilkins

As Harvest 2007 draws near I am faced with the largest challenge I have had to undergo in this, my seventh, year as a PlacerGROWN Farmer. The weather patterns this year have made for what I believe is going to be our best vintage to date. If all holds steady I think Viña Castellano may produce its first ever Reserve wines in 2007. So why the concern and nervousness? It has nothing to do with the "terrior" I outlined in this article months back. In fact, the Placer County Wineries turned out more prestigious medals from contests throughout the country than in any previous year. In truth, for the first time ever I am entering harvest confident that the product we are producing can meet and exceed the expectations of the very discriminating California wine consumer. So why the anxiety and sleepless nights?

In a word, "Tasting". Very few folks want to purchase a wine over $20 without having tasted it first. This is not a problem in 16 of the 17 grape growing districts in California. In fact, it is not much of a problem in district 10, better know as the Sierra Foothill Region, so long as you are growing grapes and making wine in Nevada, El Dorado, Amador, Calaveras, Toulume or Mariposa Counties. But if you own a winery in the Placer County Section of District 10, then you better hope the consumer is willing to buy your wine because they like you or at the very least know someone who likes you. Maybe they will be willing to buy it because they were able to taste your wine at a local charity fundraiser along with those of 15 to 20 other wineries. It seems this is the only place that Placer County wines can legally be tasted at this point.

For seven years the wineries have been operating on a wing and a prayer under a document called "Guidelines for Placer County Wineries" and on the premise that Placer has a Right-to-Farm Ordinance that protects and encourages commercial farming in this county. However, a few months back a disgruntled neighbor waged a campaign against wineries

continued on page 11

Back-to-School:

An 11-Year Old's Point of View

By: Kevin Khouri

By now most kids have already started the new school year. Teachers are new and classmates are different. In some cases, even schools are different.

That is the case for me. This year I am moving up to middle school. I, like many others, are excited but nervous. I think that a lot of kids are curious to see what the new grade will be like, to see what the teachers will be like and, mos importantly, how much homework the give out!

I'll miss summer because I get to ha out with my friends more during the summer break. I get to swim and do st outside. On the other hand, I like the school year because you get to meet ne people and you can learn stuff to help prepare you for the real world.

My 'real world', for now, will be 6th grade, and I think I'm prepared. I'll sh up for my first day of middle school wi my backpack, notebook, pencils, and probably a few butterflies. But I'm reac for a fresh start, and I think it's going t be a great year!

Winery Woes

– continued from page 6

having tasting rooms on site and opened up Pandora's Box. It became apparent as the county began drafting an ordinance, that wineries with tasting rooms, even in the farm zone, were going to be expected to adhere to strict commercial requirements. Most of which are too cost prohibitive for the small rural wineries to pursue, and all that takes away from what the Placer Hills Wine Tour has to offer that is unique to the majority of the 17 regions – its rural charm.

The county wants 20' wide paved driveways, major commercial road improvements, and unnecessary parking requirements, that will price at least 8 of the 10 wineries out of the game and basically kill the emerging industry in this county. Not to mention that the majority of the wineries' neighbors don't want to commercialize the rural nature of the farm zones they live in. This county has always allowed for farmers to sell and sample their products from onsite farm stands. However, when it comes to wine they separate it. Perhaps because it is a value added product that contains alcohol. However, the commercial burdens put on the tasting rooms are not going to take the alcohol out of the product, they just make it impossible for the average vineyard and winery to operate. The ABC and the TTB regulate the alcoholic nature of the business an give strict guidelines when it comes to sampling. The issue here is that the wineries are being asked to do somethi that none of the other farmers in this county are being asked to do, nor shou they be. Throughout this country local farming and agritourism are encourage activities that are beginning to once ag thrive. If you would like to see Placer County support the local wine industry by giving us at least what our neighbor have, please write or call your local supervisors.

Supervisor F.C. "Rocky" Rockholm, District 1, residing in Roseville RRockholm@placer.ca.gov

Supervisor Robert Weygandt, District 2, residing in Lincoln Weygandt@placer.ca.g

Supervisor Jim Holmes, District 3, Current Vice Chair, residing in Auburn JHolmes@placer.ca.gov

Supervisor Kirk Uhler, District 4, residi in Granite Bay KUhler@placer.ca.gov

Supervisor Bruce Kranz, District 5, Current Board Chair, residing in Weim BKranz@placer.ca.gov

TO WIN A PRIZE: Unscramble the letters below to reveal the name of the Mystery Business who is an advertiser in this month's Grapevine and tell us what discount they are offering! Please mail or email your answer with your name, address and phone number to: The Gold Country Grapevine, 2280 Grass Valley Hwy #235, Auburn, CA 95603, or email, grapevinegold@aol.com. deadline 9/10/07.

Name of Mystery Business: _____

Discount: _____

Name: _____

Address: _____

Phone: (_____) _____

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Fred Barber
3440 Pine Ridge Lane
Auburn, CA 95603
Phone (530) 823-7206
FAX (530) 823-7206 (call first)

October 23, 2007

To: Melanie Heckel, Assistant Planning Director
From: Fred Barber
Subject: Wording Suggestions - Draft of Proposed Wine Ordinance
Message: Many thanks for supplying the latest draft of the proposed Winery Ordinance. It looks as though progress is being made on this issue.

Following are some suggestions pertaining mostly to draftsmanship

1. The individual items on the first page under B. Definitions (Administrative Review Permit, Boutique Winery, etc.) should be given subsection numbers. This might make subsequent amendments easier to identify and publish.
2. On the same page the fifth line in the paragraph "Promotional Event" should probably read "produced on the premises from grapes grown on the site or elsewhere."
3. Section 17.56.330 (C) "Wineries and Accessory Uses" (page 3 of my draft) ends with the phrase "the highest applicable permit process shall apply." The meaning escapes me; does it mean "the most restrictive permit process shall apply"?
4. Under this same section (17.56.330 C) An Administrative Review Permit (ARP) for a Boutique Winery in Agricultural and Farm Districts (page five of my draft) is acceptable in my situation, next to the Green Family Winery, provided mailed notice about the proposed use and the date of the Zoning Administrator's consideration thereof is required. This would allow time to send written comments for consideration by staff in connection with the issue they have under consideration. The obligation to mail notice of an ARP seems to be implied in sections 17.58.100 and 17.60.140(A)(3) [copies attached]. Section 17.58.100 (A) appears to exempt only posting from other notice requirements.
5. If my interpretation is wrong about the need to mail notices for an ARP then I'd like the sections appropriately corrected to clarify that mailing notice is required.

Fred Barber
F.B.

Cc Christine Turner, Agricultural Commissioner
Rick Eiri, Department of Public Works

RECEIVED
OCT 23 2007
CDRA

17.58.080 Permit Approval or Disapproval

The procedures for the completion of processing, approval or disapproval of Administrative Review, Minor Use and Conditional Use Permits shall be as provided by Sections 17.58.100 through 17.58.190. Procedures for completion of the processing of Variances are in Section 17.60.100. (ZO § 20.100)

17.58.090 Additional Building Site Applications

The procedures and requirements for the filing and approval of applications for approval of an additional single-family dwelling building site are established by Section 17.56.230 (Single-family dwellings, additional building site). (ZO § 20.105)

17.58.100 Administrative Review Permits

When an Administrative Review Permit (ARP) is required by Sections 17.52.130(B)(1)(b), (B)(1)(d) or 17.56.170(B)(1) to authorize a proposed land use the permit shall be processed as set forth in Sections 17.58.020 et seq., (Applications—Filing and initial processing), except as follows:

A. **Notice not posted and public hearing not held**. Notice to the public shall be provided as set forth in Section 17.60.140(A)(3), except for the requirement to post a notice on the property which is the subject of the permit application, and a public hearing is not conducted.

B. **Final Action**. After completion of a staff report pursuant to Section 17.58.070, the Zoning Administrator shall take action on an Administrative Review Permit application as follows:

1. The Zoning Administrator shall consider information presented about the project proposed in the Administrative Review Permit application, in the staff report, in any accompanying environmental documents and comments received on such documents, in any correspondence received, from any field review, and from any other information made part of the record.

2. Within the time limits specified by Section 17.58.160(A) (Time Limits for Action by County), the Zoning Administrator shall, approve any proposed negative declaration, or other appropriate environmental document required by Chapter 18 of this code and shall approve, approve subject to conditions, or disapprove the Administrative Review Permit.

3. Approval or conditional approval shall be granted only where the Zoning Administrator can make the findings required by Section 17.58.140(A) (Permit Issuance—Findings Required for Approval), and the permit shall be denied where the findings cannot be made. The Zoning Administrator may approve an Administrative Review Permit subject to conditions, as set forth in Section 17.58.140(B).

4. The decision of the Zoning Administrator shall be in writing, including all findings that were made as the basis for the decision.

C. **Appeal**. Decisions of the Zoning Administrator on Administrative Review Permits may be appealed to the Planning Commission, in accordance with Section 17.60.110 (Appeals).

D. **Referral to Planning Commission**. As provided by Section 17.60.030(C), the Planning Director or Zoning Administrator may refer an Administrative Review Permit to the Planning Commission for a public hearing, consideration, and approval or disapproval pursuant to the procedures specified by Section 17.58.130 (Conditional Use Permits). Such referral may occur at the discretion of the Planning Director or Zoning Administrator when it is deemed necessary because of policy implications, unique or

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i. The owner(s) of the property being considered or the owners agent, and the applicant,

ii. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide such facilities and services may be significantly affected.

iii. Any person who has filed a written request for notice with the Planning Director and has paid the fee set by the most current Planning Department fee schedule for such notice;

iv. All owners of real property as shown on the latest equalized assessment roll within three hundred feet of the property that is the subject of the hearing; or, where the number of property owners to whom notice would be mailed is more than one thousand, the Planning Director may choose to provide the alternate notice allowed by California Government Code Section 65091(a)(3);

c. Notice shall be posted at least ten days prior to the hearing on the property which is subject of the application, as well as in at least two public places in close proximity to the subject property.

3. **Method of Notice Distribution—Use Permits and Variances**. Notice of a public hearing required by this chapter for conditional or Minor Use Permits, Variances, and appeals of decisions on these applications shall be given as follows, as required by California Government Code Section 65091

a Notice shall be mailed or delivered at least ten days before the hearing to:

i. The owner(s) of the property being considered or the owner's agent, and the applicant;

ii. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide such facilities and services may be significantly affected;

iii. Any person who has filed a written request for notice with the Planning Director and has paid the fee set by the most current Planning Department fee schedule for such notice;

iv. All owners of real property as shown on the latest equalized assessment roll within three hundred feet of the property that is the subject of the hearing, or, where the number of property owners to whom notice would be mailed is more than one thousand, the Planning Director may choose to provide the alternate notice allowed by California Government Code Section 65091(a)(3).

b. Notice shall be posted at least ten days prior to the hearing on the property which is subject of the application, as well as in at least two public places in close proximity to the subject property.

4 **Additional Notice** The Planning Director may also provide any notice with content or using a distribution method in addition to that required by this section as he or she determines is necessary or desirable.

5. **Notice Requirements for Appeals of Other Official Actions**. The legal notice requirements specified in Subsections (A)(1), (A)(2), and (A)(3) of this section are not required for the following

Neighborhood Rescue Group

There is a battle going on Right Now in our neighborhoods and the repercussions will last well beyond our lifetimes. Placer County is changing County Ordinances and definitions to allow outdoor amplified music and public events at wineries. To allow these events in our rural neighborhoods Placer County officials want to change Outdoor Event oversight and modify the definition of Agricultural Processing to include wine tasting rooms.

According to County Officials, tasting rooms meet the definition of a "community center" and can be used for rental halls, weddings, anniversary parties, special events, wine pairing dinners, etc. for profit. To call this "Agricultural Processing" is insulting but the winery groups have swayed our public officials after years of lobbying and private meetings.

I formed NRG after repeatedly listening to disc jockeys and raucous crowds late into the night at the winery in my neighborhood. NRG is fighting many of these changes but we need your help. We support agriculture and the planting of vineyards in Placer County. We support wine production and sales to responsible adults. We support centrally located tasting rooms in the city limits like they do in Nevada City.

We don't support turning our rural neighborhoods into night clubs, rental halls and "community centers" as defined by County Officials. We don't support the wineries that are violating state laws and ABC regulations that limit a winegrower to pouring 3 ounces of wine maximum per person per day for tasting and prohibits on-site consumption of purchased wine unless they are a bona fide eating establishment.

Patrons visiting the winery next to me drive down our Private (not County) road and thru our children's bus stop. The County is proposing hours of operation 7 days per week 12pm-8pm. The neighborhood children arrive at the bus stop around 3pm. Would you want your children on a road where winery patrons could drive after drinking for 3 hours?

We have spent hundreds of hours fighting the County but have been rebuffed at every step. Winery groups say wineries will save agricultural land. Not true. The winery next to us took a 15 acre parcel and is splitting it until it can't be split any more (three 5 acre parcels). Many wineries are already minimal parcels.

As a citizen of Placer County PLEASE make your voice heard. We want the public to be informed, but articles by the Auburn Journal have been one-sided and anything but informative. Whether for or against, call your supervisor and take a stand (530) 889-4010. This needs to be decided by residents not business interests and newspapers that put profit and advertising revenue before our way of life and public safety.

Neighborhood Rescue Group double.duck@yahoo.com

October 15, 2007

To: Placer County Board of Supervisors, Planning and Agriculture Commissions, Staff
From: Placer County Wineries Group
Subject: Placer County Wineries Group Offers Proposal for Winery Tasting Facility Ordinance

Dear Placer County Officials and Staff:

The Placer County Wineries Group includes all the bonded wineries in Placer County and is the designated representative of the wineries for the purpose of working cooperatively with county government and residents to develop an ordinance governing wine tasting facilities. Regrettably, after many months of deliberation, meetings and contentious public hearings, we are not close to achieving the goal of a fair and balanced ordinance. Meanwhile, the wineries are going broke and citizens on all sides of the issue are unhappy with the lack of resolution of issues other counties have already solved.

We came to the conclusion that it was necessary to offer our own proposal for county officials to consider as a clear and workable alternative to the draft created by county staff. With this letter we offer our own proposal for an ordinance that serves the same purposes, and does so just as effectively, as the draft proposed by county staff. But our proposal is different, and we think superior, as it is grounded in genuine research and experience and is clearer, simpler and less costly to implement. **We ask that you give careful consideration to our proposal and support it.**

The fundamental purpose of the two proposals is the same -- we adopted the statement of purpose *verbatim* from the staff's draft -- but the regulatory approaches of the two proposals differ dramatically. The wineries' proposal establishes clear, simple standards and imposes reasonable restrictions based on the impact of wineries on the zoning districts in which they are located. Placer County staff's draft lacks both evidence and focus to support its excessively prescriptive and inflexible requirements.

The wineries' proposal is modeled closely on the successful ordinance adopted by neighboring Nevada County, because Nevada County most closely resembles Placer County in terms of its population distribution, its geography, and the small wineries that comprise its wine industry. Nevada County studied the issues initially and modified their ordinance over years of experience. Placer County staff have not done a similar study. The Nevada County model is a tested template. We see no wisdom or gain in reinventing a proven ordinance that works for all parties in a very similar set of circumstances.

Both proposals address public protection issues of road access and traffic, noise, fire safety, magnitude of events and range of permissable activities. But the wineries' proposal offers requirements scaled realistically to fit a tasting facility's size, proximity to residences, and the winery's resources. And in stark contrast to the staff proposal, it provides for alternative approaches to attain compliance with access and safety standards to accommodate the unique situations of already-built wineries and residences. **We trust that you will find common sense and fairness in our proposal and we ask that you support and adopt it.**

Sincerely,

Michael V. Abbott, for

Placer County Wineries Group

PLACER COUNTY WINERIES GROUP
REVIEW AND COMPARISON OF WINERIES' ORDINANCE PROPOSAL
WITH COUNTY STAFF DRAFT
10/15/2007

The Placer County Wineries Group (wineries) includes all the bonded wineries in Placer County and is the designated representative of the wineries for the purpose of working cooperatively with county government and residents to develop an ordinance governing wine tasting facilities.

After many months of deliberation, meetings and contentious public hearings, the wineries determined it was necessary to offer our own proposal for county elected officials to consider as a clear and workable alternative to the draft created by staff. The fundamental purpose of the two proposals is the same -- we adopted the statement of purpose *verbatim* from the staff's draft -- but the regulatory approaches of the two proposals differ dramatically. We invite all interested parties to review the highlights and comparisons presented here, and more importantly, to review the competing proposals.
The wineries believe our proposal serves the same purposes more effectively and more efficiently, and we urge the Board of Supervisors to adopt it.

FACTUAL BASIS -- The wineries' proposal is modeled closely on the successful ordinance adopted by neighboring Nevada County, because Nevada County most closely resembles Placer County in terms of its population distribution, its geography and the small wineries that comprise its wine industry. Nevada County studied the issues initially and modified their ordinance over years of experience. By contrast, Placer county staff have stated publicly they are not prepared to conduct an empirical analysis of the issues or the cost impact on wineries of their proposal (Source: See county web site record of June 21, 2007, public hearing). As a result of the lack of factual basis, the staff's proposal is targeted inappropriately for a large and mature wine industry -- the apparent model, El Dorado County, is the 6th largest wine producing county in the state -- rather than the fledgling industry that exists in Placer County.

ESSENTIAL PUBLIC PROTECTIONS -- Both proposals address public protection issues of road access and traffic, noise, fire safety, magnitude of events and permissible activities. However, the wineries' proposal addresses ONLY the necessary concerns, while the county staff proposal regulates everything from requiring reservations at winemaker dinners down to the type of merchandise that can be sold in tasting facilities. The wineries' proposal establishes clear, simple standards and imposes reasonable restrictions based on the impact of wineries on the zoning districts in which they are located. For example, in districts where both agricultural and residential uses are permitted, tasting facilities are limited in size and events limited in scope and number compared to other districts. The county staff's proposal imposes rigid commercial standards on all wineries with insufficient regard for winery size, zoning district location or cost of compliance.

EXISTING WINERIES ACCOMMODATED -- Imposition of new, inflexible standards on existing wineries is the area of greatest contention between the wineries and the county staff. Existing wineries were built according to county guidelines that established standards for wineries irrespective of whether a tasting facility was contemplated (see county website, "Small Winery and Tasting Room Guidelines," page 4). Wineries were located, and permits issued, to conform with standards for road access and other considerations that existed at the time. Now the county staff's one-size-fits-nobody proposal would impose new, impractical standards *retroactively, with no flexibility or opportunity for mitigation, and with full compliance required before tasting is allowed.* In stark contrast, the wineries' proposal offers requirements scaled to fit the winery's size and zoning district location, and it provides for alternative approaches to attain compliance with access and safety standards to accommodate the unique situations of already-built wineries and residences.

The wineries believe their proposal offers a common-sense approach that has worked successfully in a neighboring county with very similar circumstances, and we urge Placer County officials and citizens to embrace it.

PLACER COUNTY WINERIES GROUP
PROPOSED ORDINANCE GOVERNING LOCATION AND OPERATION OF WINERIES AND WINE TASTING FACILITIES
10/15/2007

Wineries

A. PURPOSE: The purpose of this section is to establish standards for the orderly development of wineries and accessory uses within agricultural zoning districts and specified commercial, industrial and residential zoning districts, to encourage the economic development of the local agricultural industry, provide for the sales of value added products, while protecting the agricultural character and long-term agricultural production of agricultural lands and provide for compatibility with adjacent land uses.

B. DEFINITIONS:

1. Winery - A facility bonded and operated pursuant to state and federal regulation and used for fermenting and processing of juice into wine, subject to the standards listed in Subsection C. Typical activities include crushing of fruit, aging, processing, and storage of wine in bulk, bottling and storage of bottled wine, marketing, sale, and shipping of bulk and bottled wine, offices, and laboratories.

2. Wine Tasting Facility - An area for the promotion and sales of wines produced at the winery facility or other winery facilities contracted to produce wines made under the winery's label(s), and the sale of wine related merchandise, subject to the standards in Subsection D.

C. STANDARDS FOR WINERIES. Wineries are allowed in Commercial or Industrial zoning districts, Agriculture and Resource Districts (Agricultural Exclusive, Farm, Forestry, Timberland Production), and certain Residential/Agriculture (RA and RF) districts subject to zoning compliance, building permit issuance if required, and the following limitations:

1. Winery buildings within Agricultural and Resource Districts are limited in size to no more than 12,000 total square feet. This size may be exceeded subject to a use permit.

2. Winery buildings within the RA and RF districts are limited in size to no more than 3,000 total square feet. This size may be exceeded subject to a use permit.

3. Within the Agriculture and Resource Districts, and the RA and RF districts, such uses shall be limited to parcels of 4.6 acres or more in size. This minimum parcel size may be reduced subject to the conditions of an approved use permit.

4. All parking shall be provided on site.

D. STANDARDS, WINE TASTING FACILITIES:

1. ON PUBLICLY-MAINTAINED ROADS: Wine tasting facilities are permitted in wineries with direct access to a publicly-maintained road in the zoning districts where wineries are authorized, subject to zoning compliance and building permit issuance, if required, and the following limitations:

   a. All standards applicable to wineries listed in Subsection C.

   b. Wine tasting facilities within the RA and RF districts are limited to 735 sq. ft. This size may be exceeded subject to the conditions of an approved use permit.

c. Adequate parking for the wine tasting facilities shall be provided on site.

2. ON PRIVATE ROADS: Wine tasting facilities in wineries that do not have access to publicly-maintained roads are permitted subject to an administrative review permit. The following limitations apply:

a. All standards applicable to wineries listed in Subsection C.

b. Wine tasting facilities within the RA and RF districts are limited to 735 square feet.

c. Adequate parking for the wine tasting facilities shall be provided on site.

d. Verifiable proof must be furnished that appropriate access easements exist to establish the legal right to use the private roads proposed to be used for access to the wine tasting facility.

e. Compliance is required with all applicable fire safety regulations. Compliance may include mitigation through 'same practical effect' measures approved by the appropriate fire agency, or as provided in Section F, Accessory Use Limitations.

f. The wine tasting applicant must participate in the maintenance of the private road on a pro rata share, which needs to be maintained to the design standard approved with the permit.

g. A winery that is located on a private road and was bonded prior to the effective date of this ordinance may commence operation of its wine tasting facility upon filing its application for an administrative review permit.

E. ACCESSORY USES:

1. Incidental and subordinate accessory uses allowed for a winery such as but not limited to the following:

a. Educational activities;

b. Winery tours that include wine tasting;

c. Picnics;

d. Promotional and industry activities;

e. Retail sales during posted hours;

f. Dinners and events serving wine sold on site hosted by the winery without charge for use of the facility or grounds, and

g. Other similar uses including community benefits.

2. Renting out of facilities or grounds for the purpose of conducting events is not an allowed accessory use.

3. Operation of a commercial kitchen or food preparation facility, or a bar or restaurant, is not an allowed accessory use. Non-potentially hazardous foods (as defined by the

California Health and Safety Code) such as crackers, which do not require temperature control that are consumed with wine tasting, are allowed provided the food is served free of charge. Non-potentially hazardous foods that occupy less than 25 square feet of display area are allowed for sale. All other food activities are subject to the provisions of the California Health and Safety Code and may require other approvals.

F. ACCESSORY USE LIMITATIONS:

1. On all roads, the following limitations apply to allowed accessory uses:

   a. The activity must be for the purpose of the promotion and marketing of the winery or the wine tasting facility.

   b. Adequate parking for the accessory use shall be provided on site.

   c. Compliance with the county noise ordinance is required.

2. On private roads NOT meeting the standards of the county's fire safety regulations and road standards, and those roads that can not be mitigated to comply with the 'same practical effect' measures approved by the appropriate fire agency, the following additional limitations apply to allowed accessory uses.

   a. Each use shall have no more than 30 passenger vehicle ADTs (average daily trips) on any given day. There shall be no more than 2190 passenger vehicle ADTs per year (the cumulative total of 6 ADTs for a year) generated by a winery's accessory uses. Employee traffic is excluded from the ADT standard.

   b. Accessory uses that generate more than 6 passenger vehicle ADTs and not more than 30 passenger vehicle ADTs per day are Special Events.

      i. There may be a maximum of 24 special events within one calendar year with a maximum of 3 per month. In RA and RF districts the maximum number of special events is 12 per year with no more than 2 per month.

      ii. Each event day shall cause no more than 30 passenger vehicle ADTs.

   c. Accessory uses that generate more than 30 passenger vehicle ADTs per day are Promotional Events.

      i. There may be a maximum of two promotional events/year such as regional industry events. These events count towards the total allowable ADT and towards the total number of special events.

      ii. Traffic control shall be provided by the sponsoring entity.

      iii. Traffic control shall be pre-approved by the fire agency with the appropriate jurisdiction.

      iv. Property owners who use the same private road to access their homes must be notified, in writing, at least two (2) weeks prior to this type of event.

      v. Allowed promotional events shall be a maximum of 3 consecutive days.

3. Any Minor Use Permit issued to a winery prior to the effective date of this ordinance is superceded by this ordinance.

OCT - 3 2007
BOARD OF SUPERVISORS

09-30-07

Good Day from Neighborhood Rescue Group,

The Planning Dept. has been making presentations and distributing a handout at Municipal Advisory Counsel meetings in preparation for release of a revised Draft Winery Ordinance in early October. NRG has been actively involved in critiquing the ordinance and finds the Planning Dept. handout lacking in important details.

The handout distributed by the Planning Dept. lists numerous General Plan policies that promote the marketing of agriculture in Placer County. If the Planning Dept. wishes to quote policy from the General Plan into the winery ordinance, they should include the mission of the General Plan which is spelled out on page 58. "The zoning Ordinance regulates the type, location, density, and scale of residential development. Zoning regulations are also intended to help preserve the character and integrity of existing neighborhoods." This was the basis used in 2003 to deny a minor use permit to a local winery that wanted wine tasting and special events in a predominantly residential neighborhood of homes zoned 4.6 acres. If the Planning Dept. goal is to closely follow the General Plan policies, then according to policies 8.C.3, 8.C.4 and 8.C.5 wineries with tasting rooms will have a 20 foot wide, 40,000 capable, paved all-weather access road as recommended by our local fire officials for public safety.

As we continue our efforts to secure a responsible winery ordinance, I would like you to consider the following points. First, residents who share ownership of a private road used to access a winery remain vulnerable to litigation for winery related accidents including Motor Vehicle Accidents. According to Melanie Heckel, County Counsel has not made a determination of who bears responsibility in case of such an event. Second, the Planning Dept. intends to classify tasting rooms as **"Community Centers"** which can be used as **Rental Halls** for unlimited "special events" which have nothing to do with agriculture. Third, the County wants to change the definition of Agricultural processing to include "wineries with ancillary tasting rooms". If tasting rooms become part of "agricultural processing", the acceptable noise level of their events will increase to an Ldn of 70 dBa for neighbors (page 140 General Plan). This is a tremendous increase in noise from current residential limits and will clearly be detrimental to local residents. Lastly, the County wants to make many winery activities subject only to administrative review (ARP) instead of a minor use permit (MUP) so local residents won't even know about the winery "special events", "temporary outdoor events" or "promotional events" until the event begins.

Attached are "Placer County Winery Ordinance Revisions" as proposed by NRG and an article by Cathy Locke of the Sacramento Bee regarding issues neighbors of wineries are facing in El Dorado Hills and the need for an environmental impact report. NRG would welcome such a report to determine how residents are impacted by winery events as well as chemical 'drift' (up to 1/2 mile) of 16 different local vineyard pesticides. Attached is a summary from "The Secret Ingredients in Pesticides" by New York Attorney General Andrew Cuomo. We urge people to read the entire document which may be found at:

http://www.oag.state.ny.us/press/reports/inerts/pesticide_inerts.html#poisons

But neighboring residents and some supervisors said the number was excessive.

"In my opinion, this is an events ordinance. Agriculture is becoming the secondary usage," Supervisor Ron Briggs said.

"It's folly to allow the events to take the place of agriculture," he said.

Bill Stephans, county agricultural commissioner, said staff members would conduct compatibility reviews to make sure special events were secondary to the agricultural operation.

Supervisor Norma Santiago also noted that wineries on small parcels would not have the same privileges as those on larger acreages.

"They have to have use permits," she said of operations on smaller parcels.

But Bill Barr, a real estate agent and Fair Play resident, said problems are increasing with the proliferation of wineries.

Explaining that he lives near three wineries, Barr said, "The noise is terrible, and they are getting worse."

Barr said he sells agricultural property and supports agricultural operations.

But, he said, "People don't know what they're up against until they're right next door. Being right next to a winery can be good, and it can be very bad."

Greg Boeger said he has operated a winery in the Apple Hill area for 35 years, and neighbors have never complained about activities there.

"I have neighbors that bought their property because it is next to a vineyard. ... If wineries are smart," he said, "they will be respectful of their neighbors."

But some residents argued that wineries need a stronger nudge from the county to ensure a neighborly relationship.

Jerome Pasto, said he was representing 75 residents of River Pines Estates in the south county area who are concerned about the impact that winery traffic has had on area roads. Although the road through the development is public, he said, residents pay to maintain it through a zone of benefit.

Patrons and 18-wheel trucks use the road to travel to and from the winery, Pasto said, but the winery does not contribute to the maintenance fund.

"It's the weight and the traffic that's deteriorating our road," he said.

Board Chairwoman Helen Baumann said the road maintenance issue must be addressed. She directed staff members to prepare a map showing the location of zones of benefit in relation to wineries.

Supervisors Briggs and Rusty Dupray said they believed the effects of activities allowed under the proposed ordinance would be significant enough to require an environmental

impact report.

"It's not the winery, it's the events," Briggs said, explaining why he would not support a motion to proceed with the initial study of the draft ordinance.

Dupray, however, voted with Baumann and Santiago to re- lease the initial study for public review Tuesday and to determine what type of environmental study to pursue at that time.

Supervisor Jack Sweeney was absent.

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8.C.3. The County shall require that new development meets state, County, and local fire district standards for fire protection.

8.C.4. The County shall refer development proposals in the unincorporated County to the appropriate local fire agencies for review for compliance with fire safety standards. If dual responsibility exists, then both agencies shall review and comment relative to their area of responsibility. If standards are different or conflicting, the more stringent standards shall be applied.

8.C.5. The County shall ensure that existing and new buildings of public assembly incorporate adequate fire protection measures to reduce the potential loss of life and property in accordance with state and local codes and ordinances.

8.C.6. The County shall encourage fire protection agencies to continue education programs in schools, service clubs, organized groups, industry, utility companies, government agencies, press, radio, and television in order to increase public awareness of fire hazards within the County.

8.C.7. The County shall work with local fire protection agencies, the California Department of Forestry and Fire Protection, and the U.S. Forest Service to promote the maintenance of existing fuel breaks and emergency access routes for effective fire suppression.

The *Squaw Valley General Plan and Land Use Ordinance* allows housing in six of its eight zoning classifications. However, Heavy Commercial only provides for employee housing, and Alpine Commercial only provides for housing for emergency personnel associated with the ski resort. A conditional use permit approval is required for all developments of 20 or more units.

Zoning Ordinance

The Zoning Ordinance regulates the type, location, density, and scale of residential development. Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents, as well as implement the policies of the General Plan. Zoning regulations are also intended to help preserve the character and integrity of existing neighborhoods. The following discussion reviews the types and densities of housing permitted and relevant development standards.

Residential Districts and Permitting: The Placer County Zoning Ordinance has four residential districts Residential-Agricultural, Residential-Forest, Residential Multi-Family, and Residential Single-Family. The residential uses allowed in those districts, either by-right or subject to discretionary land use permit approval, are: single-family dwellings, farm labor housing, mobile home parks, mobile homes, multi-family dwellings, residential care homes, secondary dwellings, senior

park, and industrial reserve zone districts have been increased by 10 dB as compared to residential districts adjacent to other land uses.

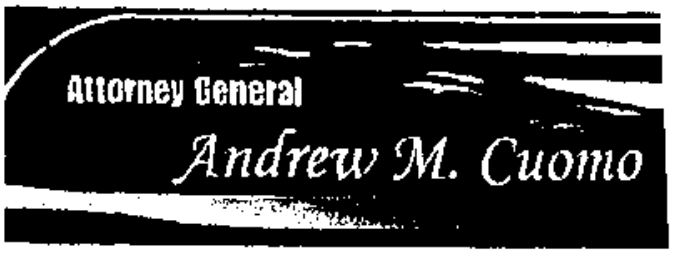
For purposes of the Noise Element, residential zone districts are defined to include the following zoning classifications: AR, R-1, R-2, R-3, FR, RP, TR-1, TR-2, TR-3, and TR-4.

[4] Where a residential zone district is located within an -SP combining district, the exterior noise level standards are applied at the outer boundary of the -SP district. If an existing industrial operation within an -SP district is expanded or modified, the noise level standards at the outer boundary of the -SP district may be increased as described above in these standards.

Where a new residential use is proposed in an -SP zone, an Administrative Review Permit is required, which may require mitigation measures at the residence for noise levels existing and/or allowed by use permit as described under "NOTES," above, in these standards.

[5] State of the art should include the use of modern equipment with lower noise emissions, site design, and plant orientation to mitigate offsite noise impacts, and similar methodology.

[6] Normally, agricultural uses are noise insensitive and will be treated in this way. However, conflicts with agricultural noise emissions can occur where single-family residences exist within agricultural zone districts. Therefore, where effects of agricultural noise upon residences located in these agricultural zones is a concern, an Ldn of 70 dBA will be considered acceptable outdoor exposure at a residence.



The Secret Ingredients in Pesticides

Office of the New York State Attorney General Andrew M. Cuomo

THE SECRET INGREDIENTS IN PESTICIDES
REDUCING THE RISK

Printable Version (100KB)

I Introduction

Americans are curious label readers. Walk down the aisle of any supermarket, and you will see consumers transfixed as they examine the number of calories in breakfast cereal or the fat content of a candy bar. The federal government has done a fairly good job of providing consumers with essential information on what is in our food and consumer products. But, when it comes to pesticides, toxic materials that are often used in our homes, schools and directly on our food, the federal government has completely dropped the ball by keeping a significant amount of pesticide information secret.

Look at the label on any pesticide product and you will most likely find both "active" and "inert" ingredients listed. The label will identify the active ingredient(s), perhaps with a chemical name, perhaps with a common name. It will also specify the percentage, by weight, of each active ingredient in the product. In comparison, the label will say little about the "inert" ingredients, which can comprise the bulk of the product. The label usually gives only a single percentage figure for all the "inerts", and does not specifically identify any of them. (See Figure 1 for some specimen pesticide labels. We have highlighted the statement of ingredients.) This labeling complies with federal law, as currently interpreted by the United States Environmental Protection Agency (EPA). EPA's regulations require that each *active* ingredient must be identified by "name and percentage by weight," but - at EPA's discretion and with very few exceptions - the label contains only the "total percentage by weight of all *inert* ingredients."[1]

****The label will say little about the "inert" ingredients, which can comprise the bulk of the product.****

Figure 1. Specimen Labels for Some Pesticide Products Showing Statement of Ingredients

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I. It is important to understand the difference between the two types of ingredients and the possible consequences of the different ways in which they are managed by EPA. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the federal law that governs the registration and labeling of pesticides, defines active ingredients, in general terms, as the chemicals used to control the target pest.[2] An "inert" ingredient is, according to FIFRA, "an ingredient which is not active." [3] Thus, the "inert" ingredients are substances formulated into...the pesticide product for some reason other than their direct effect on the target pest. "Inert" ingredients may serve as carriers for the active ingredients, help dissolve them, preserve them or make them easier to apply.

"Inert" ingredients however, can be toxic. In fact, a chemical may be an active ingredient in one pesticide product, and an "inert" ingredient in another product, depending only on the manufacturer's designation of the pests to be controlled by each product [4] According to one count, in which a 1995 list of "inert" ingredients was evaluated, 394 of those chemicals (16% of all "inerts" at that time) were, or had been, registered as active ingredients in pesticide products.[5] So the differentiation between "active" and "inert" ingredients reflects the purpose they serve in the particular pesticide product, as defined by the pesticide manufacturer.

**** A chemical may be an active ingredient in one pesticide product, and an "inert" ingredient in another product. ****

Unfortunately, many people conclude that the term "inert" refers in some way to the toxicity of those ingredients, and are under the impression that "inert" ingredients have no adverse effects on human health or the environment. This is not the case. The chemicals used as "inerts" include some that are quite hazardous. A consumer would never know however, under current labeling requirements

The New York State Attorney General's Environmental Protection Bureau first reported on the troublesome issue of "inert" ingredients in pesticide products in 1991.[6] The fundamental problem identified in that 1991 report is still true today: "inert" ingredients are secret ingredients, the identities of which are not known to those who buy and use the products Consumers and pest control services alike apply products without knowing their full composition. This situation is unique to pesticides; labeling on foods and other consumer products (such as household cleaners) provides far more complete information. While there have been some significant developments in this area, regrettably, the public is still denied information that should rightfully be provided on the label of all pesticide products.

**** Many people conclude that the term "inert" refers in some way to the toxicity of those ingredients, and are under the impression that "inert" ingredients have no adverse effects on human health or the environment. This is not the case. ****

II. Inert By Name Alone - The Adverse Effects of "Inert Ingredients"

EPA maintains and publishes a list of substances that may be formulated as "inert" ingredients in pesticide products.[7] Although the substances are identified and categorized, there is no indication of which "inert" ingredients are formulated in specific pesticide products. EPA currently divides the "inert" ingredients into four groups: "inerts of toxicological concern" (List 1, 8 substances), "potentially toxic inerts, with high priority for testing" (List 2, approximately 100 substances), "inerts of unknown toxicity" (List 3, more than 1900 substances), and a two-part List 4. List 4A includes more than 100 "minimal risk inerts" while List 4B contains more than 300 "inerts" that EPA believes will cause no adverse effects given current use patterns in pesticide products.

**** Pesticide products contain a variety of ingredients that either are known to be toxic or have not been adequately tested for toxicity, and the public is denied knowledge of their presence ****

EPA uses a limited set of criteria to assign "inert" ingredients to these lists. EPA considers carcinogenicity, adverse reproductive effects, neurotoxicity/chronic effects, developmental toxicity, documented ecological effects and the potential for bioaccumulation.[8] EPA does not consider such effects as endocrine disruption, allergenic effects and chemical sensitization. Nevertheless, the descriptive titles for these groups reveal a simple truth: pesticide products contain a variety of ingredients that either are known to be toxic or have not been adequately tested for toxicity, and the public is denied knowledge of their presence.

The "inert" ingredients in pesticides are associated with a wide range of adverse health effects. Some of these chemicals are suspected carcinogens, others have been linked to other long-term health problems such as central nervous system disorders, liver and kidney damage and birth defects. The so-called "inert" ingredients can also cause short-term health effects such as eye and skin irritation, nausea, dizziness and respiratory

difficulty. If found in other products, many are specifically listed as hazardous substances and require a hazardous waste permit for proper disposal.

III. Inert Ingredients are Generally the Bulk of Pesticide Products Sold

Pesticides are widely used throughout the United States in both agriculture and non-agricultural settings (e.g. in and around homes, offices, public buildings, schools, and recreational areas). According to EPA market estimates for 1996 and 1997, about 4.5 billion pounds of chemicals are used as pesticides in a typical year. That is equivalent to 17 pounds of pesticide per capita.[9] According to EPA's 1997 market estimates, the "professional" non-agricultural market, including industrial, commercial and governmental entities, used 129 million pounds of conventional pesticides. Homeowners used another 76 million pounds of conventional pesticides in 1997.[10]

These remarkable numbers, however, represent only the weight of the *active* ingredients. The total weight of products produced, which would include the active ingredients plus the "inerts", is not reported. At least in the homeowner sector, however, the total amount of "inert" ingredients far outweighs the weight of active ingredients. If the joint total of all toxic ingredients were reported, the number would be many times higher.

In 1990, 1997 and 1999, the Attorney General's office conducted three separate market surveys to investigate the percent by weight of "inert" ingredients in pesticides readily available to the general public in New York State (i.e. used by "homeowners"). See Box 2 for summary results. In the Spring and Summer of 1990, we visited a number of home and garden centers, supermarkets and other retail outlets and examined the labels of 85 different pesticide products, recording the percentage of "inerts" by weight (see Appendix 1). When we visited large home improvement centers in 1997 (Appendix 2) and 1999 (Appendix 3), we also noted the identity of any "inert" ingredients identified on the labels of the pesticide products then offered for sale. In 1999, some products identified the non-active ingredients as "other ingredients" rather than "inert ingredients." (As is discussed in greater detail later in this report, there is no difference between "inert" and "other" ingredients, and the information about "other ingredients" is tabulated here as "inerts.") Few products identified any of the "inert" (or "other") ingredients, and not one of the labels identified all of the ingredients in the product.

**** Surveys disclosed that almost three quarters of the pesticide products contained at least 95% "inerts" by weight. ****

These surveys disclosed that almost three quarters of the pesticide products contained at least 95% "inerts" *by weight*. Based on EPA's estimate of total use of "homeowner" conventional pesticides (76 million pounds in 1997), hundreds of *millions*, perhaps *billions*, of pounds of "inert" ingredients are applied to homes, gardens and lawns by homeowners in the United States each year. Additional amounts are applied in the agricultural, commercial, industrial and governmental sectors. As a result, the public is exposed to these "inert" ingredients, whether or not we choose to use pesticides. Pesticide "inert" ingredients, like active ingredients, are in our food, in the air, in our homes and workplaces- almost anywhere we go. And with very few exceptions, we cannot find out what "inert" ingredients are formulated in specific pesticide products. This is true for the general public, for the professionals we hire to control pests, and for the farmers who grow our food. None of us is privy to that information.

**** More than 200 chemicals used as "inert" ingredients are considered to be hazardous*

*pollutants in air and/or water. ****

Fred Barber
3440 Pine Ridge Lane
Auburn, CA 95603
Phone (530) 823-7206
FAX (530) 823-7206 (call first)

September 18, 2007

To: Melanie Heckel, Assistant Planning Director
From: Fred Barber
Subject: Suggestions: Green Family Winery & New Draft of Proposed Wine Ordinance
Message: Our home abuts a winery operated by my neighbor Charlie Green. We are in a Farm Zone. Our place, Charlie's winery, and three other homes are all served from Mount Vernon Road by Pine Ridge Lane a one-lane, two-way private road approximately 760 feet in total length.

Charlie's use permit, MUP-2489, (excerpts of which are attached) did not include wine tasting or on-site wine sales. I have no objection to these two uses at Charlie's winery provided they conform to the restrictions listed for a "Boutique Winery" as defined in your latest draft of the Winery Ordinance. I believe that type of operation would most closely fit currently available road access. Incidentally, if the proposed definition for maximum production at a Boutique Winery were raised from 1000 to 2000 cases per year Charlie's winery might fall under that definition.

For Charlie to add tasting and on-site sales, however, wording found in the latest draft wine ordinance would require widening of our completely adequate ten foot wide one-lane, two-way road to twenty feet. The roadside here is heavily wooded. Widening and its associated peripheral new roadside drainage would play havoc with our common access road and reduce the softening effect the trees afford our homes and their accessory uses.

I am in agreement that all weather surfaces on parking areas for wine tasting, etc. is an absolute must. Wine visitor parking on dry grass in the summer could be a definite fire hazard. On that subject, a big fire truck (30'to 40' long) visited us last year in response to an inquiry we made about fire protection issues my wife and I had. On checking with the current protection agency (CDF) they informed me it probably weighed 26,000 pounds. It negotiated Pine Ridge Lane without incident so maybe the existing road design (double chip seal over 4" of aggregate base) is adequate for a fair degree of fire protection.

Fred Barber
F.B.

Cc Christine Turner, Agricultural Commissioner
Rick Eiri, Department of Public Works
Pine Ridge owners: Fred Moeller, Alan Chrisman, Tom Buscovick, Charlie Green

GREEN FAMILY WINERY, MUP-2489:

MUP-2489 application by Charlie Green:

"To be a small family run winery producing 1000 to 2000 cases of wine per year. Winery will be contained inside an existing barn. There will be a small cement ad constructed at either end of barn to provide area to crush grapes at harvest."
"There is to be no tasting room or retail sales on site. There will be no signs on structure, property or approaches to property advertising the winery unless required by law. Grapes used will beowner grown and a lesser amount from local Sierra Foothills vineyards if necessary."
""Wines are to be marketed to local stores and restaurants or by mailing list and internet. Winery should be barely noticeable by neighbors and should fit into the local county setting. Except at harvest time there will be little or no exterior activity at the winery."

COUNTY ACTION ON MUP-2489

MUP-2489 MINOR USE PERMIT FINDINGS

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the Auburn/Bowman Community Plan.
2. The proposed project is consistent with all applicable provisions of the Placer County Zoning Ordinance.
3. The establishment, maintenance or operation of the proposed use or building 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.
4. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
5. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project site.

MUP-2489 CONDITIONS

1. The Minor Use Permit (MUP-2489) is approved which authorizes agricultural processing to be done on the applicants property. The approval of this minor use permit shall expire on January 6, 2002, unless it is exercised by the issuance of a final on the building permit for the barn, and meeting all conditions contained in the permit prior to that date.
2. The applicant shall apply for and obtain a building permit for the remodeling of the existing barn through the Placer County Building Department within 30 days of approval of Minor Use Permit 2489.
3. Construct a public road entrance onto Mount Vernon Road from Pine Ridge Lane to a Minor Plate 27-1, LDM standard for a residential unit. The design speed is 45 mph or as

otherwise specified by the Department of Public Works. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW.
4. An Encroachment Permit shall be obtained by the applicant or authorized agent from the DPW for the driveway improvement as required by condition 1 and a copy of said Encroachment Permit shall be provided to the DRC within 30 days of the approval of this use permit. Failure to provide a copy of the Encroachment Permit within the specified time frame will result in a revocation of this use permit approval.
5. Ditch water shall not be used for washing and cleaning of equipment used in the wine making process.
6. No wastewater from the winemaking process shall enter the sewage disposal system serving the main residence without notification and approval by the Division of Environmental Health.
7. Submit to Environmental Health Services, for review and approval, a water quality analysis report from the existing well. The report must be prepared by e State Certified laboratory and include at a minimum a Bacteriology; Total coliform, fecal coliform and chlorine residual. Additional monitoring of the well may be required depending on the results of this bacteriological test.

July 3, 2007

Christine Turner
Agricultural Commissioner
11477 E. Ave.
Auburn, CA 95603

Dear Christine and Fellow Commissioners:

I would like to address the issue relative to the Proposed Winery Ordinance.

It appears that the wineries and vineyards are being treated differently than other fruit growers who through production provide a value added commodity such as fruit baskets, jams, jellies, wreaths, jerky, and etc. Agriculture is an important industry in Placer County, in order to keep agriculture a valuable enterprise, there has to be some mutual understanding and allowances for family owned farms, ranches and vineyards in order to survive. Small farming operations are just that small; we are not Gallo and never will be.

As far as inconvenience or annoyance to neighbors, appointments during the week are few and are usually attended by retired folks or people on vacation. I have collected at least 100 signatures from folks in and out of the county who think this whole problem regarding the wineries is ridiculous and that it is a result of one or a few people who want to spoil it for everyone else. The spoilage is taking away something that adults enjoy doing, tasting new wines, increasing their cellar stock, visiting the winery itself and meeting the winemaker. City slickers need us and our *"rural ness"* to survive a busy hectic lifestyle; you might say we contribute to their mental health. There are folks who believe that grapes hang on the vines all year long and when you need wine you just go out and pick a few. Their only connection to wine is that they go to the store and buy it off the shelf; we provide an opportunity to educate them on the complexity of wine and country living here in Placer County. If paved roadways and broad avenues are required to reach the small boutique winery, you might as well put us in downtown Sacramento or over at the Galleria. That is <u>not</u> how I want to show off Placer County or my winery.

Before all of this uproar, the wineries were having an event once a quarter. Visitors from all over came to see us, this was our time to show off just what can be found here in Placer County, not only the wineries, but the restaurants, art galleries, boutique shops, historical interests and etc. Limiting the wineries may mean closing the wineries, this impacts not just us, but grape growers, the businesses mentioned above and the visitor trade. I would hate to see beautiful vineyards turned over to weeds, or worse yet, housing developments.

Please recommend that the Planning Department take a hard look at just what it is that they want this county to be, over populated and high density living, or a blend of agriculture and residential living that allows for wildlife to do their thing and residents, farmers and ranchers to do theirs.

Sincerely,

Vicky Morris
Secret Ravine Vineyard & Winery
4390 Gold Trail Way
Loomis, CA 95650

6-26-2007

Placer County Winery Ordinance Revisions

by Neighborhood Rescue Group

The following is meant to replace certain provisions in the Draft Winery Ordinance. If a DWO provision is not addressed below, it should not be assumed it is the intent of this memorandum that it be deleted or altered.

The Winery Ordinance must follow the General and Community Plans and therefore must maintain and promote the rural, agricultural character of the RA and RF districts and protect the health, safety, peace, comfort and general welfare of the people residing in those districts. In addition, the Winery Ordinance should be crafted to encourage the preservation and production of agricultural lands in Placer County. To this end Neighborhood Rescue Group recommends the following:

Only wineries with 30 contiguous acres or more should be allowed to apply for an on-site tasting room. An on-site tasting room with promotional events will provide the incentive to keep larger parcels in agricultural production.

Wineries with less than 30 contiguous acres may have tasting rooms but they must be located off-site in commercial retail approved facilities located within the city limits where rural neighbors will not be deleteriously impacted.

Because neighbors deserve the right to voice their concerns, approval of all wineries with less that 30 acres will be by MUP (not ARP) if located in RA or RF districts.

Approval of all tasting rooms will be by MUP (not ARP) if located in RA or RF districts.

Only agricultural related events will be allowed in RA or RF districts. Non agricultural events may be allowed in commercial retail approved facilities located within the city limits.

The winery, wine tasting room and overflow parking must all be located on the same parcel of land with a single Assessors Parcel Number. If the owner of a winery with a tasting room subdivides the parcel to less than 30 acres, all licenses and permits for a tasting room will be immediately revoked along with all related tasting room privileges.

All winery accessory uses including pouring of wine and consumption of food shall be conducted in the approved wine tasting room. This is not meant to prevent guests from venturing outside but all meals will be served and consumed inside the tasting room.

In order to promote agriculture in Placer County, a winery may only sell wine fruit products produced from grapes grown in Placer County and will file a yearly report with the Planning Department detailing where any and all wine grapes were purchased, how many pounds were purchased, the name of the grower and address of the vineyard the grapes came from.

Wine tasting rooms will meet Uniform Building Codes, have panic hardware, 40,000 lb all-weather capable paved road access, sufficient exiting and other requirements necessary for public safety in a commercial eating, drinking establishment.

Due to the fact that Placer County Code Enforcement received over a dozen complaints of winery code violations from October 2005 thru 2006 and the fact that no violations were issued even for repeat offenders, NRG cannot accept regulations based on "violations" as proposed by Placer County Wine Group but would consider regulations and penalties based on plausible evidence of code violations.

double.duck@yahoo.com

Melanie Heckel

From: Mike Abbott [mike@ophirwines.com]
Sent: Friday, June 22, 2007 8:45 AM
To: Melanie Heckel
Subject: Copy of Remarks
Attachments: MVAdraftworkshopstatementJune06.doc

Here is a copy of the remarks we presented at last night's workshop.

I'm thinking Mr. Grimes may have touched upon a solution with a comment he made last night: He said he wasn't so concerned about limiting the activities of existing wineries but he wants to make sure controls are placed on future winery development. What we find so troubling is the retroactive application of new, very costly, standards, and the dilemma the county has created by allowing increased residential development in farm or farm/residential zones. If new standards were to apply to yet-to-be-built wineries, and standards like the ones we proposed last night were to apply to existing wineries (a "grandfathering" arrangement, in effect), I think most of our opposition might be mitigated and we could move forward. And if Mr. Grimes meant what he said, such an arrangement should satisfy at least some of the opposition. I'm going to pose this concept to our group and get some feedback, and I'll get back to you.

STATEMENT OF PLACER WINERIES GROUP
REGARDING DRAFT WINERY REGULATORY ORDINANCE
For Presentation at Placer County Discussion Workshop, June 21, 2007

Members of the Board of Supervisors, county staff, members of the audience:

My name is Michael Abbott. I am one of the partners in Ophir Wines, located in Newcastle. Along with others from the Placer County Wineries Group, I've been involved in the discussions with county staff that have brought us to this point, and I've been asked by the group to present our views on the draft ordinance. Several of the other wineries are here this evening and they may offer individual comments on this critical issue.

Let me begin by thanking the members of the Board of Supervisors who have taken an interest in the fledgling wine industry in Placer County and who have met with us and listened to our issues. I also want to thank county staff, in particular Melanie Heckel, who has worked patiently and diligently with all sides to craft the draft ordinance that we see in draft form today.

However, while we appreciate the supervisors' attention and the work that county staff has done, **we cannot support the draft that is before us.** We can only offer general comments here because the specific purpose of the proposed ordinance remains unclear; neither the perceived problem the ordinance is intended to solve, nor the factual basis for the regulatory provisions have been documented; and the draft is excessive and discriminatory in its requirements. **At this stage we see a punitive solution in search of an undefined problem.** Moreover, the proposed ordinance is at considerable odds with the county's General Plan Section 7, which **requires** county government to encourage and facilitate agriculture and agricultural marketing in the county, and the Right to Farm Ordinance. We have copies of those documents available for your review.

Now I'll make some specific observations before concluding with some recommendations.

1) The county's *de facto* **prohibition of wine sampling has been a crippling blow to our essential direct-to-consumer sales.** We estimate a 30% loss of income so far this calendar year, based on 60% of annual sales coming from direct-to-consumer sales and 50% reduction of on-site sales since the county curtailed our sales and sampling activities, including the popular wine tours. We are all small, start-up, family-run businesses that cannot withstand for long the impact of a 30% drop in income. I'll offer a remedy to this critical situation later in my remarks.

2) The **necessity** for the regulatory scheme proposed in this ordinance has not been demonstrated. **No statistical or empirical evidence** has been cited by the county to substantiate the need for the provisions in the draft. County staff has repeatedly stated that the curtailment of our direct-to-consumer sales-related sampling resulted from "neighbors' complaints." Yet we have asked for an explanation of the county's process for investigating, documenting and resolving such complaints and there seems to be no such formal process. In other words, we've been shut down **without due process**. Perhaps what is needed is a complaint resolution process rather than a regulatory ordinance. We know of **no official record of any complaint that resulted in a county finding of a public safety violation that resulted from a winery's business activities.** We know of no official record of any traffic accident, drunk driving arrest, or any other disturbance or problem that can be attributed to a winery's direct-to-consumer sales and sampling activities.

We believe enforcement must be violation driven, not complaint driven. The proposed ordinance, which staff acknowledges is "complaint driven," is grounded in anecdote and fear-based speculation, not hard evidence. **Absent evidence of a problem, we think it is improper for the county to propose an ordinance that meets an (un)documented need.**

3) **The need for the commercial level of regulation in the proposed ordinance has not been demonstrated.** The apparent premise of this draft is that every winery intends to operate a huge commercial tourist facility. That premise is mistaken. We submit that a small winery generates no more traffic or fire safety impact than a tax preparer or day care center, for example, yet the proposed ordinance imposes stringent, we think excessive and discriminatory, requirements on wineries that do not pertain to businesses, agricultural or otherwise, that pose similar impacts on public safety concerns. The next draft should go much farther to tailor the level of regulation to a winery's plan of operation -- by recognizing and providing for tasting by appointment only, for just one example.

4) **Nothing in this draft or in our meetings with staff suggests that any alternative regulatory schemes have been considered.** Nor has the prohibitive cost impact to these small, family-run businesses been calculated or considered. We asked whether the county develops **alternatives and analyzes them for the least costly way to achieve the desired health and safety result**. The response was, "We don't do that." Our continuing question is, "Why not?" Nor has the **destruction of the country ambiance** that draws agritourism to an area been considered, it seems. Here is where our foes become our allies -- we like living and working in the country, and the proposed destruction of country lanes in favor of 20-foot asphalt fire roads is unwarranted and unwanted. Moreover, the draft states that **total compliance must be attained prior to wineries' engaging in any sampling activities.** If enacted in anything like its current draft form, the ordinance will likely result in the demise of the majority of wineries in the county, perhaps all of them. I'm not exaggerating or being alarmist in saying so -- it's simply true.

In short, what we have here is a **proposed regulatory scheme that chokes off wineries' income while mandating hundreds of thousands of dollars in costs of compliance, with no demonstration of the need for regulation at this level, nor any consideration of either the cost or the feasibility of compliance.** We suggest going back to the drawing board to determine with empirical evidence the need for regulation and the appropriate level of regulation. Once the necessary foundation is established, we can engage rationally and calmly in a discussion that is fact-based and pragmatic, and that serves the interests of all Placer County citizens. While that process is under way, **to ensure both our survival and compatibility with our neighbors, we propose that winery on-site sampling be authorized for existing wineries under the following limited conditions**:

1) Any bonded winery in Placer County's jurisdiction whose bond is in good standing, and which has not been been the subject of a formal finding of violation by the county related to its business operation, would be authorized to conduct on-site sampling activities under specified conditions. At a winery's request; the county would certify to the state ABC that such activities are permitted under the specified conditions.

2) If a winery is currently operating pursuant to a MUP, the MUP would supersede the conditions delineated here. The county's "fruit stand ordinance" would remain in force.

3) A winery located in a farm zone, or a winery whose address is on a public road, may be open for sampling by appointment, and also by drop-in during specified published hours. Wineries so located would be authorized to conduct promotional events as the term is described in the draft ordinance.

4) A winery located in an agricultural/residential zone may be open for sampling by appointment; and also by drop-in during specified hours between 11:00 a.m. and 6:00 p.m. If it intends to offer drop-in sampling, the winery must notify all property owners and residents within a half mile of the site of its sampling schedule. Wineries so located would be authorized to conduct promotional events as the term is described in the proposed ordinance, subject to the time and notice requirements specified here.

5) Wine sampling would not be permitted for bonded wineries located in residential-only zones. Wine sampling would be permitted in commercial zones pursuant to conditions established via the MUP or other applicable county permit process.

We know there is tremendous public support for wineries in Placer County and for agriculture and agritourism in general, and there are some detractors. We believe these recommendations provide both opportunities and safeguards with which we all can live. **As with our winemaking, the key concept is balance.**

On behalf of the Placer Wineries Group, thank you for the opportunity to present these remarks and we look forward to continuing the dialog.

Shirley Barber
3440 Pine Ridge Lane
Auburn, CA 95603
Phone (530) 823-7206
FAX (530) 823-7206 (call first)

June 21, 2007

To: Placer County Planning Department
From: Shirley Barber
Subject: Zoning Text Amendment – Draft Winery Ordinance
Message: Issues that I don't think are covered in the above proposal but may need attention are as follows:

- The ordinance section for the adopted "Agricultural Directional Sign Program" should be cross referenced in this proposed ordinance.
- Should wineries be required to carry insurance holding other property owners harmless for accidents by winery patrons on any common private access road?
- Should wineries carry insurance for damage to adjoining property (mail boxes, irrigation equipment, gates, fencing, landscaping, fire related issues) caused by, employees, patrons, or others associated with a winery's business?
- Notice to adjoining property owners should be required in advance of issuance of a permit for any Temporary Outdoor Event(s)

Shirley Barber

Shirley Barber

Fred Barber
3440 Pine Ridge Lane
Auburn, CA 95603
Phone (530) 823-7206
FAX (530) 823-7206 (call first)

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June 20, 2007

To: Placer County Planning Department Melanie Heckel
From: Fred Barber
Subject: Zoning Text Amendment – Draft Winery Ordinance
Message: Our home which is in an agricultural zone (I used to raise Christmas trees) abuts a small winery and four other homes. We are all served by a one-lane private road. I have reviewed the draft Winery Ordinance and find that, as written, it would adequately provide for compatibility between our place and , hopefully, insure continued viability of the winery.

"Temporary Outdoor Events" on page 9 of your proposed ordinance references Section 17.56.300.B.1.b of the County zoning ordinance which is up for hearing before the Board of Supervisors later this month. As I understand it the Planning Director is authorized to approve such events by following the procedures set forth in the attached sheet. If this is the case then I believe adequate controls would be in place for our particular situation.

Fred Barber
F.B.

17.56.300 Temporary Uses and Events

* * * * * *

6. **Temporary Events**. Temporary events involve the use of land or a building for an event of limited duration (see the definition of "Temporary uses and events" in Section 17.04.030). Where allowed by Sections 17.06.050 et seq., (Land use and permit tables), temporary events are subject to the following requirements:

   1. Applicability

      a. **Commercial Recreational Events**. Temporary commercial recreational events such as circuses, carnivals, open air theaters, or other similar situations involving temporary large assemblages of people may be conducted in any district provided that a Minor Use Permit is first secured for the establishment, maintenance and operation of such uses. [**Note:** Provisions for permanent outdoor commercial recreation uses, rural recreation uses and sports facilities and outdoor public assembly uses are found in Sections 17.06.030 et seq., (Allowable land uses and permit requirements) and in 17.04.030 (Definitions).]

      b. **Outdoor Festivals/Concerts, etc.** Outdoor festivals/concerts, arts and crafts fairs and similar short-term events may be authorized in any district provided that a Minor Use Permit is first approved for the event. <u>However, for one-time events (not to exceed three consecutive days nor two times in one location in a calendar year), the Planning Director may approve a Temporary Outdoor Event permit in lieu of a Minor Use Permit. Detailed event information shall be provided including time, date, location, estimated number of participants, security measures and sanitation. Such information shall be provided by the Planning Department to the Sheriff, the County Health Director, Chief Building Official, Department of Public Works, California Highway Patrol, the Assistant Emergency Services Director, and appropriate state, federal, and local fire jurisdictions, prior to a decision by the Planning Director. Conditions addressed in Section 17.56.300 B4 a through d below may be required of any such event.</u> [**Note:** These events differ from those described in Section 17.56.300(B)(1) in that they are of limited duration and do not require the construction of any improvements.]

* * * * * *

July 3, 2007

Christine Turner
Agricultural Commissioner
11477 E. Ave.
Auburn, CA 95603

Dear Christine and Fellow Commissioners:

I would like to address the issue relative to the Proposed Winery Ordinance.

It appears that the wineries and vineyards are being treated differently than other fruit growers who through production provide a value added commodity such as fruit baskets, jams, jellies, wreaths, jerky, and etc. Agriculture is an important industry in Placer County, in order to keep agriculture a valuable enterprise, there has to be some mutual understanding and allowances for family owned farms, ranches and vineyards in order to survive. Small farming operations are just that small; we are not Gallo and never will be.

As far as inconvenience or annoyance to neighbors, appointments during the week are few and are usually attended by retired folks or people on vacation. I have collected at least 100 signatures from folks in and out of the county who think this whole problem regarding the wineries is ridiculous and that it is a result of one or a few people who want to spoil it for everyone else. The spoilage is taking away something that adults enjoy doing, tasting new wines, increasing their cellar stock, visiting the winery itself and meeting the winemaker. City slickers need us and our *"rural ness"* to survive a busy hectic lifestyle; you might say we contribute to their mental health. There are folks who believe that grapes hang on the vines all year long and when you need wine you just go out and pick a few. Their only connection to wine is that they go to the store and buy it off the shelf; we provide an opportunity to educate them on the complexity of wine and country living here in Placer County. If paved roadways and broad avenues are required to reach the small boutique winery, you might as well put us in downtown Sacramento or over at the Galleria. That is <u>not</u> how I want to show off Placer County or my winery.

Before all of this uproar, the wineries were having an event once a quarter. Visitors from all over came to see us, this was our time to show off just what can be found here in Placer County, not only the wineries, but the restaurants, art galleries, boutique shops, historical interests and etc. Limiting the wineries may mean closing the wineries, this impacts not just us, but grape growers, the businesses mentioned above and the visitor trade. I would hate to see beautiful vineyards turned over to weeds, or worse yet, housing developments.

Please recommend that the Planning Department take a hard look at just what it is that they want this county to be, over populated and high density living, or a blend of agriculture and residential living that allows for wildlife to do their thing and residents, farmers and ranchers to do theirs.

Sincerely,

Vicky Morris
Secret Ravine Vineyard & Winery
4390 Gold Trail Way
Loomis, CA 95650

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MAY 17 2007
CLERK OF THE BOARD OF SUPERVISORS

DATE 5/18/07
☒ Board of Supervisors - 5
☒ County Executive Office
☒ County Counsel
☒ Mike Brad Assistant
☒ Planning (FAX)

May 12, 2007

Honorable Supervisor Rockholm
Placer County Board of Supervisors
175 Fulweiler Avenue,
Auburn, CA 95603

Re: **Rezoning Local Wineries**
Placer County

Dear Supervisor Rockholm:

For many years, my wife and I have enjoyed visiting the small and quaint shops and wineries of Placer and El Dorado Counties. They are now as much a part of the character and landscape of the area as apple pie and twisting country roads. You can imagine our recent disappointment upon learning that the existence of small wineries in Placer County may be in jeopardy by a proposal to rezone the properties as retail. I am in complete concurrence with the vintners I have spoken with that such an action shall place them in a severe economic disadvantage in competing with wineries outside the County. I find it difficult to believe such an action would serve the County's and its residents' best interests.

If the Board's motivation behind rezoning the properties to retail is the Americans with Disability Act, I respectfully suggest the Board consider being less aggressive with its noble intention and wait for more specific legal precedence to take place. The financial burden on the small vintner, otherwise, is too much and the costs to the County's ambiance too great.

Sincerely,

J C Coker

Jeffery C. Coker
5959 Trajan Drive
Fair Oaks, CA 95628

cc: Files

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