Sierra Club Placer Group
P.O. Box 7167
Auburn, CA 95650

Public Interest Coalition
P.O. Box 713
Loomis, CA 95650

December 9, 2013

Planning Commission
Placer County
Auburn, CA

Subject: Draft Proposed Winery Ordinance Update—December 12, 2013

We appreciate the workshops and staff's recommendations for a "robust public review process," and "multiple opportunities for members of the public to participate and provide comments." We hope as this process continues that citizen and grassroots organizations' comments from both this workshop (below) and the first one will eventually be incorporated into the final Winery Ordinance (WO).

Two items still need attention: (1) A strict definition and distinction between a winery that conducts only wine tastings and an operation that holds "events"; and (2) Clearly stated enforceable performance objectives or standards and penalties or consequences for noncompliance.

For consistency and clarity, the WO update should focus solely on performance standards pertaining to wineries which will be limited to tastings in approved tasting rooms. However, Temporary Outdoor Event (TOE) permits would be available to such wineries, just as they are for any other property owner or ag operation. However, any "events" beyond allowable open hours for on-site wine tasting should be conducted and governed by the "Event Center Zoning Text Amendment" which is currently being revised. All events, public or private (e.g. clubs, associations, etc.) held in the Residential/Agricultural zones should have to comply with the same performance standards as established for Event Centers. To give preferential treatment is unacceptable.

To address specific concerns with the proposed draft Winery Ordinance update, we incorporate by reference all the concerns expressed at the first workshop and add the following:

Pg 17. One of the statements in the proposed Draft WO is: "Wineries established prior to the adoption date of this section will be afforded maximum flexibility in establishing reasonable standards when adding new uses." (D. Development and Operational Standards) First, it is our understanding that only one winery obtained an ARP under the 2008 WO. Until the new WO is adopted, should there be a moratorium on approving any bonded wineries?

Pg 17—D, 1 a: "…at least one acre of planted vineyard…unless the Ag 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)." We strongly object to having one person making decisions with no public notice and no recourse. "Functional equivalency" has no place in the Res/Ag zoning when citizens' lives may be negatively impacted. Flower Farm/Casque Winery approval via the functional equivalency process is perfect example—one day an event center; the next a winery with tasting room. Fortunately, the Flower Farm's location may support this added operation.

Pg 18— D,1,b: Retail sales of wine fruit products shall be limited to those produced, vented, cellared or bottled by the winery operator or gown on the winery

premises, and custom crushed at another facility for the winery operator. This must be revised to embrace the following:

Retail sales of wine fruit products shall be limited **only** to those grown on the winery premises or in Placer County. The wine fruit products grown in Placer County may be vented, cellared and/or bottled by the winery operator, and they may be custom crushed at another facility for the winery operator. Wine fruit products grown outside of Placer County shall not be allowed in terms of meeting the Development and Operational Standards for purposes of this Winery Ordinance.

If a winery wants/needs to use any blends that incorporate imports from outside Placer County, then that facility shall be limited to tastings only, and any planned events must be processed under the Event Center ZTA or a Temporary Outdoor Event (TOE) permit.

Pg 18— D, 2, c: Parking. The reference to temporary overflow parking being utilized in conjunction with TOE's needs clarification. Although "Section 17.56.300(B)(1)(b) is cited, that section does not address overflow parking on public roadways at all. Thus, the proposed WO must stipulate that any overflow parking from the site on public roadways shall be prohibited, and noncompliance shall result in a revocation of any winery permit that allows for on-site public commerce—visits, events, tasting, sales, participation in festivals, "days," etc.

Pg 18—D, 3, c: Access—Non-County Maintained Roads (also, p 21, 12—Noticing Requirements)

These two operational standard sections need to be combined to read, "No winery activity or on-site public commerce (visits, tours, events, tasting, sales, festival participation, etc.) shall be allowed on shared private roads, drives, lanes or other private accesses.

Pg 19—4: Number of Events. Allowing "unlimited Tasting Room Events" is unacceptable and a prescription for abuse. Every event may become a "Tasting" event; thus, it is unenforceable.

Pg 19—5. Hours of Operation. Allowing any commercial alcohol consuming activity in a residential zone is risky enough. To combine the alcohol consumption with events running to 10 pm (or 8 pm on "work nights") in residential zones is an invitation to heightened resentment, distrust, and acrimony among neighbors—and possible litigation. It is a public regulatory agency's obligation to set parameters for the protection of all citizens, yet this Winery Ordinance is doing just the opposite in order to favor a few.

Pg 19—8. Food Regulations. No winery should have a commercial kitchen unless it is an Event Center. This is a precursor to allowing restaurants in Residential/Agricultural zones. These types of activities are incompatible with residential communities, and they are part of the reason why all jurisdictions have and enforce a variety of zones and codes. Placer County must adhere to sound Planning principles.

Thank you for considering our views,

Marilyn Jasper

Marilyn Jasper, Chair