

RECEIVED

JUL 01 2008

CLERK OF THE
BOARD OF SUPERVISORS

Dear Supervisor Holmes,

I voted for you but I am greatly disturbed by rumors of businesses like wineries, Bed and Breakfasts and others being allowed on private roads in Placer County. As guardian of the citizens of Placer County I am sure you will vote against allowing such nonsense in Newcastle.

Yours Truly,

Lori Lambert
10235 Indian Hill Rd
Newcastle, Ca 95658

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30 am

DATE _____

 _____ Office

_____ Assistant
 Mike Boyle
 Planning

161

From: Sheila Strong [stronghome@surewest.net]
Sent: Monday, June 30, 2008 9:25 PM
To: Placer County Board of Supervisors
Subject: Wineries in Placer

I would like to express my support in allowing our Placer County Wineries to sell the product from their wineries. Having locally made wine is something we should be proud of and not being able to seel at their facility will surely devastate most the the small wineries.

Sheila Strong
Granite bay Resident

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30am

DATE
<input checked="" type="checkbox"/> Board of Supervisors - 5
<input checked="" type="checkbox"/> County Executive Office
<input checked="" type="checkbox"/> County Counsel
<input type="checkbox"/> Administrative Assistant
* <i>Mila Boyle</i>
x <i>Planning</i>
<i>01/2</i>

From: Karin Koons [mailto:karinkoons@sbcglobal.net]
Sent: Tuesday, July 01, 2008 12:30 PM
To: Placer County Board of Supervisors
Subject: Wineries

June 30, 2008

Board of Supervisors:

It was just recently brought to my attention that there is an ordinance that might be passed that would prohibit tasting wine at wineries.

Who thought this one up? Placer County is surrounded by counties that welcome visitors to taste their wine, Nevada County, Amador County, El Dorado County to name a few. These are tourist dollars. The cleanest dollars you can get. And usually requiring an overnight stay.

I am in the hospitality industry and here in Auburn, I find it difficult enough to bring people to Auburn. We are not a destination. We have wonderful outdoor activities to offer tourists, but not everyone wants to do that.

Please reconsider this. It will not only hurt our tourist dollars but hurt the wineries that are trying very hard to compete in the ever popular Napa and Sonoma Wineries.

Sincerely,

Karin Koons

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30 AM

DATE _____
 Board of Supervisors - 8
 Office
 Office
 Assistant
X Mwa Belyte
X Planning 1163

CHARITY KENYON
BILL YEATES

kenyon yeates LLP

KEITH WAGNER
JASON FLANDERS

3400 COTTAGE WAY, SUITE K
SACRAMENTO, CALIFORNIA 95825
916.609.5000 FAX 916.609.5001

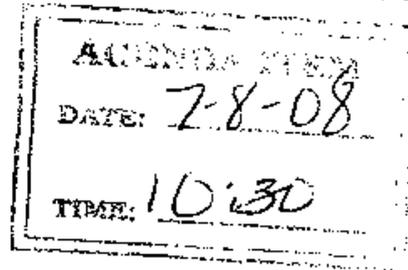
RECEIVED

JUN 30 2008

CLERK OF THE
BOARD OF SUPERVISORS

June 27, 2008

Honorable Jim Holmes, Chair
and Members of the Placer County Board of Supervisors
175 Fulweiler Ave.
Auburn, CA 95603



Re: *Negative Declaration and Approval of Placer County's Proposed Winery Ordinance*

Dear Chairman Holmes and Members of the Placer County Board of Supervisors:

On behalf of our client, Neighborhood Rescue Group, we submit the following comments on the Placer County Wine Ordinance and the proposed Negative Declaration for this project.

The Negative Declaration does not meet the standards of the California Environmental Quality Act (CEQA) because it fails to sufficiently investigate and identify potentially significant environmental effects and improperly defers mitigation of impacts. Under CEQA, the mitigation of impacts cannot be left for future formulation without a binding commitment to mitigate a project's identified significant adverse effects on the existing environment, or to assure that a project's significant adverse impacts on the existing environment will not occur. The Negative Declaration improperly delegates decision-making to other agencies and relies on uncertain and unsupported determinations in reaching its conclusions of less than significant or no impacts.

I. THE NEGATIVE DECLARATION FAILS TO CONSIDER THE CUMULATIVE EFFECTS OF THE WINERY ORDINANCE

Despite the Winery Ordinance's express intent to encourage the growth of Placer County's wine industry, the Negative Declaration fails to thoroughly evaluate the cumulative considerable impacts this growth may have on the existing rural environment. The Negative Declaration acknowledges that "the adoption of the Winery Ordinance may encourage the establishment of wineries and the planting of additional vineyards due to provisions that simplify the regulatory process and address accessory uses." (Neg. Dec., Section V, at p. 10.) Given the potential growth-inducing effects of the ordinance and associated Zoning Clearances, any discussion of impacts is incomplete without looking at the collective impacts of such growth in Placer County. The potential cumulatively considerable impacts of the activities the ordinance authorizes must be investigated and evaluated before the County can adopt a Negative Declaration and approve the ordinance.

DATE: 7/16/08
 Board of Supervisors - 164
 County Executive Office
 County Counsel
 Mike Boyle

II. FINDINGS OF LESS THAN SIGNIFICANT OR NO IMPACT ARE PREMISED ON AN UNSUPPORTED ASSUMPTION OF MINOR GROWTH

Although the ordinance actively encourages growth, the Negative Declaration repeatedly relies on the assumption that there will be little actual growth in the wine industry, contradicting the ordinance's stated purpose. The Negative Declaration relies on this contradictory assumption in reaching many of its findings. The assumption that the wine industry will remain on a small scale is based on the County's limited vineyard acreage. However, the ordinance seeks to expand not only vineyards but also wine-tasting and processing facilities. In certain zoning districts only one acre of planted vineyard is required or the "functional equivalent" as determined by the Agricultural Commissioner (Draft Winery Ordinance, Section D(1)A, at p.3.) for the development of a wine-processing facility. Moreover, the grapes used at these facilities are not even required to be grown in Placer County. Therefore, any assumption about the scale of future growth based on vineyard acreage is an unreliable criterion considering the fact these facilities can be developed on very small parcels of land. Instead of placing real and tangible limits on the growth of wineries, to ensure the elimination of certain impacts, the Negative Declaration relies on an uncorroborated belief that limited acreage is a sufficient barrier to growth.

III. AESTHETICS AND LIGHT SOURCES

The potential significant adverse impacts of additional artificial light sources are determined to be less than significant based on the assumption of small growth and on the belief that winery facilities would be "generally oriented towards daytime public uses." (Neg. Dec., Section I, at p. 6.) Despite this unsupported assumption, there is substantial contradictory evidence demonstrating that nighttime visitor-serving activities at existing wineries disturb neighboring properties. (See from 3/1/07 letter from Neighborhood Rescue Group at pp. 4-5, attached as Exhibit 1 to this letter; see Police Call report, attached as Exhibit 2 to this letter; see 9/13/07 letter from Laurence A. Graves at p.1, attached as Exhibit 3 to this letter.) Moreover, there are no actual limitations restricting these visitor-serving activities to daytime hours. Rather than setting standards in the ordinance that would limit visitor-serving activities at winery facilities to primarily daytime use, thereby reducing potentially significant nighttime impacts to less than significant levels, the Negative Declaration inappropriately relies on the unsupported assumption that these visitor-serving activities are oriented towards the daytime.

IV. AGRICULTURAL RESOURCE

Although it is claimed that the wine-tasting and processing facilities will benefit agriculture, the Winery Ordinance will also increase commercial and visitor-serving uses that may significantly interfere with other existing agricultural uses. The construction of processing and tasting facilities, with as little as one-acre or the "functional equivalent" of planted vineyards, may not preserve agricultural land. Instead rural farm lands may be further subdivided to support commercial and visitor-serving operations benefiting the wine industry. (Draft Winery Ordinance, Section D(1)A, at p.3.) Furthermore, allowing the import of grapes not grown within Placer County goes beyond a policy to support local agriculture to encouraging commercial

markets that sell wine and related products throughout the otherwise rural agricultural and rural residential areas.

V. AIR QUALITY

The Negative Declaration concludes that there will be less than significant or no impacts on air quality. Instead of examining the cumulative effects of the ordinance on air quality in Placer County, which already exceeds U.S. Environmental Protection Agency standards for PM-10 and ozone (Neg. Dec., Section III, at p. 8.), the Negative Declaration only goes so far as to require compliance with Air Pollution Control District standards. The Negative Declaration improperly mitigates the observed consequences of chemical spraying and pesticides by relying on enforcement of pesticide regulations by state and federal agencies, and the Placer County Agricultural Commissioner, without explaining how these entities will be notified of the need for follow-up enforcement.

The Negative Declaration fails to properly consider the increased emissions and dust generated on the County's dirt roads from an increase in traffic from visiting cars, busses, and other vehicles, which residents have expressed concerns over. (See 4/22/08 letter from Roger and Irene Smith at p.1, attached as Exhibit 4 to this letter; see 4/18/08 letter from Ernie Jay at p.2, attached as Exhibit 5 to this letter.) The Negative Declaration additionally fails to consider the potentially significant adverse effects of chemical and pesticide usage on the visitors who are being encouraged to visit this agricultural area.

VI. BIOLOGICAL RESOURCES

The assumption of small growth truncates a complete evaluation of the increased pressure for the removal of oak woodlands to accommodate more vineyards and commercial operations like wineries, tasting rooms, and associated commercial activities. The ordinance expressly encourages the development of new vineyards, tasting rooms, and processing facilities, but fails to discuss where these vineyards and new commercial facilities will be located and sited. The Negative Declaration relies on the Placer County Tree Ordinance to mitigate the ordinance's impact on oak trees, while admitting that the Tree Ordinance "does not apply to agricultural uses." (Neg. Dec., Section IV, at p. 9.) Therefore, any mitigation relying on the enforcement of the County's Tree Ordinance is not feasible.

Although the Tree Ordinance does apply to riparian areas, the Negative Declaration defers any mitigation for the loss of riparian areas to regulations that may be enforced by the California Department of Fish and Game ("CDFG"). However, the Negative Declaration does not provide any information on CDFG's ability to monitor the County's ordinance. No additional funds are made available to assist CDFG's enforcement of any mitigation strategy.

Full analyses of the impacts of fish and wildlife corridors are similarly missing from the Negative Declaration. Instead, the County defers to CDFG stream bed alteration permits and County watercourse setback requirements. Impacts to wildlife corridors are dismissed because "wineries are dispersed in the landscape and thus have no potential for blocking the migration of fauna." (Neg. Dec., Section IV, at p. 9.) This conclusion is not supported by any facts in the

ordinance or any information discussed in the Negative Declaration. There are no requirements that vineyards and facilities be "dispersed." Furthermore, vineyards with netting, wire fencing to exclude wildlife, and other equipment may pose a significant adverse impact on native wildlife. (Exh. 5, p. 3.) These potentially significant impacts deserve further investigation and analysis.

VII. HAZARDOUS MATERIALS

While the Negative Declaration admits that wineries "routinely handle hazardous materials" (Neg. Dec., Section VII, at p. 12.), the potentially significant impacts of handling, dispersing, and disposing of these materials is left to the permitting requirements and handling and storage regulations of Placer County Environmental Health Services (EHS) and the Agricultural Commissioner. It is unclear from the information in the Negative Declaration that the County has even consulted with EHS or the Agricultural Commissioner about the handling of hazardous materials within facilities that encourage public use and visitation. Since the County is the lead agency for the ordinance, the lead agency is required to consult with the departments within the County and other responsible agencies to address this potentially significant impact.

Furthermore, public comment has raised doubts about the proper enforcement of existing hazardous material regulations, throwing into question the assumption that the inherent conflict between increasing visitor-serving uses and handling and disposing of hazardous materials will be reduced or avoided by the existence of agency regulations. (Exh. 5, p. 3.) Concerns have also been expressed as to the possible degradation of Placer County creeks from inadequately disposed of chemical residue seeping into groundwater used for domestic water supplies. (Exh. 5, p. 3.) A more thorough analysis of the existing use of pesticides, chemicals, and other hazardous materials based on the existing environmental conditions is necessary. This would allow the public and County decision-makers to understand the increased risk of exposure created when vineyards and visitor-serving uses within these areas are encouraged and expanded. An EIR is the logical document to compare the existing baseline conditions to future scenarios that increase the opportunity for handling and disposing hazardous materials adjacent to existing rural residences and expanding visitor-serving uses.

VIII. HYDROLOGY AND WATER QUALITY

In addressing the ordinance's impacts on hydrology and water quality, the Negative Declaration fails to analyze the cumulative impacts of increased water use for vineyards, wine-processing, and wine-tasting facilities. The ordinance's attempt to address impacts on water quality through the provision for potable water is insufficient. A self-regulating requirement for bottled water use is unlikely to be complied with and fails to address the use of water other than for consumption. The possibility of groundwater depletion is avoided by specifying compliance with the Placer County Code and the Land Development Manual. Discussion of surface and groundwater quality defers mitigation of potential impacts by requiring the Regional Water Quality Control Board to set, "where applicable," standards for waste disposal. (Neg. Dec., Section VIII, at p. 14.) This does not satisfy CEQA's requirements that changes to the project must be included in the project and made available for public review and comment before project approval. Here, the mitigation is illegally deferred to a future time when another public agency might adopt future water quality standards for waste disposal.

The Negative Declaration fails to provide any meaningful analysis of water use by the wineries. There is no discussion of baseline water conditions in Placer County. Moreover, the Negative Declaration makes no attempt to quantify the water use of existing wineries or to forecast water use by prospective future wineries. The conclusion that the Winery Ordinance "will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge" is not supported with any factual basis. (Neg. Dec., Section VIII, at p. 16.) Requiring construction of new wells to comply with the permitting and production requirements of the Placer County Code and Land Development Manual does not sufficiently mitigate the potentially significant adverse impacts of groundwater depletion. Avoiding a complete evaluation of the impacts and mitigation of water use is impermissible, especially in light of persistent statewide drought conditions.

In addition, there is no discussion about concerns raised regarding potentially serious impacts to water quality from chemical and pesticide run-off. (Exh. 4, p. 1; Exh. 5 at p. 3; see 1/23/07 letter from Mike Giles at p.2, attached as Exhibit 6 to this letter.) The contamination of the area's water supply from a potential increase in vineyard pesticide use is a serious concern and deserves further consideration of methods to avoid or reduce this potentially significant impact on domestic water supplies.

IX. LAND USE AND PLANNING

The statement that "no impacts to communities or anticipated land uses are anticipated" openly and inexcusably discounts the repeated and numerous problems that existing residents have already experienced from the few existing wineries. (Neg. Dec., Section IX, at p. 15.) Residents have already experienced repeat disturbances from commercial wineries and have expressed concerns regarding safety, noise, and other issues stemming from conflicting rural residential and commercial uses. (Exh. 1; Exh. 2; Exh. 3, p. 1; Exh. 6, p. 2.) An increase in these existing problems is anticipated if the Winery Ordinance is adopted, since it encourages the expansion of these commercial and visitor-serving uses. The small 4.6-acre minimum parcel size for Residential, Resource and Agricultural Zoning Districts is insufficient to eliminate impacts by creating a "buffer" for the neighboring landowners adjacent to these wineries. (Neg. Dec., Section IX, at p. 15.)

The opportunity for public input that would be allowed for Administrative Review Permits and Minor Use Permits for events and large wineries does not meet CEQA's feasibility test for reducing or avoiding these identified significant environmental impacts, since the County agency's discretion to modify the events or projects is rather limited. Although the Administrative Review Permit gives an opportunity for public input, there are no guarantees that the public's concerns or wishes will be acted upon, especially given the precedent that appears to have been established which dismisses these concerns.

Neighbors of wineries have also expressed concerns about property values, which the Negative Declaration dismisses. The Negative Declaration's bare conclusion dismissing this impact as merely an uncorroborated concern simply ignores the documented opinion of an experienced Northern California real estate appraiser that adjacent property values would in fact decrease.

(See 7/15/03 letter from Daniel G. Cripe; attached as Exhibit 7 to this letter.) The decrease in property values, while having a direct economic effect on rural communities, may also have an indirect physical impact on the existing environment if adjacent properties become run down and may result in pressure for even more commercial development within rural County areas.

X. NOISE

The Negative Declaration inadequately analyzes potential noise impacts by assuming there will be compliance with the Placer County Noise Ordinance. The determination of less than significant or no impacts also relies on a belief that limiting promotional events to six or less per year along, with compliance with the Noise Ordinance, somehow eliminates significant impacts. The Negative Declaration dismisses impacts claiming that winery and tasting facilities are historically "not high noise generators." Limiting events to six or less per year will not ensure compliance with the Noise Ordinance for each event. Furthermore, the hours and succession of Promotional Events and Temporary Outdoor Events are not defined or restricted so as to assure a reduction in potential noise impacts. The Negative Declaration's bare conclusions conflict with the well-reported history of non-compliance with the Noise Ordinance by the few existing wineries. Residents adjacent to these few existing wineries have reported numerous complaints of disturbances from loud music and events, with little or no enforcement of the Noise Ordinance. (Exh. 1, pp. 4-5; Exh. 2; Exh. 3; Exh. 6, p. 2.) Many complaints have been made regarding repeated late-night events. Besides creating a disturbance to residential communities, there have also been reports of noise from wineries disturbing livestock. (Exh. 1, p. 2; Exh. 6, p. 2.)

The Negative Declaration fails to provide any quantitative analysis of noise. There is no discussion of the existing background noise during any particular time of the day or night. There is no discussion of the anticipated noise generated by the operation of a winery, expansion of vineyard operations, or visitor-serving uses within the area. The County fails to provide any information about the increased noise associated with the allowed promotional and commercial events. Finally, there is no information about the additional noise generated by traffic visiting the wineries and tasting rooms, or traffic going to and coming from allowed promotional and commercial events.

XI. TRANSPORTATION AND TRAFFIC

The Negative Declaration's conclusions about transportation and traffic impacts again impermissibly rely on the assumption that the County's wineries will remain small. Not only may the level of service on County roads be affected by the increased traffic generated by visitor-serving uses, but there are potential safety impacts for pedestrians, cyclists, and residents. (Exh. 1, p. 2.) Neighbors of existing wineries have already reported incidents of winery visitors driving up private driveways, sometimes shining headlights into private homes at night, and are concerned about the safety of children and pets. (Exh. 3, p. 1.) Many of the roads that are currently used for wineries, or might be in the future, are private roads designed for residential use and cannot support commercial businesses. Heavy tourist traffic on narrow, winding private roads creates a nuisance and safety hazard for residents. (Exh. 1, p. 2; Exh. 3, p.1; Exh. 6, p. 3.) While concerns about drunk drivers may seem speculative, there have been reports of existing

wineries offering tastings that exceed the amount permitted by Department of Alcoholic Beverage Control regulations. (Exh. 1, p. 6; Exh. 3.)

There is no baseline information on the traffic volumes on the to-be-affected County roads. There is no discussion of competing commercial and recreational uses on these existing rural, lightly travelled roads. For example, there could be conflicts at certain times of the year with other agricultural operations. Weekend visitor traffic to wineries and wine tasting rooms may conflict with existing local bicycle use on these roads for recreational use. This information needs to be included and evaluated in the initial study before concluding that the ordinance will not have a significant adverse impact on traffic and existing recreational use of these rural roads.

The Winery Ordinance requires compliance with Placer County Code Section 17.54.060 to meet parking needs. Perhaps better and more specific requirements should be considered, especially given that parking from the few existing wineries has already resulted in nuisances for neighboring landowners. (See 6/21/07 comments from Larry Graves, attached as Exhibit 8 to this letter.)

The environmental impacts of generating dust from dirt roads caused by increased visitor traffic should be further examined. In addition, public comments have been expressed regarding the effects of parking and crude grading of roads bordering riparian areas on watersheds and salmon habitats. (Exh. 6, pp. 1-2.) The proposed ordinance does not address this potentially significant adverse impact on sensitive habitats.

XII. SOCIAL AND COMMUNITY IMPACTS

Many residents of Placer County purchased property based on the value of the area's quiet, agricultural setting. (Exh. 1, p. 1; Exh. 5, p. 6.) The existing environmental setting is not adequately discussed and evaluated in the Initial Study. Therefore, neither the public nor the public's decision-makers can adequately evaluate how the expansion of wineries, tasting rooms, and other associated visitor-serving facilities may affect the existing rural environmental setting.

There is a lack of quantitative information in the Negative Declaration despite residents having repeatedly commented about the potentially significant impacts of noise, safety, dust and pollutants, and the decrease of their overall quality of life. (See 7/03 Petition to Placer County Zoning Administrator, attached as Exhibit 9 to this letter.) The Negative Declaration states that "[t]he purpose of the RA zoning district is to stabilize and protect the rural residential characteris[t]ics of the area and to promote and encourage a suitable environment for family life, including agricultural uses." (Neg. Dec., Section IX, at p. 15.) Facilitating the expansion of wineries and wine-tasting and processing facilities may frustrate the purpose for RA zoning districts.

XIII. CEQA REQUIRES THE ADDITION OF FURTHER MITIGATION MEASURES OR AN EIR

Section 15064(g) of the CEQA Guidelines requires lead agencies, when presented with a fair argument that a project may have a significant effect on the environment, to prepare an EIR. Furthermore, the County, acting as the lead agency in this matter, has a duty to fully investigate

the environmental consequences of its proposed winery and wine tasting ordinance, which will expand commercial and visitor-serving uses within the existing rural setting. The County's failure to fully investigate the substantial evidence provided by existing residents of the potentially significant adverse impacts of expanding commercial and visitor serving operations expands the scope of a fair argument that the ordinance as proposed may have significant adverse impacts, indirectly or directly, on the existing rural environment.

Before the Winery Ordinance and Zoning Clearances are approved by the Board of Supervisors, these potentially significant adverse impacts should be adequately evaluated and mitigated prior to approving the ordinance; or, in the alternative as required by CEQA, the County should prepare an environmental impact report to evaluate and seek to resolve any of the disputes that may exist regarding the effect of the expansion of commercial and visitor-serving, which the County's proposed ordinance encourages within the existing rural environment.

CONCLUSION

Because the Negative Declaration fails to meet CEQA's environmental review and mitigation requirements by failing to investigate and identify potentially significant environmental effects raised in public comment, and where mitigation is suggested, improperly defers the mitigation until after the ordinance is approved, on behalf of our client we urge the Board to take the ordinance off its agenda and direct County staff to conduct the proper environmental investigation and evaluation required by CEQA.

Thank you for your consideration of our client's position.

Sincerely,



Bill Yeates

Attachments: Exhibits 1 through 9.

cc: Neighborhood Rescue Group
John Marin, Director Community Development Resource Agency
Melanie Heckel, Deputy Director Planning Department
Anthony La Bouff, County Counsel

EXHIBIT 1

March 1, 2007

To: Placer County Planning Department Zoning Administrator

Fm: Neighborhood Rescue Group Association

Re: PMPMT20060909, PESCATORE WINERY/DAVE WEGNER - MINOR USE PERMIT MODIFICATION - TO MODIFY USE PERMIT TO ALLOW WINE TASTING ON A BY APPOINTMENT BASIS.

We believe this "modified use permit to allow wine tasting" as it is now written should be denied for a number of reasons; some of them to be presented at this hearing, but a number of documents with considerable detail are submitted today with this letter for the Administrative Record.

The Neighborhood Rescue Group Association (the Association) is a coalition of home owners in Placer County that have a vested interest in this application because the granting of this permit will have a deleterious impact on our quality of life. This proposed use denies us our individual rights.

These rights, for the purpose of this filing, are found in the accepted definition of how one individual may interact with another in society. Individual rights are distinct from human rights as the possession of these rights does not depend on *humanness* as the source of authority, but rather the actions of the individual who does things, albeit on their own property that disturbs the normal peace and quiet of a very rural neighborhood, and thus violates the individual rights of others.

Our concerns are several and the years of exposure to the activities at the Dave Wegner Pescatore Winery have abundantly shown us that those activities very often violated our individual rights. Since the formal complaints to the County last year, at least the loud music has stopped.

We believe that we should have a right to peace and quite in our own yards, especially on balmy summer evenings. After all, we moved to this very area for that special quality of life.

The search for information has at times been very frustrating because documents were not available in a timely manner or the NRG was denied access to records that should have been provided under the law. We will document this thoroughly.

SPECIFIC COMPLAINTS (1) –The NRG first places on record, that only a portion of the County Staff report for this meeting was available just two days on 2-27-07 before the hearing. The all important engineering and environmental staff reports were not ready when we called at the

**Neighborhood Rescue Group Association – Comments – Call for Denial or Continuation
PMPMT20060909, Pescatore Winery/Dave Wegner - Minor Use Permit Modification to
Modify Use Permit to Allow Wine Tasting on “By Appointment Basis” - 3-1-07 - 22 of 24**

It is, however, the function of staff to provide equal consideration to the petitioners of the request and adjacent property owners who may be adversely impacted as a result of the petitioner's requests.

Where in all of this are any of the comments listed below from the Giles 1-23-07 filing with the Planning Department on the Wegner Questionnaire? The complete Giles response document already in this record is Exhibit 5.

Here are very pertinent paragraphs in direct answer to the Staff Report to be considered today where Mr. Fisch describes the project as -- consistent with the rural residential character of the surrounding neighborhood.

XV. Social Impact

This project will increase noise, traffic and dust in this quiet neighborhood. There were 4 noise complaints filed against this facility in 2006. Noise from this facility has already disrupted livestock and residents located adjacent to the facility.

XVI. Transportation/Circulation

Ridge Rd. serves countless bicyclists on weekends while Welcome Rd. is a small, private, chip and seal road which already serves 13 residents.

Located at the juncture of Ridge Rd and Welcome is a bus stop that serves Newcastle Elementary and mailboxes that serve all the local residents. Any vehicle driving to the winery has to pass directly past the bus stop as well as the mailboxes.

The entrance to Ridge Rd from Welcome Rd has poor visibility and a steep embankment on the west side. Residents driving out Welcome Rd have already had close encounters with vehicles turning from Ridge Rd onto Welcome Rd.

The increased traffic from this project poses a threat to both local residents and the public. Headlights from vehicles leaving the winery pose a nuisance as they shine directly into the windows of the Jordan family located across from the winery.

Vehicles headed to the winery often pass the facility and drive up the driveway of local resident Larry Graves.

Applicant wants to sell 40 cases/480 bottles of wine per month year round. This represents a very large increase in traffic and a correspondingly large negative impact on this neighborhood.

The number of bottles of wine sold could be much greater and so can the impact on our neighborhood.

*Neighborhood Rescue Group Association – Comments – Call for Denial or Continuation
PMPMT2006O9O9, Pescatore Winery/Dave Wegner - Minor Use Permit Modification to
Modify Use Permit to Allow Wine Tasting on "By Appointment Basis" - 3-1-07 - 16 of 24*

their lives. Complaints have already been filed by several individuals on this issue and the point is well taken when they say the actions of the individual who does things, albeit on their own property that disturbs the normal peace and quiet of a very rural neighborhood, and thus violate the individual rights of others are wrong and when Placer County approves conditions that make it OK to violate our individual rights, it is more than wrong, it is inexcusable.

If Placer County is so interested in enlarging the agricultural base, then it ought to be more careful about the thousands of acres they have already given to development and not try to force these commercial enterprises into our rural community. To try to force these wineries into these rural areas is wrong any way you look at it.

SPECIFIC COMPLAINT (11) On this project there are two other very important elements, that we believe the County has totally ignored. Refer back to *NRG Exhibit (2)*, second page to the map of the area used in the lot split operation and look at the three way junction of Ridge Road, Welcome Road and the driveway to the Pescatore.

The intersection of Welcome Road and Ridge Road is a bus stop for the bus that transports children from the area, and we do not believe that this is either a healthy or morally right thing to have a wine tasting facility at that location.

Why should children be exposed to this threat and questionable influence? We have not had the time to check the legality, but that ought not be our job anyway, it should be the job of the County to take care of this properly.

The Larry Graves comments sent to Alexander Fisch were not mentioned in the Staff Report and should have been because they were very on point, accurate and included pictures. For Mr. Fisch to make the following comment indicates his disdain for the provisions of CEQA which calls for careful consideration of public input. He writes:

It is neither appropriate nor the function of staff to make a judgment as to whose version of past events is most accurate when providing the Zoning Administrator with a written analysis and recommendation on the requested modifications to this Minor Use Permit.

It is, however, the function of staff to provide equal consideration to the petitioners of the request and adjacent property owners who may be adversely impacted as a result of the petitioner's requests.

This flowery language might satisfy the Zoning Administrator, but we doubt that it will satisfy the requirements of CEQA on public participation. For instance:

15131. Economic and Social Effects

Despite the implication of these sections, CEQA does not focus exclusively on physical changes, and it is not exclusively physical in concern. For example, in Section 21083(c), CEQA requires an agency to determine that a project may have a significant effect on the environment if it will cause

10-18-05

one wedding in 2002.
(FIRST WRITTEN COMPLAINT) Complaint addresses illegal signs, wine tasting, and solicitation on their website for weddings, special events etc.

A chronology of events of Pescatore Winery
July 19, 2006

Date of original complaint 10-18-05 (written complaint) to PLANNING DIV / CODE ENFORCEMENT

2+ in 05,
4 events, 06

In 2005 Pescatore Winery had numerous events that sounded like Wedding receptions. We did not bother documenting them.
not inc. banquets.
Unknown date. I recorded "Brick House" and other music from our deck in what sounded like a wedding reception at Pescatore Winery.

March 9, 2006 Letter and photo sent to Bill Schultz and Mike Johnson complaining of public wine tasting by Pescatore Winery. Included with the letter was a photo advertising public wine tasting.

March 9, 2006 Letter sent to Mike Harris complaining of public wine tasting, wedding receptions, loud music and solicitation for public events (on their website). Included with the letter were photos advertising wine tasting and a copy of their website advertising weddings and banquets.

March 27, 2006 We receive a letter saying Code Enforcement has been requested to suspend any action on our complaint

May 20, 2006 RECORDED from our deck what sounded like a wedding reception. Loud music until 2330. We filed noise complaint w Sheriffs #P060504232

June 6, 2006 Mike Johnson says he is going to issue a cease and desist order to Pescatore Winery. I ask for a copy

June 20, 2006 I leave another message for Mike Johnson to call me back. I have not received cease and desist order.

June 24, 2006 Photograph signs showing wedding reception at Pescatore Winery. Loud music from reception until after 2250 hours. We file noise complaint with Sheriffs #P060605249 ^{Record}

June 26, 2006 Letter with photo, website advertisements and wine tasting dates sent to Christine Turner (Placer Co. Ag. Commission)

July 5, 2006 Mike Johnson leaves message on our machine explaining that he cant issue cease and desist order because Pescatore Winery says their events are private, non compensated events. County Counsel has been advised.

July 8, 2006 I email Mike Johnson for an update on Pescatore Winery. No reply

July 13, 2006 I email Mike Johnson for an update. No reply

[Handwritten notes and signatures]

July 17, 2006 Called Johnson for an update. No reply

July 19, 2006 I email Mike Johnson for an update.

Dates they had sign out advertising Public Wine Tasting at their facility

Feb 19, March 26, April 20, May 1, May 10, May 13, May 17, May 20, July 24, 2006

Aug 16

- 7-19 Mike left msg for me to call Melanie Herbst for update
- 7-21 I called Melanie. She doesn't know anything about procedure
; says I should call back next week.
- 7-24 called Laura Meeks @ ABL (227-2002) for update on investigation
opened on 7-29-NO ANSWER - her voice mail left msg requesting
call back.
- 8-7 Talked w/ Melanie. Read an e-mail to Mike Johnson & Mike
Harris based on his information
- 8-18 Mike Harris not returning e-mails so I called him today & left a msg
to call me back.

9-17 DJ's loud music at 6:30pm. Sign on street (Ferry) (Raynolds)
I called S.O who reportedly talked w/ responsible @ 7:45. Music volume
reduced drastically @ 8pm. Music off @ 8:20pm

10-10 wedding Kenny & Kendall
5:00pm Someone using a microphone very loud, no music at this
time but someone talking to guests, introducing wedding party,
etc. Called Sherry dept to request they step by and ask
them to turn down. Music stopped for 1 hour but
was loud when it resumed until 8pm

Oct 4 citation issued to Pireators winery

11-13 Called Dave Wagner and asked for pages 2-6 of 2001 Guidelines for Public Wine Tasting.
11-15 Dave called & told me there is a meeting tomorrow at planning. He thinks
planning might allow wineries to use a "small" sign that will be an
improvement over current signs. No mention of pages 2-6 of 2001 Guidelines.

To whom it may concern -
I've attended wine tasting at
Descartes Winery and recall
tasting every variety of wine they
offered (AT LEAST four varieties) and
went back to ~~re-taste~~ retaste the
wine (Swish) that I preferred to
buy. So I recall receiving at least
five tastes of wine that definitely
exceeded one ounce per glass as each
tasting was approximately one quarter
of a glass.

[REDACTED]

5-8-07

EXHIBIT 2

Detailed History for Police Call #P060504232 As of 12/07/2006 11:24:17

Priority:4 Type:NOISE - NOISE DISTURBANC
Location:7055 RIDGE RD,NC
LocCross:btwn GOLD CREST CT and WELCOME RD
Info:INTERSECTION OF RIDGE RD/WELCOME LN

Created:	05/20/2006 22:19:13	[REDACTED]
Entered:	05/20/2006 22:22:37	[REDACTED]
Dispatch:	05/20/2006 22:52:52	[REDACTED]
Enroute:	05/20/2006 22:53:35	[REDACTED]
Onscene:	05/20/2006 23:04:08	[REDACTED]
Control:	05/20/2006 23:28:18	[REDACTED]
Closed:	05/20/2006 23:45:33	[REDACTED]

PrimeUnit:13UK Dispo:AS Type:NOISE - NOISE DISTURBANC
Name:[REDACTED]

Agency:SO Darea:SA1 Beat:UNION Block:131 Detail

- 22:19:13 CREATE Location:7055 RIDGE RD,NC Type:NOISE Info:INTERSECTION OF RIDGE RD/WELCOME LN Name:[REDACTED] Darea:SA1 Area:131 TypeDesc:NOISE DISTURBANC LocCross:btwn GOLD CREST CT and WELCOME RD Priority:4 Response:1PAT Agency:SO Map:ESB3 LocType:S
- 22:22:37 ENTRY Comment:ANON RP STATES PESCATORE WINERY AT LISTED ADDRESS IS HAVING A WEDDING RECEPTION IN A BUILDING AT THE BOTTOM OF THE PROPERTY. RP COMPLAINGIN OF THE NOISE AND THE LACK OF PERMIT FOR THE BUSINESS TO HOLD SUCH AN EVENT.
- 22:22:39 NOMORE
- 22:22:37 -PREMIS Comment:FPR
- 22:23:58 SELECT
- 22:24:16 VIEWED
- 22:52:52 DISP 13UK [REDACTED]
- 22:52:52 -PRIU 13UK
- 22:53:35 *ENRTE 13UK
- 22:56:07 *BACKER 13P [REDACTED]
- 23:04:08 *ONSCN 13P
- 23:05:56 *ONSCN 13UK
- 23:22:28 MISC 13P Comment:RAINBOW VALLEY RD/ 193/GOLD HILL
- 23:25:29 ULA 13UK Location:160 RAINBOW VALLEY LN,NC
- 23:25:40 ULA 13P Location:160 RAINBOW VALLEY LN,NC
- 23:28:18 C4 13UK 13P
- 23:45:22 *CLEAR 13P
- 23:45:33 *CLEAR 13UK Dispo:AS Comment:MUSIC TURNED AND STOPPING SOON
- 23:45:33 -CLEAR
- 23:45:33 *CLOSE

180

Detailed History for Police Call #P060605249 As of 12/19/2006 14:29:16

Priority:4 Type:NOISE - NOISE DISTURBANC
Location:7055 RIDGE RD,NC
LocCross:btwn GOLD CREST CT and WELCOME RD

*Milo Gilles
916-663-4108
has to do with it*

Created:	06/24/2006 22:13:31	[REDACTED]
Entered:	06/24/2006 22:14:30	[REDACTED]
Dispatch:	06/24/2006 22:28:29	[REDACTED]
Enroute:	06/24/2006 23:33:15	[REDACTED]
Onscene:	06/24/2006 23:43:54	[REDACTED]
Closed:	06/24/2006 23:47:27	[REDACTED]

PrimeUnit:13U Dispo:CC Type:NOISE - NOISE DISTURBANC

Name:[REDACTED]

Agency:SO Darea:SA1 Bear:UNION Block:131 Detail

- 22:13:31 CREATE Location:7055 RIDGE RD,NC Type:NOISE Name:[REDACTED]
Darea:SA1 Area:131 TypeDesc:NOISE DISTURBANC LocCross:btwn GOLD CREST CT and WELCOME RD Priority:4 Response:1PAT Agency:SO Map:E5B3 LocType:S
- 22:14:30 ENTRY Comment:LOUD WEDDING RECEPTION WITH LOUD MUSIC.
RP WANTS TO REMAIN ANONYMOUS.
- 22:14:32 NOMORE
- 22:14:30 -PREMIS Comment:FPR, PPR
- 22:15:06 SELECT
- 22:15:06 MISC Comment:RP REQUESTING A 10-21 WHEN THE DEPUTY CLEARS.
- 22:15:15 VIEWED
- 22:28:29 DISP 13U Operator:[REDACTED] OperNames:[REDACTED]
- 22:28:29 -PRIU 13U
- 22:47:06 PRMPT 13U
- 22:47:06 -VIEWED 13U
- 22:48:34 VIEWED
- 23:31:23 DISP 13U Operator:[REDACTED] OperNames:[REDACTED]
- 23:31:23 -PRIU 13U
- 23:33:15 ENRTE 13U
- 23:43:54 *ONSCN 13U
- 23:47:27 *CLEAR 13U Dispo:CC Comment:PARTY CLEARED AND ENDED AT 2300 HRS
- 23:47:27 -CLEAR
- 23:47:27 *CLOSE

Detailed History for Police Call #P060903822 As of 12/07/2006 11:30:44

Priority:4 Type:NOISE - NOISE DISTURBANC
Location:7055 RIDGE RD,NC
LocCross:btwn GOLD CREST CT and WELCOME RD

Created:	09/17/2006 18:16:54	[REDACTED]
Entered:	09/17/2006 18:19:17	[REDACTED]
Dispatch:	09/17/2006 18:19:47	[REDACTED]
Enroute:	09/17/2006 18:20:05	[REDACTED]
Onscene:	09/17/2006 19:38:14	[REDACTED]
Closed:	09/17/2006 19:56:13	[REDACTED]

PrimeUnit:13U Dispo:CC Type:NOISE - NOISE DISTURBANC
Name:[REDACTED] Phone:916-663-4108 Address:265 WELCOME RD,NC
Agency:SO Darea:SA1 Beat:UNION Block:131 Detail

18:16:54 CREATE Location:7055 RIDGE RD,NC Type:NOISE Name:[REDACTED]
Darea:SA1 Area:131 TypeDesc:NOISE DISTURBANC
LocCross:btwn GOLD CREST CT and WELCOME RD Priority:4 Response:IPAT Agency:SO
Map:E5B3 LocType:S

18:19:17 ENTRY Comment:RP RPTD RESIDENCE AT LISTED 10-20 ARE PLAYING THEIR MUSIC
EXTREMELY LOUD AND HE IS REQUESTING PCSO RESPOND AND ASK THEM TO
QUIET DOWN. RP IS WILLING TO SIGN A COMPLAINT IF NEED BY. RP WOULD
ALSO LIKE TO REMAIN ANON.

18:19:17 -PREMIS Comment:PPR

18:19:27 NOMORE

18:19:37 SELECT

18:19:47 DISP 13U [REDACTED]

18:19:47 -PRIU 13U

18:20:05 ENRTE 13U

18:21:26 PRMPT 13U Comment:[REDACTED] PEND FOR A WHILE.

18:21:26 -VIEWED 13U

18:58:24 DISP 13U Operator:[REDACTED] OperNames:[REDACTED]

18:58:24 -PRIU 13U

18:58:28 *ENRTE 13U

18:59:00 *RFT 13U Comment:INQUIRY QV,5MCN308,A,,PC,,,,,,

19:03:56 *MISC 13U Comment:[REDACTED] PEND REQUEST UDE TO CODE7. AT THE SAME TIME OF
DISPATCH

19:38:14 *ONSCN 13U

19:56:13 *CLEAR 13U Dispo:CC Comment:SPOKE WITH RP SAID ALREADY HAS CODE ENFORCEMENT
WORKING ON THE NOISE PROBLEM. HE HAS NOT TRY TO TALK TO THE
NEIGHBOR. I MADE CONTACT WITH THE IP, COULD OT HEAR THE MUSIC AWAY
FROM THE IMMEDIATE AREA. DJ TURNED MUSIC DOWN, OFF IN 5 MINUTES

19:56:13 -CLEAR

19:56:13 *CLOSE

Detailed History for Police Call #P061000133 As of 12/07/2006 11:29:37

Priority:4 Type:NOISE - NOISE DISTURBANC
Location:7055 RIDGE RD,NC
LocCross:btwn GOLD CREST CT and WELCOME RD

Created:	10/01/2006 17:03:10	[REDACTED]
Entered:	10/01/2006 17:03:10	[REDACTED]
Closed:	10/01/2006 17:33:27	[REDACTED]

PrimeUnit: Dispo: Type:NOISE - NOISE DISTURBANC

Name: [REDACTED]

Agency:SO Darea:SA1 Beat:UNION Block:131 Detail

-
- 17:03:10 CREATE Location:7055 RIDGE RD,NC Name:[REDACTED]
Address:ADJACENT PROPERTY [REDACTED] LocCross:btwn GOLD CREST CT and WELCOME RD Map:ESB3
 - 17:03:10 ENTRY Type:None-->NOISE Name:[REDACTED] *** CONFIDENTIAL R-->[REDACTED] ** Darea:None-->SA1 Area:None-->131 TypeDesc:None-->NOISE DISTURBANC Priority:None-->4 Response:None-->1PAT Agency:None-->SO
Comment:LOUD DJ ANNOUCING A WEDDING AND THE MUSIC WILL START ANYTIME - RP'S CONCERNED AS THE DJ IS SO LOUD
 - 17:03:10 -PREMIS Comment:PPR
 - 17:04:19 SELECT
 - 17:04:25 VIEWED
 - 17:05:41 CHANGE Type:NOISE-->NOISE Address:ADJACENT PROPERTY-->265 WELCOME RD
Comment:RP IS AVAILABLE IF NEEDED
 - 17:33:27 CAN Comment:NO MORE NOISE

EXHIBIT 3

LAURENCE A. GRAVES

6995 Ridge Road
Newcastle, CA 95658

September 13, 2007

Department of Alcoholic Beverage Control
Sacramento District Office
3321 Power Inn Road, Suite 230
Sacramento, CA 95826

Via facsimile and U. S. Mail
Fax No. 916-227-2745

Attention: MaryAnne Gilchrist
Licensing Representative

Re. Licensee: David and Patricia Wegner
Location: 7055 Ridge Road, Newcastle, CA 95658
Your File No.: 02-373346
Type of business: Winery - Pescatore Vineyard & Winery

Dear Ms. Gilchrist:

In response to your telephone call to me on September 7, 2007, that your office would require further reasons for the protest for the present application of the Pescatore Winery for wine tasting, I am submitting the following two further conditions as well as the original protest conditions of my November 7, 2006, letter to you as well as that by David Mackenroth in his letter of November 7, 2006.

Specifically, we protest Section 23789 in Rule 61.4 that "ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation and the proposed premises will not interfere with the quiet enjoyment of the property by residents." In this specific case, the winery premises and entrance driveway from the adjoining 50 foot road easement is within approximately 40 feet of the James and Kim Jordan residence, and Mr. Jordan was one of the protestants at one of the hearings by Placer County in which he voiced his problems with vehicles entering and leaving the winery entrance premises with noise and their lights in the evening and the dangers to his own children and dogs.

Secondly, the protestants feel that the past conditions that have prevailed over the last two or three years have, in effect, constituted a public nuisance to the surrounding sixteen residential neighbors when there have been public wine tastings, a violation of the prior ABC license, and primarily when there have been the Placer County wine tours of 100 to 150 cars per day being on the winery premises and on the adjacent 50 foot road easement with its attendant effects on the adjoining sixteen residential neighbor owners.

In support of both the protestants' position and in fairness to Pescatore winery, we wish to submit for the ABC's careful review in consideration of past information submitted to the County of Placer which are in the following three documents submitted with this additional protest.

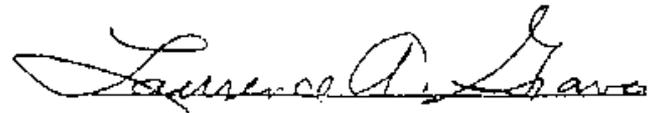
1. The entire County of Placer Planning Department Memorandum and Backup Information of August 7, 2007, to the Board of Supervisors;
2. Appellant's Supplemental Request to the Placer County Board of Supervisors by Laurence A. Graves as to the hearing date of August 7, 2007; and
3. Background information of the Neighborhood Rescue Group Association.

After your careful review of all the documentation submitted, it is requested that if the ABC allows Pescatore Winery its wine tasting permit that in accordance with ABC rules that the conditions be placed on this permit that there will be no more than one day of private appointment wine tasting limited to 15 cars and 24 people on any one specified date. Further, a condition should be placed that there will be no outside related activities allowing more vehicles and wine tasting on any other occasions than the one limited time related to one day of wine tasting, 15 vehicles and 24 persons.

This letter is being faxed to you on Thursday, September 13, 2007, to comply with your September 7 advice that a reply would be needed by September 14, 2007. This particular letter, and since the documentation is too encumbering to fax, is being mailed to you as of Thursday, September 13, 2007.

We will await your further advice in this regard.

Very truly yours,



Laurence A. Graves

L.A.G:kd

EXHIBIT 4

April 22, 2008
Placer County
Community Development Resource Agency
3091 County Center Rive, Suite 190
Auburn, CA 95603

Subject: Winery Ordinance Environmental Impacts

In reviewing the Negative Declaration (ND) for the new Winery Ordinance we noticed the following deficiencies:

1. AIR QUALITY

Dust generated by additional traffic (if access road is unpaved) is not addressed in the ND.

Mitigation: require a dust-free road surface (chip seal may suffice)

2. BIOLOGICAL RESOURCES

A secondary, but major impact of a permissive winery ordinance is the likely construction of more vineyards, with extensive impact on wildlife habitat, water quality (both surface water and well water due to pesticide use), soil erosion and the "natural" aesthetics of our rural areas. The ND should address this.

Mitigation: Ensure that all new vineyards are subject to full environmental review as part of County approval. This should include the assessment of impacts on neighbors' wells. Closely control and monitor pesticide use on all vineyards.

3. NOISE

Noise impacts are understated in the ND – especially if there are nearby neighbors (say within 1000') of a winery.

Mitigation: Limit the days and hours of operation of the machinery. Also limit the operation of the tasting room, and the types of activities allowed (e.g. no amplified music; limits on crowd size).

We hope these deficiencies will be addressed and that proper mitigation measures will be included in the new Ordinance.

Thank you.

Sincerely,

Roger & Irene Smith

EXHIBIT 5

April 18, 2008

Community Development Resource Agency
Planning Department
3091 County Center Dr.
Auburn, CA 95603

RE: Negative Declaration--Winery Ordinance

In making our comments on this proposal, we respectfully submit that (1) the zoning amendment is ill advised for many reasons, environmental and otherwise; (2) an Environmental Impact Report (EIR) must be prepared; (3) the current ordinances and General Plan regarding "Agricultural Processing" and "Roadside Stands" are being misconstrued and/or actually violated with this zoning amendment. We submit that the zoning amendment creates a de facto restaurant/bar use which should be unacceptable in residential or agricultural (ag) zones.

EIR is Required

The threshold for requiring an EIR for any discretionary action is only that any aspect of the project "may" have a significant effect on the environment. Court decisions have declared several Negative Declarations (Neg Dec) to be invalid, due to the remaining potential for the project to have a significant adverse effect on the environment.

The Placer County General Plan EIR states that an EIR is required when necessary to examine project-specific effects which are peculiar to the project. Clearly, this zoning amendment is inconsistent with the existing zoning, and the effects or impacts from this zoning amendment meet the criteria for requiring the preparation of an EIR.

In addition, CEQA states: "Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts." Since it can be fairly argued that this zoning amendment project could result in potentially significant environmental impacts, an EIR must be prepared [CEQA Guidelines, Section 15064].

Inadequacy of the Mitigated Neg Dec

A major premise of the push to approve this zoning amendment is anchored in streamlining the process. However, expediency at the expense of environmental degradation or public health and safety is a poor bargain. Obviously, to enforce the ordinance change, audits will have to be performed. From what public taxpayer funding source will the auditing expenses be taken from? Or is this to be a "self regulating" or self-auditing process, akin to "trust me" enforcement? Without proper auditing, the potential for abuse and resulting environmental impacts on residential neighborhoods are significant (or may be significant).

It is admitted that the streamlining of the process will probably result in more wineries and more wine tasting facilities. This is a cumulative impact with far reaching significance that is not addressed. "Mom and Pop" or "boutique" operations must be sustainable within currently zoning designations. Otherwise, they weaken the intent of ordinances and encourage operations that provide tax write offs, losses, and other negative economic impacts to the community. This Neg Dec should analyze the economic impacts on the county of such a liberal streamlining of the county's ordinance.

Item I—Aesthetics: Light sources will indeed be a potential problem. It is irrelevant (as well as incorrect) to predict that the scale of the wine industry in Placer county is anticipated to remain relatively small. (If it's so small, then how is the proposed ordinance change justified?). This amendment would allow the smallest of wineries without any, or minimal, vineyard acreage to create tasting rooms. Thus the anticipated light source from many more wineries is significant.

The premise that a lack of vineyard acreage will curtail winery growth and new light sources is false. It is much more likely to anticipate that every winery **will** (not just "may") have security lighting, which has very severe and significant impacts on night lighting. To cite daytime public use as the criteria for lack of lighting impacts misses the entire point of new light source impacts. We request that an EIR be prepared.

Item II—Agricultural Resource: No one is opposed to legitimate agricultural operations. However, it is erroneous to conclude that the zoning amendment will result in an expansion of agricultural production in Placer County when, indeed, the opposite may be true. To be beneficial to agriculture, the grapes must be grown in Placer County; however, this amendment allows grapes from outside the county to be used. Thus, it may NOT have either a beneficial effect OR expansion effect on Placer County agriculture production. In fact, it may be detrimental to the existing vineyards should grape "dumping" from another regions occur.

To claim that the Winery Ordinance will implement several General Plan policies that encourage agricultural production is to hide behind General Plan policies that are not rigorously followed in the county. The County may play lip service to supporting agriculture and right-to-farm activities, but it strongly supports conversion of ag lands to development. The ag community is remarkably silent when this occurs. Thus, the actions of the County do not support a dedication to ag operation, and cannot be used to justify wine tasting as a legitimate ag activity.

III—Air Quality: We respectfully disagree with the conclusion in this Mitigated Neg Dec that emissions would not impact air quality. Whether it is a fire place in a wine tasting room, a diesel tourist bus, or auto emissions from customers on private residential lanes, there WILL be increased air pollution. Anyone who grows organic produce knows full well the potential hazards of pollution of crops from auto emissions near roadways. This impact must be analyzed and mitigated; please do so in an EIR.

We also disagree with the statement that vineyards that provide grapes for the wineries do not produce substantial pollutants. With chemical spraying, fertilizers, herbicides, pesticides, etc., vineyards are widely recognized as one of the most ecologically damaging ag activities. To rely in part on the state and federal regulations and enforcement with their reduced staff and increasing budgetary cuts, is to provide no guarantees or even likelihood of compliance. To rely on the county (even before its upcoming cutbacks) to enforce any regulations is unrealistic; the county cannot fulfill its obligations now. The health of neighbors should not be subjected to such a gamble. Please prepare a full EIR to cover this potentially severe impact.

To rely on the Regional Water Quality Control Board to monitor waste disposal is not a reasonable position or satisfactory mitigation. That agency is notoriously overwhelmed and understaffed and cannot begin to adjudicate the thousands of complaints it receives, let alone its backlog. It simply cannot "address any improper waste disposal methods." Also, CEQA does not allow mitigation in the form of "Let them (another agency) do it." Please prepare a full EIR to cover this potentially severe impact.

IV—Biological Resources: We respectfully disagree that the proposed Winery Ordinance in and of itself would not impact oak woodlands. By making it easier to conduct tastings and promotional events, one can reasonably conclude that more wineries will be created, along with vineyards, either on the property or off. Thus, as has been observed in the past, oaks will most likely be removed as they have in numerous instances where wineries have been created in the past. To put the onus of enforcement on the Placer County Tree Ordinance (which is the laughing stock of most tree ordinance specialists, and, except for a few local ineffective ordinances, tops the list as useless and meaningless) or on enforcement of Fish and Game regulations is unacceptable. Neither of these can/will provide adequate protection, mitigation, or avoidance of significant impacts. Mitigation IS necessary and must be specifically spelled out, as is an EIR.

To conclude that because wineries are dispersed in the landscape that they would have no potential for blocking wildlife migration corridors is erroneous. One only has to see vineyards with netting (devastating to birds), wire fencing, and other measures that have been utilized to stop wildlife. More vineyards will bring additional impacts to important wildlife corridors and to predators, especially as their increasingly narrowed and segmented corridors force them into proximity of unnatural habitat (i.e., neighborhoods, school yards, playgrounds, etc.). Please do an in-depth analysis of the impacts this ordinance amendment will have on wildlife corridors.

Until the Placer County Conservation Plan is either adopted or abandoned, no zoning amendments should be considered. To do so would be to jeopardize and/or undermine potential options that might be needed in the future. The PCCP is the true test of the County's dedication to ag operations, let's see just how dedicated the county is before we allow retail operations in residential neighborhoods.

VII—Hazards and Hazardous Materials: It is a given that the zoning amendment will result in more wineries. This will result in more vineyards (even if grapes and/or bottled wines are brought in from outside Placer County). With the additional vineyards will come additional exposure to hazardous materials—air, soil, or water born. To our knowledge, there is no enforcement of the incorrect (or illegal) use of hazardous materials until or unless there is an unfortunate incident. To date, inappropriate use of hazardous materials is a self-regulating activity which means enforcement is practically non-existent. For example, no one has studied the impacts to ground water of chemical residue seepage, but we do know Placer County creeks and air are becoming more polluted. More analyses, as well as stricter, not looser, ordinances are called for. Please conduct a thorough analysis of wineries and concomitant vineyard impacts and prepare an EIR.

VII—Hydrology & Water Quality: Please see above.

To address water quality standards with the provision for potable water is problematic on many levels. First, it isn't just the well on the winery property that may be impacted; neighboring wells may be using the same groundwater table. Second, who is going to keep count of the on-site population in a 60-day period? The owners? Again, self-regulating is unacceptable when economic resources are at stake. Third, bottled water is now known to have health consequences that were unknown even last year. New disclosures are resulting in many citizens abandoning their bottled water. Bottled water is not an acceptable provision for potable water for a winery.

Another concern is with the contamination of the groundwater that will be a direct result from increased chemicals from increased winery activities. In many rural areas with septic systems, contamination of groundwater is, or may be, a reality, as it has been in other areas. By the time the damage is recognized, it is too late. We submit that the Placer County Environmental Health Division, facing cutbacks along with other County agencies, is in no position to be inspecting and reviewing sewage flows. This is a critical issue that can literally mean life or death for citizens. This potentially severe impact must be analyzed more in an EIR.

IX—Land Use & Planning: It is disingenuous to claim that the Winery Ordinance will have no impact on land uses or divide existing communities. If one winery is successful, the next step will be expansion, followed by a bed and breakfast, then a full scale restaurant, and on to a hotel. The growth-inducing activities associated with a winery belong in commercial or industrial zoned districts, and not in residential/ag zoned districts. This Winery Ordinance merely exacerbates an already intolerable impact.

A 4.6 acre minimum for a winery is hardly a viable size and should not qualify as an ag operation. It could qualify as an ag operation for the growing of some grapes, but not with the creeping additions of winery, wine tasting, and whatever is coming next. The statement, "Wineries and accessory uses like wine tasting are elements of commercial agricultural operations and are therefore appropriate and compatible uses" is an insult to legitimate ag operations. Is there a point at which the expansion of "accessory uses" is defined? Is it ever curtailed? Or will it be an ever increasing nuisance to communities and neighbors who have the misfortune of having one of these in their neighborhood? Will these wineries stop at wine tasting? What about crackers and cheese? Will they then make their own cheese complete with confined animal feeding operations for dairy cows? How about another building to make the crackers. Commercial ag is working with the land; these accessory or value added operations make a mockery of, and a disservice to, legitimate commercial ag operations. Please do not foist this egregious amended ordinance on any Placer County neighborhoods. Analyze all impacts for full public review.

It is a gross understatement to claim that "The Winery Ordinance may encourage the establishment of additional wineries and vineyards..." It will become an ag tax shelter for some and a nuisance for others. To imply that neighborhood compatibility issues will not impact adjacent residences is pure speculation. Deterioration of property values WILL be the norm. People live on private, one-lane driveways for privacy. In most rural areas, on private roads, there are no public roadway services. Neighbors move to the rural areas in part for the privacy. To open a winery is bad enough; but to open a wine tasting facility is abominable to anyone living on a private road. Contrary to what is stated in the Mitigated Neg Dec, property values WILL deteriorate.

XI—Noise: To claim that the Winery Ordinance will not result in exposure to excess noise levels is indicative of the lack of analysis in this proposal. There may be all of the noise factors associated with public traffic: horn honking, strangers "peeling" out, mufflers, etc. To imply that County's Noise Ordinance will suffice as regulation is a joke. Just research the degree of satisfaction from County residents who have complained about noise ordinance violations (neighborhood) and see the level of non-compliance and NON-resolution. It is almost impossible to define and enforce the County's noise ordinance unless one has tens of thousands of dollars to pursue the matter in court. This type of impact will force neighbors into litigation,

where the burden does not belong. It should be the County's responsibility to NOT create this nightmare in the first place.

To couch excessive noise levels as somehow excusable due to their being "temporary" and no more than six per year is unacceptable. Can I run a red light as long as it's on an infrequent basis? The existing rules have been created for the benefit of everyone—the common good. This ordinance unravels that concept and is being created for the benefit of a few at the expense of neighbors.

Although we may have missed it, we see no discussion or analysis of the noise emanating from the wine tasting public/potential customers. Please explain the omission of this potentially severe impact. Many wine tasters in Napa and Sonoma Counties do not stop at one winery for one or two tastes. Instead, they start at one and "make the rounds." As cars drive into private lanes, residents will not know if the occupants are just starting out, or have been steadily imbibing for hours. Even slightly intoxicated adults can be oblivious to their own vociferous speech levels. As recently reported, some Napa and Sonoma County wine tasting facilities are banning large groups due to unruliness; we can only assume this includes a noise element as well. Please address in an EIR.

XIII—Public Services: Common sense dictates that the General Plan did not address public service impacts of wine tasting. Is it assumed or anticipated that the sheriff will never be called to a wine tasting establishment (rowdiness, altercation, etc.)? How will the ABC limit of the number and size of the wine samples provided to the public be enforced? (Assuming someone has been to four or five tasting rooms, will the limits be cumulative? At the fifth stop, how will the tasting limits be relative?) Because the roads are private, how will violations be enforced (law enforcement normally must witness violations)? Because the county does not own/maintain the private roadways, how can the county pass an ordinance allowing the public full use of the private drives? Please analyze the public services impacts in an EIR and circulate for full public review.

XV—Transportation and Traffic: The Winery Ordinance requires that the primary purpose of each winery is to process wine grapes grown on the winery property or on other local agricultural lands. As vague as the words "primary purpose" are, the activity should be limited to processing wine grapes because of the potential impacts created by the amended zoning ordinance. It is irrelevant that there is currently only limited vineyard acreage; it is reasonable to assume (with the stated County's "encouragement") that more wineries and/or wine tasting facilities will be created. Thus, County roadway levels of service may be affected, but more importantly, pedestrian, bicyclist, and residents in the neighborhoods will have their safety compromised. CEQA requires full disclosure, but we see no roadway standards for wine tasting facilities as described in the Winery Ordinance. What will be the road widths, pavement requirements, setbacks, etc.? If paved roads are not required, how will dust be mitigated? Please incorporate roadway requirements and address and discuss them in an EIR.

For the Winery Ordinance to NOT address parking is unacceptable. When a facility becomes full on a private drive, the impacts to the neighbors is severely significant. Property damage, blocked roadways and driveways become a nuisance and may result in calls to the sheriff for "tow aways," accident, hit-and-run reports, etc. (which places more response time burdens on already overtaxed law enforcement agencies). Please provide an enforceable parking lot requirement and analysis in an EIR.

Many neighborhoods have "Neighborhood Watch" groups—neighbors who have agreed to watch out for each other's safety. The effectiveness, if not the entire concept of the Neighborhood Watch program, will be rendered useless with this winery ordinance amendment. Otherwise, strangers, slowly creeping along the private drive (or racing along) will simply go unreported since it could be someone headed for, or leaving, the winery. Neighborhood safety will be impacted and a sense of community will be lost. Please address in an EIR.

Other Considerations for NOT Adopting a Wine Ordinance Zone Amendment

The Right to Farm. This concept brings with it responsibility. Everyone supports farming and ag operations as long as they are legitimate, not a tax sham, nor pose an unacceptable nuisance to a community. Right to Farm was never intended to allow retail establishments to set up shop in residential or res/ag neighborhoods, let alone put on six promotional events per year. Ag proponents complain about development infringing on Right to Farm. This wine ordinance amendment creates the problem in reverse: The Right to Live in Peace in established rural/ag areas being infringed upon by nuisance wine tasting facilities. This winery ordinance amendment is nothing more than a shield for hobby vintners and "boutiques" to circumvent the intention of laws and/or to take unfair advantage in the marketplace.

"Farming" and/or "agriculture" are words that imply working on the land, in the dirt, and are embraced by the public. Phony ag activities that become either nuisance activities, or "holding patterns until development arrives" (Williamson Act), are turning the public against traditional agricultural operations. Ag should mean growing the grapes. It's a stretch to take it to the level of processing (winery), but the barn door was left open on that one. Now we have the "farm loaders" moving in, trying to capitalize on an ordinance and laws that were not meant for them at all.

Selling Placer County produce is allowed on the property or on the frontage public road if it is at the site of the production. This wine ordinance throws all stipulations out the window by (1) allowing grapes grown elsewhere to be processed and (2) allowing wine from other sources to be sold. This creates a deplorable situation not only in unsuspecting res/ag zoned areas but also in turning the public against ag operations.

Nuisance Complaints. The county should plan on increased calls for services and/or complaints from neighbors. A recent LA TIMES article tells the truth about the "booze hounds" who show up at these tasting counters, "throwing up in the shrubbery, shouting, singing, flinging off garments..." Some wineries in Napa have put out signs, "No limos."

California's vehicle codes (speeding, driving without license, drunk driving, etc.) are not enforceable on private drives; yet Placer vintners want to turn their private one-lane shared easement driveways into commercial roadways, open to the public under a right-to-farm smokescreen. Neighbors and pets will never know what hit them when the "had been drinking" (HBD) crowd appears; it won't be pretty.

Disingenuous Cause and Effect Claim. The ag activity is in the growing of the grapes. For vineyard owners to claim they need to process the grapes, and now need to allow tasting on the premises to sell the bottles is using the same logic that an automobile body shop must encourage accidents to stay in business. **No public agency should be encouraging the economic advantage of one segment of the population over another** (vintners over

homeowners in this case). The grape growers know what they are getting into. The demise of a 5 acre vineyard and winery is a blip on the economic ag screen: if they are not making a good product, no amount of tasting is going to take them out of the red.

No ordinance should be amended to accommodate an operation that is unsustainable in the first place. When will cattle, sheep, or hog operations demand ordinance changes to create shops to sell leather jackets; to create restaurants to sell veal scaloppini, filet mignon, or medallions of lamb? Will the county change its noise ordinance to promote ear plug sales? Will the County pass an ordinance next to allow people whose homes are being foreclosed to start half-way houses for (fill in the blank) in order to make money to maybe head off the foreclosure? It is NOT, and never should be, a government's role to favor one commercial industry over another. Where does the madness end?

Alternatives:

As some wineries have already discovered, many retail establishments now have a "Local Wine" section in their grocery aisles. This is where serious and legitimate local vintners who have a worthwhile product can/will sell their wines. In addition, a number of very large wine retailers ("wine superstores") are opening their doors in Placer County, thus providing another venue for wine sales.

Wine tasting can/should be held either in cooperative venues, such as the current Farmers' Markets. If, in the wildest stretch of the ordinance, wine tasting was to be allowed, it should be from public-road-accessible venues ONLY. If a vintner wants to have tasting and not impact any neighbors on a private drive, then it must be from public road access or public venues. This ordinance creates an unreasonable situation where the vintner on the rural private drive will always know when their privacy will/will not be violated: they will simply keep the gates shut. However, neighbors will have to guess constantly as to who the passersby are.

With a little capitalistic ingenuity, there should be plenty of reasonable opportunities for wine tasting activities that will NOT impact neighborhoods and residential areas. Otherwise, the neighbors (and the County) are subsidizing unsustainable operations (that should stick to grape growing and get out of the winery business) at a great cost--the loss of their rural ambiance.

The Winery Ordinance zoning amendment is an unacceptable project that must not be implemented. If anything, ag regulations, ordinances and rulings need to be stiffened to stop the wholesale denigration of what once were respectable ag operations.

Cordially,

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

EXHIBIT 6

To Whom It May Concern:

I have reviewed the Environmental Questionnaire submitted to your office from Maywan Krach of Placer County for David Wegner (Pescatore Winery). Your comments on the questionnaire are due to the County by February 1, 2007. I live next to Pescatore Winery and I am familiar with the proposed MUP Modification and wish to give you more accurate information about this project. You should be aware that in addition to the project description listed on the questionnaire, the applicant is also requesting to amend the existing MUP to include "additional activities associated with the operation of a tasting room". Such activities were not clarified in the application and are therefore unknown. I will address issues as they appear on the Environmental Questionnaire.

II. General

No. 7 Yes, the project may result in indirect discharge of sediment into a stream or pond located on the property. Crude grading of roads and parking areas along with compaction of soil has left areas above the stream and riparian habitat devoid of vegetation and vulnerable to runoff.

III. Drainage, Hydrology and Water Quality

No.1 Yes. There is a pond adjacent to the property boundary in addition to a small pond and stream on the property. The stream is a tributary to Georges Ravine (designated Salmon Habitat)

No.2 Yes. Water may be diverted into this body of water.

No.3 There is a significant amount of concrete and asphalt surface in addition to graded, compacted dirt roads and parking areas that run perpendicular and parallel with the riparian habitat.

No.5 Yes. Water from the project can run-off into the watershed drainage. The amount of crude grading and compacted soil devoid of vegetation greatly inhibits the ability of the soil to absorb water.

No.12 Yes. On-site drainage patterns have already been modified and if this project is approved will further compact soil and further modify drainage patterns.

IV. Vegetation and Wildlife

A biological survey would be appropriate considering the projects location and potential impact on riparian habitat and consequently Georges Ravine (Salmon habitat)

V. Fire Protection

Project has inadequate access for Fire Equipment from a paved surface. (greater than 150 ft)

Project has inadequate access to emergency water sources as pond is not accessible.

Project has inadequate, narrow, single lane, gravel road to Commercial structure.

Access to nearest through road should be measured for accuracy.

VI. Noise

Facility had 4 noise complaints filed with Sheriffs Office in 2006.

Facility is located on hillside across from other residences. The acoustics of the area results in noise and voice easily traveling across to neighbors disrupting livestock and residents. Applicant is proposing a "picnic area" as a "public recreation" area (see XIV No.3) which is not compatible with adjacent land use.

VII. Air Quality

No.5 There has already been clearing of vegetation for the project.

XI. Sewage

The septic field for the Commercial building was to remain undisturbed but has been compromised by vineyard and/or gravel roadway.

The septic field is located uphill and relatively close to 4 domestic wells, riparian habitat and a stream.

The project would significantly increase wastewater due to the impact of members of the public using the facility bathroom, kitchen etc. Applicant hopes to attract enough traffic to sell 40 cases/480 bottles of wine per month year round. Applicant claims to have parking spaces for 25 vehicles.

During the wettest time of year groundwater is only a few feet below the surface of the ground in the riparian habitat.

XII. Hazardous Materials

Facility stores and uses Round Up Herbicide and Sulfur Spray. Light wind can cause Herbicide to drift into ponds and stream.

Gravel parking area (for 25 vehicles) and road is located on border of riparian habitat. These vehicles will undoubtedly leak oils, antifreeze, gasoline etc that will concentrate in the soil. Crude grading and compacted soil can cause the runoff of these contaminants into the riparian habitat and stream that supply 4 neighborhood domestic wells and flow into Georges Ravine (Salmon habitat).

It is reasonable to believe pesticide will be needed intermittently and poses further threat.

XV. Social Impact

This project will increase, noise, traffic and dust in this quiet neighborhood. There were 4 noise complaints filed against this facility in 2006. Noise from this facility has already disrupted livestock and residents located adjacent to the facility.

XVI. Transportation/Circulation

Ridge Rd. serves countless bicyclists on weekends while Welcome Rd. is a small, private, chip and seal road which already serves 13 residents.

Located at the juncture of Ridge Rd and Welcome is a bus stop that serves Newcastle Elementary and the mailboxes that serve all the local residents. Any vehicle driving to the winery has to pass directly past the bus stop as well as the mailboxes.

The entrance to Ridge Rd from Welcome Rd has poor visibility and a steep embankment on the west side. Residents driving out Welcome Rd have already had close encounters with vehicles turning from Ridge Rd onto Welcome Rd.

The increased traffic from this project poses a threat to both local residents and the public.

Headlights from vehicles leaving the winery pose a nuisance as they shine directly into the windows of the Jordan family located across from the winery.

Vehicles headed to the winery often pass the facility and drive up the driveway of local resident Larry Graves.

Applicant is not part of a road maintenance agreement although it is required by his use permit.

Applicant wants to sell 40 cases/480 bottles of wine per month year round. This represents a very large increase in traffic and a correspondingly large negative impact on this neighborhood. The number of bottles of wine sold could be much greater and so can the impact on our neighborhood.

If you have any questions you may contact me.

Mike Giles

916 663-4108

doubleduck@lanset.com

EXHIBIT 7

EXHIBIT 8

plan check and inspection fees. Fees for improvement plans (plan check and inspection) are based on a percentage of an engineer's estimate – minimum fees are \$2500.

Larry Graves is a neighbor to Mr. Wegner and made the following points:

- Vineyards and wineries are beautiful and a welcome addition to any neighborhood.
- There are concerns about changing the agricultural wording to allow wine tasting.
- Wineries with tastings should have their own private road and not utilize the existing shared residential roads.
- The location of the winery should determine the number of tastings allowed.
- At a neighboring winery he has observed 100 to 150 cars during a winery event and the parking is a nuisance when patrons drive up to his property.
- He is requesting that County Staff have meetings with the neighbors and winery owners to work on this together.
- The Solano County Winery Ordinance should also be studied.
- The CHP statistics for drunk driving in Napa County should be collected and reviewed.

County Response: It is the County's position that the current Zoning Ordinance provisions allowing Agricultural Processing already include opportunities for establishing wine tasting facilities, with the processing of a Minor Use Permit. The Draft Winery Ordinance will more specifically address the permit process and standards that would apply. While not wanting to prevent wine tasting for wineries on private roads, a Minor Use Permit would be required, rather than an Administrative Review Permit, thus recognizing that there are neighborhood compatibility concerns that need to be addressed. County staff has met with both winery owners and concerned neighbors at their request. The workshops provide an opportunity for winery owners and neighbors to meet together and make their recommendations known. The Planning Department will obtain a copy of the Solano County winery regulations for purpose of comparison. The Planning Department does not have access to Napa County CHP drunk driving statistics, but also believe it would be an unfair comparison, given the number and size of Napa County wineries.

Gabe Mendez, a co-owner of Vina Castellano Vineyard, made the following statements:

- As a general engineering contractor he estimates that for a 20 foot wide paved road it will cost approximately \$80,000 to \$100,000 not including culverts. Also wineries could bear additional costs associated with grading and tree removal.
- Pavement does not have a country feel.
- He has had heavy equipment in and out of his road and has never had road failure.
- Where did the 20 foot width road requirement come from?
- The public roadway connection plate referenced would cost him \$50,000 because of blasting and the road closure necessary.

EXHIBIT 9

PETITION TO BE SUBMITTED TO THE Placer County Zoning Administrator

The citizens of residential properties on Fawnridge Road in North Auburn, Placer County, CA have prepared the following title and summary of the chief purpose and points of this petition.

▶ We the undersigned object to the construction & operation of a commercial project on a private, unpaved road in a residential-agricultural neighborhood. This use is not consistent with the overall neighborhood & will destroy the rural atmosphere, bring unwanted traffic, dust, water runoff, noise pollution & destroy the peaceful enjoyment of our property. Fawnridge Road is in bad repair & difficult to drive because of a decaying NID ditch & only one-way in and out. This presents extremely serious safety concerns for everyone living on that road. A large industrial building, with external lighting and paved parking would be in clear view of our residences.

▶ A road maintenance association is being formed to deal with repairs, maintenance, use and access to Fawnridge Road, a private dirt road. We are considering a secured entrance that will help insure the privacy, serenity & security of our homes. The applicant's pursuit of this new venture on a five-acre parcel on a private road is not in compliance with Placer County policies.

Each of us for himself or herself says: "I have personally signed this petition, and I am a resident of California."

- | | |
|--|--|
| <p>*1 <u>Marjorie T. Cripe</u>
Print your name in ink</p> <p><u>Marjorie T. Cripe</u>
Your Signature</p> | <p><u>* JALIEL #47 FAWRIDGE</u>
<u>8408 Ranchita Way, Fair Oaks Ca. 95628</u>
Your residence address</p> <p><u>Fair Oaks, Ca. 95628</u> <u>7/13/03</u>
City, State & Zip Code Date</p> |
| <p>*2 <u>STEPHEN G. CRIPE</u>
Print your name in ink</p> <p><u>Stephen G. Cripe</u>
Your Signature</p> | <p><u>1784 Gillespie Dr. Fairfield CA 9453</u>
Your residence address</p> <p><u>Fairfield CA 94534</u> <u>7/13/03</u>
City, State & Zip Code Date</p> |
| <p>*3 <u>DANIEL G. CRIPE</u>
Print your name in ink</p> <p><u>Daniel G. Cripe</u>
Your Signature</p> | <p><u>615 HAILEY COURT</u>
Your residence address</p> <p><u>ROSELIE, CA. 95747</u> <u>7/13/03</u>
City, State & Zip Code Date</p> |
| <p>*4 <u>KRESDA CRIPE</u>
Print your name in ink</p> <p><u>KM Cripe</u>
Your Signature</p> | <p><u>615 HAILEY COURT</u>
Your residence address</p> <p><u>ROSELIE CA 95747</u> <u>7/13/03</u>
City, State & Zip Code Date</p> |
| <p>*5 <u>RUSS SAVERY</u>
Print your name in ink</p> <p><u>Russ Savery</u>
Your Signature</p> | <p><u>5500 Fawnridge Rd.</u>
Your residence address</p> <p><u>AUBURN, CA. 95602</u> <u>7.14.03</u>
City, State & Zip Code Date</p> |
| <p>*6 <u>MURIEL F YULE</u>
Print your name in ink</p> <p><u>Muriel F. Yule</u>
Your Signature</p> | <p><u>5500 Fawnridge Rd.</u>
Your residence address</p> <p><u>Auburn Calif. 95602</u> <u>7-14-03</u>
City, State & Zip Code Date</p> |

1. Marionette T. Cripe
Print your name in ink

Marionette T. Cripe
Your Signature

8408 Ranchita Way Fair Oaks Ca 95628
Your residence address

Fair Oaks, Ca. 95628 7/13/03
City, State & Zip Code Date

2. STEPHEN G. CRIPE
Print your name in ink

Stephen G. Cripe
Your Signature

1789 Gillespie Dr. Fairfield CA 94533
Your residence address

Fairfield CA 94534 7/13/03
City, State & Zip Code Date

3. Daniel G. CRIPE
Print your name in ink

Daniel G. Cripe
Your Signature

615 HAILEY COURT
Your residence address

Roseville CA 95747 7/13/03
City, State & Zip Code Date

4. KRISDA CRIPE
Print your name in ink

Krisda Cripe
Your Signature

615 HAILEY COURT
Your residence address

ROSEVILLE CA 95747 7/13/03
City, State & Zip Code Date

5. Russ SAVERY
Print your name in ink

Russ Savery
Your Signature

5500 FAUNRIDGE Rd.
Your residence address

AUBURN CA 95602 7-14-03
City, State & Zip Code Date

6. MURIEL E YULE
Print your name in ink

Muriel E Yule
Your Signature

5500 Faunridge Rd.
Your residence address

Auburn Calif. 95602 7-14-03
City, State & Zip Code Date

SIGNER: Please fill in all information by hand in ink. Use only ballpoint pen. (Do not use felt tip pens) No ditto marks, no abbreviations. All signers must be residents or have a business in Placer County. If you make a mistake, line it out and begin again in the next signature space.

CIRCULATOR: Complete declaration. All signature spaces do not need to be completed for this petition to be valid. Circulator may sign only once as a signer, but may circulate unlimited number of petitions.

DECLARATION OF CIRCULATOR (To be completed after above signatures have been obtained)

I am a current resident or am in business in Placer County. I circulated this petition and saw each of the appended signatures of this petition being written. Each signature of this petition, to the best of my information and belief, is the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between 7/13/03 and 7/15/03. I certify (or declare) under penalty of perjury under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed on 15 July at Auburn CA

[Signature]
Signature of Circulator

Sheet 1 of 4 Date 7/15/03

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

From: Jake O'Rourke [jakeorourke@hotmail.com]
Sent: Thursday, June 26, 2008 9:17 AM
To: Placer County Board of Supervisors; Placer County County Counsel
Cc: neighborrescue@live.com
Subject: CEQA Violations--Vote NO on wine tasting ordinance

DATE: _____
 Board of Supervisors
 County Executive Office
 Clerk

 Mike Boyle
AP Planning

June 26, 2008

To the Placer County Board of Supervisors:

Subject: Proposed Wine Tasting Ordinance

The proposed wine tasting ordinance/zoning change requires the preparation of an Environmental Impact Report (EIR) or a vote to deny the changes. To try to use a Negative Declaration (Neg Dec) is a blatant violation of the California Environmental Quality Act (CEQA).

Impacts that were identified in numerous citizen comments have been routinely ignored and dismissed as insignificant. The County has failed to measure the impact of all the boutique wineries likely to open as a result of the wine tasting zoning ordinance change. Traffic, health and safety, biological and other environmental resources throughout the **entire** county will be impacted. These impacts are not properly analyzed in the winery-initiated and county-supported rush give regulatory relief to wineries (at the expense of citizens), with private roads throughout the entire county being especially impacted. We know in El Dorado County, an estimated 50,000 people can descend on small back county roads. Although studies should be conducted to assess the environmental traffic impacts of even modest increases in the number of wineries, none of the traffic impacts is addressed in detail. The magnitude of this zoning change is Placer County-wide—not just one or two "boutique wineries" wide.

Placer County's private roads often branch off of narrow, public roads that have no shoulders, bike lanes, or sidewalks. These private branching private roads (also lacking shoulders, bike lanes, or sidewalks) then branch again into additional private roads and drives. Any increased traffic on public, and especially private, roads must be studied. Yet there is no discussion or analysis of such potentially monumental traffic impacts on such sub- or minimally-standard roads.

The public might be agreeable to wine tasting facilities that come off public roads, or wine tasting facilities on private roads when **all** the residents/property owners/neighbors on the drive (**unanimously**) consent to allow wine tasting facilities. However, such alternatives or mitigation measures are not even on the table. Thus, all the public has is uncertainty and all the county has is CEQA violations.

One area that is totally ignored is in addressing gated roads. Although neighborhood associations may have rules governing commercial access, a wine tasting event or a promotional event needs only to be advertised with the gate code included (or instruct customers how to call to have the gate opened). Experience has shown that by the time a Homeowner Association has a chance to react, the event or tasting is over. This must be addressed.

CEQA must be followed and an EIR must be prepared. In this Negative Declaration (Neg Dec) proposal, no mitigation measures are even offered. The following two paragraphs from another public comment letter articulate the situation Placer County's situation and support the preparation of an EIR:

It is well settled that CEQA establishes a "low threshold" for initial preparation of an EIR, especially in the face of conflicting assertions concerning the possible effects of a proposed project. *The Pocket Protectors v. City of Sacramento* (2005) 124 CalApp.4th 903, 928. An EIR is required whenever substantial evidence in the administrative record supports a "fair argument" that significant impacts *may* occur, even if other substantial evidence supports the opposite conclusion. CEQA Guidelines §§ 15064(a)(1), (f)(1) (emphasis added). An impact need not be

208

momentous or of a long enduring nature; the word "significant" "covers a spectrum ranging from 'not trivial' through 'appreciable' to 'important' and even 'momentous.'" *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 n. 16. The fair argument test thus reflects a "low threshold requirement for initial preparation of an EIR" and expresses "a preference for resolving doubts in favor of environmental review." *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151

Further, where the agency fails to study an entire area of environmental impacts, deficiencies in the record "enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences." *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311. In marginal cases, where it is not clear whether there is substantial evidence that a project may have a significant impact and there is a disagreement among experts over the significance of the effect on the environment, the agency "must treat the effect as significant" and prepare an EIR. Guidelines § 15064(g); *City of Carmel-By-The-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 245. [1]

The Placer County impacts from this proposed wine ordinance are **county** wide, yet the Neg Dec does not look "at the whole of the action" (CEQA Guidelines § 15378(a)) nor does it assess both direct and reasonably foreseeable indirect environmental effects (CEQA § 15064(d)). The Neg Dec must look at the combined impacts of all the wineries that are likely to be constructed and build wine tasting facilities with the stated intent of "regulatory relief" and encouragement of expansion of wineries and wine tasting that this proposed wine ordinance zoning amendment provides. The zoning amendment does not study or inform the public of the impacts (traffic, air quality, noise, etc.) that may result from that relieve or expansion.

The proposed ordinance allows wine tasting on 4.6 acres with the planting of only one acre of grapes. No mention is made of viability, production minimums, maintenance, etc., as is the case with El Dorado County's ordinance. Instead, the door is opened for anyone to only "plant" that acre but process grapes from anywhere, as well as bring in bottles of wine ("cellared") from anywhere along with merchandise and food, to sell on site. Thus any hobbyist is strongly encouraged to start a winery. Yet none of the impacts are analyzed as to increased use of pesticides, herbicides, and other hazards (wineries located adjacent to homes with children), water quality impacts (surface water runoff), or biological impacts that hundreds of fragmented acres of increased vineyards may create. To rely on "self-regulation" for moderation in winery operations is grossly unreasonable and unacceptable.

One of the larger, overlooked impacts is with public services. Law enforcement does not patrol private roads, so any vehicle code violations will have to come from residents or citizens filing complaints. Similarly, the County conveniently tries to avoid assessing noise impacts by erroneously relegating the impact as insignificant because of an existing county noise ordinance. Existing county ordinances do not minimize or lessen the noise impact as far as CEQA is concerned. An impact is an impact and must be analyzed. Citizens will be impacted by the noise coming from both the tasting traffic and the promotional events which triggers the necessity to prepare an EIR with this amendment. The fact that a noise ordinance exists, or that the Sheriff can be called, is irrelevant with regard to CEQA.

Additionally, with the increase in construction of wine tasting facilities, there will be noise, dust and possibly erosion from construction of tasting rooms and increased vineyards. Yet the public is not informed as they would be with the preparation and circulation of an EIR.

Another huge ignored impact relates to water supply. Again, no study and no information are forthcoming as to groundwater supplies and/or non-treated water deliveries (currently, if not already on a "waiting list," 1/2 miner's inch is all that is allowed per parcel, per current PCWA canal policy; this may change if draught conditions materialize). If boutique wineries spring up in areas where only well water is available, what will be the impact on the water table? Will neighboring wells be impacted? We do not know because no studies were conducted, as they should be in an EIR.

Wineries want one acre of "planted" grapes to meet the minimum requirement to allow wine tasting and promotional events on private roadways. They claim they need the public tasting on the private road access to sustain their commercial industry. However, one acre of grapes will yield at the most from 250 to 350 bottles of wine. Is that sustainable? (El Dorado County requires 20 acres and 5

3600 Clover Valley Rd
Loomis, CA 95650
jakeorourke@hotmail.com

cc Neighborhood Rescue Group
Placer County Counsel

[1] G. Scott Williams, Seltzer Caplan McMahon Vitek, A Law Corporation re San Diego Wine Ordinance, May 18, 2007

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From: Peter Willcox [willcoxps@yahoo.com]
Sent: Wednesday, June 25, 2008 4:08 PM
To: Placer County Board of Supervisors
Subject: support wine ordinance

Board of Supervisors
Placer County

I'm supporting your proposed wine ordinance. It looks like a well thought out piece of work. Going to small wineries is one of life's pleasures.

Peter Willcox
Grass Valley

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

DATE _____
 Board of Supervisors - M
 County Administration Office
 County Counsel

 Mike Boyle
 Planning

From: oowine@peoplepc.com
Sent: Thursday, June 26, 2008 9:20 AM
To: Placer County Board of Supervisors
Subject: wineries

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

Hello

We wanted to state our SUPPORT for the wineries. As long as they comply with all the county and state regulations, they should be allowed to farm their land, and sell their grapes and wine. In turn it is a benefit to the county in many ways. It brings people to other business, for tax revenue and many more benefits to all involved.

Permits should have never been issued, to get the wineries in the position they are in now. It was know by the board all a long what the wineries intentions were to make and sell wine.

Now to tell them they cant go forward, after collecting taxes and fees, is not right

If for some reason this does not go through, the wineries should receive some kind of compensation back for all their efforts, and expenses.

Thanks in advance for your support

Maria and Lou Rego

DATE _____
 Board of Supervisors

P. Maria Boyle
X Plannin
0212

From: stacy taylor [taystacy1@yahoo.com]
Sent: Thursday, June 26, 2008 9:58 AM
To: Placer County Board of Supervisors
Subject: wine ordinance

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

Please continue to allow public wine tasting in your area. As a resident of Truckee I enjoy touring the area and supporting local wine and other agriculture. Keeping the tasing and annual events is important to visitors to your area.

Stacy Taylor
Truckee Ca

- DATE _____
- Board of Supervisors
 - County Executive Office
 - County Counsel

Mike Boyle
Planning 213

From: Steve Killebrew [esk@starband.net]
Sent: Thursday, June 26, 2008 9:57 AM
To: Placer County Board of Supervisors
Subject: Winery Ordinance

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

BOSups: I support the new wine ordinance to favor Placer County agriculture and the fledgling Placer wineries. I believe that wineries are fully supported by every other CA county that I know about, near and far, and all these other counties are quite proud of their wineries. I suspect the few angry people in opposition to the proposed ordinance would probably be in favor of Placer being the only "dry" county in CA. I ask you to please help support our Placer County wineries and Placer agriculture. We have some great ones here that have worked very hard to make us all proud.

Thanks!

Steve Killebrew
P.O. Box 147
Applegate, CA 95703

DATE _____

- Board of Supervisors - 3
- County Executive Office
- County _____
- Administrative Assistant

Mike Bute
p Planning

From: Mia Rice Stone [miaricestone@wildblue.net]
Sent: Wednesday, June 25, 2008 2:29 PM
To: Placer County Board of Supervisors
Subject: support of winery ordinance

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

Dear Board of Supervisors:

This letter is to inform you of our support of the upcoming winery ordinance. My husband and I have been land owners in Placer County for 10 years, and last year finished building our "dream home" here.

We work hard to support our community by shopping locally as much as possible, supporting the arts, wildlife rescue services, paying high dollars to purchase food at the farmers market in Auburn, hiring all local sub-contractors, buying building and landscaping supplies in our county and donating to the local school sports teams. Another words, we are your ideal citizens!

We are aware that there is a small, vocal minority who strongly object to having folks visit our local Placer County wineries and allowing these wineries to have some events throughout the year to promote their business. I don't hear these same people objecting to the mandarin, apple, iris or other growers! It seems as though they are driven by an unrealistic fear of a bunch of drunk drivers fueled by free local wine, tearing through the countryside wreaking havoc and running over children and pets. We have tasted wine all over California and in several other states and have never encountered these problems or such anti-local agricultural sentiment.

I would put money on the bet that these same fearful citizens have not spent any time at these wineries. If they had, they couldn't help but see mostly older folks, mixed with the more affluent and educated younger set (26 - 40 years old) out with family and friends, sipping some local wine, having picnics and making purchases for their collections/cellars. I know that when we go out, we rarely spend less than \$80 and sometimes more than \$150 per couple. That is money going directly into our local economy. And guess what, we don't drink a bunch, in fact, we end up pouring out as much as we sip. It takes a heck of a lot of tastes to equal a glass of wine. While out exploring local wineries, we usually go out to lunch or dinner, adding even more to the local coffers. Not to mention gas!

I know how a few angry, vociferous folks in this community can get a lot of attention and appear to represent more of the demographic than they do. All that takes is to read the letters to the editor in the Auburn Journal. That is part and parcel of a small town.

Please don't bend to these few unrealistic, fearful folks, instead try to understand their agenda. Then let me know what the heck it is!

Personally, I feel we have many "true" concerns in our community that need our energy and attention. Like the increasing number of people who are showing the obvious signs of meth addiction that I see walking around town. Now there is a problem that effects us all! Perhaps you can engage the anti-wine activists to put their energies towards that problem. That way, they can still have a common fear to bind them and a project that will benefit the community.

Thank you for your time and I hope, your support.

Mia Rice-Stone
Tom Stone
1463 Dog Bar Road
Colfax, CA 95713
miaricestone@wildblue.net

DATE _____
 Board of Supervisors - 1
 County Executive Office
 County Counsel

Mike Boyle
Planning 215

AGENDA ITEM	
DATE:	7-8-08
TIME:	10:30

From: Mali at Garden Fare [malidyck@earthlink.net]
Sent: Wednesday, June 25, 2008 6:40 PM
To: Placer County Board of Supervisors
Subject: Winery Ordinance

Please pass the up coming ordinance allowing wineries to serve their products at their properties. As a local ag producer, I know how financially challenging an ag operation is in this neck of the woods.

Having to operate an off-site tasting room is not feasible for most small, family wineries. I often bring family and friends from out of town to the local wineries to experience this unique and special part of our culture here in the Sierra Foothills. Taking them to town just wouldn't be the same. In this age of disconnect between consumer and producer I think forbidding consumers from experiencing where their food or wine is grown is a great disservice to us all.

Thank you for your consideration,
 Mali Dyck

DATE _____
 Board of Supervisors - 5
 County Executive Office
 County Counsel

Mike Boyle
 Planning
 216

From: Lisa Gubbels [thegubbelsgang@hotmail.com]
Sent: Wednesday, June 25, 2008 9:02 PM
To: Placer County Board of Supervisors
Subject: Placer County Wine Ordinance

AGENDA ITEM
7-8-08
10:30

To the Placer County Board of Supervisors:

I am a resident of Newcastle and a native of Placer County. I am also a wine drinker, a neighbor of several small wineries, and a registered voter. I believe that the growing wine industry in Placer County is a good thing, much as I think my neighbor's mandarin orchard and participation in agricultural special events is a good thing! I support the budding wine industry in our county and I urge you to do the same. Please do not impose unfair restrictions on wineries - they are simply an agricultural concern that wants to share their products with our community.

Regards,
Lisa Gubbels

DATE _____
 Board of Supervisors - 3
 County Executive Office
 County Counsel

Mike Boyle
A Planning 8/17

From: Lynn Lombard [lynn_lombard@worldnet.att.net]
Sent: Wednesday, June 25, 2008 9:22 PM
To: Placer County Board of Supervisors
Subject: Winery Ordinance

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

We are adamantly opposed to any winery ordinance which would allow passage of winery customers across private roads. As our representatives, we urge you to protect our property rights and property value by opposing the passage of such an ordinance.

Sincerely
Bob and Lynn Lombard
790 Ridgecrest Drive
Colfax, CA 95713

DATE: _____
 Board of Supervisors - 5
 County Planning Office
 General Counsel
Mike Boyle
x Planning
0218

From: Christine Sindoni [christinesindoni@gmail.com]
Sent: Wednesday, June 25, 2008 6:01 PM
To: Placer County Board of Supervisors
Subject: Placer County Wine Tasting

DATE: 7-8-08
TIME: 10:30

One of the wonderful things about living in a rural area like Placer County is the ability to visit with and purchase farmers' products. Having grown up in a big city, I treasure being able to visit wineries, talk to the growers about their farming endeavors, taste their wine and purchase it. Don't take that away from me and others who live here or come to visit. It is one of those special opportunities that we are grateful to have. Please don't let the unrealistic concerns of a few misguided individuals ruin the experience for the rest of us who are certainly the majority!

Thank you!

Christine Sindoni
Auburn

4
Mike Boyle
& Planning

From: Darlene Engellenner [dengellenner@hotmail.com]
Sent: Wednesday, June 25, 2008 7:48 PM
To: Placer County Board of Supervisors
Subject: please support the winery industry.

DATE: 7-8-08
TIME: 10:30

I think it give our area a touch of class and interest in tourism to have such an industry here. Please continue to support them
Darlene Engellenner

Board of Supervisors - 5
 County Office
 Office
 Assistant
Mula Bayle
Planning
220

From: ART MALLO [AMALLO@SUREWEST.NET]
Sent: Wednesday, June 25, 2008 4:20 PM
To: Placer County Board of Supervisors
Cc: 'Stewart Perry'
Subject: tasting at the wineries in placer county

DATE:	7-8-08
TIME:	10:30

I cannot even believe that there is still discussion on whether or not to allow tasting at the wineries in placer county. How can all the adjacent counties be able to have ordinances to allow tasting at the wineries?

I think if the county is trying to grow tourism and tax dollars for placer county then this is a no brainer. The state has dui's in place, are you going to enact new legislation to ensure safe driving????

The few additional cars that the tasting rooms would add on the roads is really a non factor in my opinion.

Please call if you would like additional information from me.

Art Mallo
916 759 0888

DATE: _____
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Administrative Assistant
Muller
Perry

From: Joanne Neft [jkneft@earthlink.net]
Sent: Monday, June 30, 2008 2:39 PM
To: Placer County Board of Supervisors
Cc: jkneft@earthlink.net
Subject: Winery Ordinance, 10:30AM item, July 8

Gentlemen:

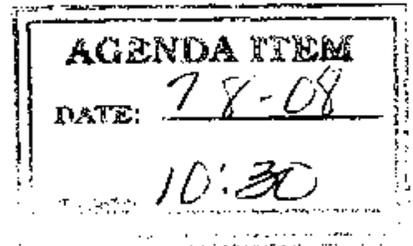
Please accept this email as my opportunity to show support for local agriculture and keeping options that make small scale agriculture viable in Placer County.

Grape growing as a single product is not economically viable on the small scale of Placer County's family vineyards. Like many other growers who need to create value-added products in order to keep their farming operations afloat financially, grape growers need value-added products, namely wine, to give their small scale vineyards and winery a reasonable chance of succeeding. Unless Placer County farms and family ranches can provide a decent living for farmers, they will not survive, and more agricultural land will be lost to rooftops and pavement. Let's not forget that Placer's heritage is family farming and ranching.

The ordinance you are considering is a reasonable and fair winery ordinance that will allow a small number of Placer County wineries to continue to contribute to local agriculture. Let's keep all small scale agriculture alive in Placer County including wineries, agricultural processing, agritourism, farmstands, and other activities that are essential to our local small-scale family agriculture and rural quality of life.

Thank you.

Joanne Neft
326 Aeolia Drive
Auburn, CA 95603
916 663-9126



DATE: _____
 Board of Supervisors - 5
 Planning & Community Development Office
 Planning & Community Development
 Administration/Assistant
x Mike Boyle
y Planning

From: Ted Sorensen [tedon@cebridge.net]
Sent: Sunday, June 29, 2008 9:34 PM
To: Placer County Board of Supervisors
Subject: Positive support for Wine making and Wine tasting

This email is in support for Placer County Wine makers and their endeavor to be permitted to have events including tasting and selling wine at their agricultural properties.

The people that are trying to ban winemaking and wine tasting in Placer County are attempting to lead the public to believe that their "way of life" is about to be destroyed. Their selfish, not in my back yard, attitude is their attempt to control the freedom of neighbors to use their property to pursue Agricultural and Farming business in Placer County. If they succeed at preventing the wine makers from growing grapes and legally selling their wine on site, next they may try to prevent Veggie, Mandarin, and Flower growers from special on site events in order to keep people off of their streets and out of their neighborhood. After that, they will move onto Artists, Open Houses, Barn and Garden Tours in an effort to keep folks from enjoying the "Fruits" of Placer County that lured most of us "out of towners" to this beautiful County.

We fully support winemaking, grape growing and one site wine tasting and selling and encourage the Boards support on this issue.

Ted and Dona Sorensen, 1420 Shadow Rock Drive, Auburn.

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

Supervisors - 5
Administrative Offices
Counsel
X Mike Boyle
X Planning

223

From: Christy Sandhoff [christysandhoff@gmail.com]
Sent: Saturday, June 28, 2008 6:00 PM
To: Christy Sandhoff
Subject: Placer County Wine Ordinance

Your Board of Supervisors is considering the upcoming Wine Ordinance for Placer County. Please support all of our local businesses by attending this informative meeting and lending your support to its passage.

This is a reminder to attend the Board of Supervisors meeting scheduled for 10:30am, Tuesday, July 8, 2008 at 175 Fulweiler Avenue, Auburn, CA 95603. Thank you for your support.

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

- Board of Supervisors - b
 - County Executive Office
 - County Counsel
 - Planning
- Maria Boyle 224

From: Candee Stafford [cl.stafford@gmail.com]
Sent: Friday, June 27, 2008 4:02 PM
To: Placer County Board of Supervisors
Subject: Wine Ordinance

I am in favor of the current Wine Ordinance allowing wineries to remain open and have 6 annual events a year. I enjoy the countryside, the wineries and agricultural. It would be a shame to hurt Placer County with the closing of these wineries, they add such a charm to our area.

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

- DATE
- Board of Supervisors - 5
 - County Executive Office
 - County Counsel
 - Assistant to the Board
 - Mike Boyle
 - Planning 225

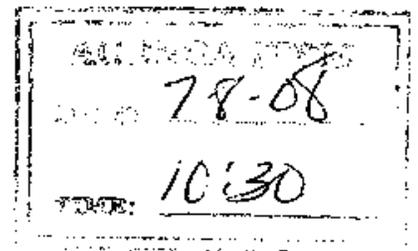
From: Patricia Calabrese [pa_calabrese@yahoo.com]
Sent: Friday, June 27, 2008 8:59 AM
To: Placer County Board of Supervisors
Subject: Placer Co wineries

We support Placer County wineries selling their products onsite. Thank you.

Dan and Patricia Calabrese

3622 Clover Valley Road

Rocklin



[Handwritten notes and signatures]
* Mike Boyle
* Planny
226

From: Eleanor Mogler [emcosmo@earthlink.net]
Sent: Thursday, June 26, 2008 3:39 PM
To: Placer County Board of Supervisors
Subject: WINE

Dear Board

I wish to express my full support for the wineries - old and new, in Placer County.

It is my belief that much good can come from having the opportunity of providing more activities of interest for our tourism bureau to include in things to do in Placer County plus the beauty the vineyards provide.

I also feel that when a person goes to wine tastings they receive a sip of wines of interest, and that it is not a concern regarding DRIVING DRUNK.

I am certain the proprietors of the wineries are also not anxious to deplete their offerings.

With sincere appreciation for your consideration in this matter.
Ellie, Granite Bay, CA.

AGENDA ITEM
DATE: 7-8-08
TIME: 10:30

Board of Supervisors - 5
 County Executive Office
 County Counsel
 Maria Boyle
 Planning

227

RECEIVED

JUN 25 2008

CLERK OF THE
BOARD OF SUPERVISORS

From: walleye@usamedia.tv [mailto:walleye@usamedia.tv]
Sent: Wednesday, June 25, 2008 8:07 AM
To: Placer County Board of Supervisors
Subject: County Wine Ordinance

I'd like to register my strong support for the proposed wine ordinance. I feel that vineyards are to this generation what the orchards have been to Placer County historically. I take pride in knowing that we have exceptional & conscientious winemakers in our area, and I don't believe that the fears of adjacent property owners will come to pass.

Dennis Freidig

Resident of Shadow Rock Estates & Attorney at Law

AGENDA ITEM
DATE: 7/8/08
TIME: 10 ³⁰

DATE 6/25/08

- Board of Supervisors - 5
- County Executive Office
- County Counsel
- Mike Boyle
- Planning 3080

RECEIVED

JUN 25 2008

CLERK OF THE
BOARD OF SUPERVISORS

From: olivehills@foothill.net [mailto:olivehills@foothill.net]
Sent: Wednesday, June 25, 2008 10:00 AM
To: Placer County Board of Supervisors
Cc: jimwhs@gmail.com; jkneft@earthlink.net
Subject: support winery tastings for private roads

Honorable Supervisors:

I'm writing in support of a winery ordinance allowing tasting rooms, sales, and limited events located on private roads, for the following reasons:

* Placer has a right to farm, and sales of farm products is a very important component of that right regardless whether some portion of grapes or juice is obtained elsewhere. An anti-winery ordinance could set precedent for additional landowners wishing to prevent farm sales of other local produce on their private roads. Were the Honorable Supervisors to enact an ordinance limiting the right to grow, distill, and sell wine, a direct effect could ensue toward stifling farming and agritourism in general;

* Landowners opposing wineries on private roads purchased their properties outside municipal boundaries knowing full-well that agriculturally-based businesses are legal and encouraged within the county jurisdiction they bought into. In effect, winery opponents are attempting to re-zone and restrict land uses near their own holdings, for their own private benefit. Please do not sacrifice wine tasting for the private benefit of a few vocal landowners.

* Taxes accrue from wine sales on the subject properties. No sales taxes accrue from wine tasting on those properties if onsite sales are prevented.

Please note that although I serve on the Board of Directors of Placer Land Trust, I'm writing my concerns as a private individual.

Very truly yours-- Mark Perry; 376 Aeolia Drive; Auburn.

AGENDA ITEM
DATE: <u>7/8/08</u>
TIME: <u>10³⁰</u>

- DATE 6/25/08
- Board of Supervisors - 5
 - County Executive Office
 - County Counsel
 - Mike Boyle
 - Planning 3080

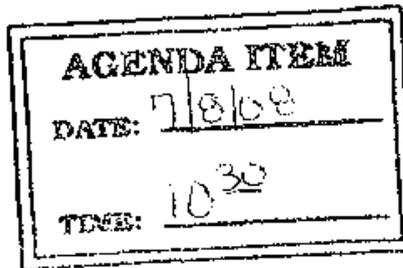
From: Janet Riley [riley ranch4@yahoo.com]
Sent: Wednesday, June 25, 2008 12:36 AM
To: Placer County Board of Supervisors
Subject: wineries

To The Board, I enjoy visiting wineries
But I do Not think that they should be in residential
neighbors rural or not. The potential for an accident if
just waiting to happen. Right of freeways or in Non
residential areas are fine. Restaurants that serve
alcohol are Not allowed in these areas ,so neither
should wineries. If their vineyards are in a residential
area then they should have to sell the wines
elsewhere. Janet Riley 17264 Franchi Place
G.V.

AGENDA ITEM
DATE: 7/8/08
TIME: 10:30

DATE 6/25/08
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Mike Boyle
 Planning 3080

From: Diane Mills [dbogie@psyber.com]
Sent: Wednesday, June 25, 2008 6:39 AM
To: Placer County Board of Supervisors
Subject: winetasting realities



RECEIVED
JUN 25 2008
CLERK OF THE
BOARD OF SUPERVISORS

Please read what I sent to Robert Weygandt's office. You may want to hear this opinion before the July 8 meeting.

----- Original Message -----

From: Diane Mills
To: jpereira@placer.ca.gov
Cc: Angela Tahti
Sent: Saturday, June 21, 2008 8:33 AM
Subject: winetasting

DATE 6/25/08
- [] Board of Supervisors - 5
- [] County Executive Office
- [] County Counsel
- [] Mike Boyle
- [] Planning 3050

Robert Weygandt,

I have seen many letters in local newspapers lately about the small vineyards in Placer County. They are all rehashes, sometimes in the same wording, probably obtained from a church or blog, of someone's original gripe. I believe this was all started by a resident on Ridge Rd. in Newcastle, who tried to shut down the widely publicized Autumn Art Tour/Wine Tour/Cowboy Poetry event for our county last November. This event was a huge, coordinated one (talk to Angie Tahti at PlacerArts) to introduce the county's entertainment, arts, produce and scenery to readers of *Sunset Magazine* and other publications in this era of economic hardship.

I went to a few of the wineries on that tour, and let me tell you...the maximum I ever saw at any one site was 10 people, some of whom were guests or family members who drank nothing at all. This includes those just arriving and those just leaving...very small groups. Many rode together in one car because it was a social outing, and I am sure those cars included designated drivers. I even ran into other (retired) teachers I have known for 10 years, who live in Loomis and were showing off our county to visiting friends. The people who tasted had, all told, the equivalent of one glass of wine, due to small pourings of very limited stock. This is surely less than anyone would drink at a dinner in Roseville, Auburn, or Sacramento, where there would be many more cars and pedestrians to pass on the way home. Some people didn't even taste more than three types...so *their* intake, along with the offered crackers, cheese, dips, chocolates, etc., was perhaps half a glass. For the most part I saw...and this is important...people buying unopened bottles to take home for drinking later or to give as gifts. I bought wine to save for a future dinner party, where I could brag to Sacramento friends about Placer wineries rather than Napa or Sonoma ones...wine that has, by the way, remained unopened since November and when served, will be in the style of a Wine Flight, which is a sampling of wine from one region. Surely this will be good advertising for Placer.

People are saving gas and wanting to find cool local places to visit, inhale, view, socialize. Buying on site and learning from owners, seeing the hills and growing plants, discussing process and awards, getting food pairing ideas are all more fun than just throwing any mystery bottle into a grocery bag at the market. Don't let the "sour grapes" of Placer County ruin marketing, socializing, touring, and fun for everyone else. Their energy would be better spent ragging on the beer-guzzling teens, farm/construction workers and motorcycle riders speeding down those back roads daily. Oh, is that a stereotype? Hm. And what stereotypes do the letter writers have about vineyards?

Diane Mills, Lincoln, who drinks only one or two glasses of red wine a month, for heart health

JUN 25 2008

CLERK OF THE BOARD OF SUPERVISORS

From: Big Auntie [mailto:bigauntie@gmail.com]
Sent: Wednesday, June 25, 2008 8:58 AM
To: Placer County Board of Supervisors
Subject: Placer Wineries

I think it is a great privilege to visit wineries in my county. I would detest any ordinance to stop visiting my local wineries. Why would you even consider this ordinance? Are Napa and Amador counties financing this effort?

Sincerely,
Doris Sherer
Roseville, CA 95747

AGENDA ITEM
DATE: 7/8/08
TIME: 10 ³⁰

- DATE: 6/25/08
- Board of Supervisors - 5
 - County Executive Office
 - County Counsel
 - Mike Boyle
 - Planning 6/23/08

From: Mark and Janet Thew [mandjthew@yahoo.com]
Sent: Monday, June 23, 2008 5:01 PM
To: Placer County Board of Supervisors
Cc: Placer County County Counsel
Subject: wine tasting ordinance concerns

RECEIVED

JUN 24 2008

CLERK OF THE
BOARD OF SUPERVISORS

Dear Board of Supervisors,

AGENDA ITEM	
DATE:	7/8/08
TIME:	10:30

DATE 6/24/08
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Mike Boyle
 Planning VIA 308C

I am asking you to look more carefully at the proposed ordinance that would allow the public to use private roads for commercial wine tasting and sales. It needs to be created with input from citizens who share private roads with wineries, and an Environmental Impact Report (EIR) needs to be prepared. Folks who have written and spoken out against this ordinance have repeatedly shown that it more than meets CEQA's threshold for preparation of an EIR with traffic, health and safety, and other impacts. Please do not subject the county to depletion of resources by inviting still another lawsuit.

Large/Small Winery Breakdown:

The threshold in this ordinance has been set so high that probably no new wineries will ever come under the "large" winery designation and the requisite Minor Use Permit (MUP) requirements. Has anyone really evaluated what a 20,000-case threshold means? Loomis is looking at allowing wineries downtown, and we had the owner of the downtown Nevada City winery speak to us at the Planning Commission this month. He stated that 20,000 cases is an enormous number. He felt that the facilities and storage areas necessary for 20,000 cases would be far too large for rural areas, and I agree.

With no definition of what constitutes a "case," we could be referring to a case of one-gallon jugs. Assuming a case may mean twelve 750 liter bottles, then 3,000 cases is almost 100 bottles per day per year. Thus, how can a 20,000-case threshold (240,000 bottles) be justified? Who set the 20,000-case threshold? What research was conducted to justify a Negative Declaration? Even a 3,000-case threshold could create significant impacts to the neighbors and the community.

The spokesperson from the Wine Institute stated that approx 50% of all the wineries in California produce fewer than 2,000 cases, and that 90% of the wineries produce under 10,000 cases. He implied that any above that were "mega wineries." A much more realistic and meaningful threshold would be that any winery producing over 3,000 cases (equivalent to a 10-acre vineyard production) must obtain a MUP.

I don't think it's the wine tasting that the public opposes. It's the use of private drives, lanes, and roads that is and should continue to be illegal. One winery owner stated that as a taxpayer, he thought they were "extremely regulated," and wanted the county to make it easy for them to operate at a sustainable level. This attitude neglects to consider the negative impacts to unsuspecting neighbors who purchased their country homes in good faith that Placer County would not turn a private road into a public, commercial access road.

Vintners stated that the tasting is necessary for survival. No one has proven that point, but assuming for the sake of this discussion it may be true, no one wants public wine-tasting traffic (and commercial stores) on their private roads. Wineries should reasonably be expected to conduct the tastings and merchandise sales from public road operations and/or hold them in a **centralized** cooperative venue.

Vintners have tried to plead that they have a great deal invested in their winery operation. They fail to recognize that their neighbors have even more invested in their homes, in maintaining the serenity of their rural lifestyles, and in protecting their families and pets on their private drives. When citizens live on private roads, they know that commercial endeavors will NOT be allowed. The vintners knew what the ordinances were when they started their operations, just as the home-owning neighbors knew what the zoning was when they purchased. How can the county even consider this ordinance change when it has the potential for what one vintner stated---that one Apple Hill wine region gets 50,000 visitors a weekend?

Please vote NO on this ordinance as it is currently drafted and then prepare an EIR to inform all the citizens who live on private roads what is coming their way..

Cordially,

Janet Thew

5572 St Francis Cir W

Loomis CA 95650

DATE: 6/15/08
 Board of Supervisors - 5 June 15, 2008
 County Executive Office
 County Counsel
 Mike Boyle
 Planning

Placer Co Board of Supervisors
 175 Fulweiler Ave
 Auburn, CA 95603

RECEIVED
JUN 18 2008
 CLERK OF THE
 BOARD OF SUPERVISORS

To the Board of Supervisors:

RE: Proposed Winery Ordinance ZONING TEXT AMENDMENT

When the first draft of this proposal was introduced, we thought surely no one in their right mind would consider opening private driveways for public commercial traffic, let alone "had been drinking" traffic. We read the compelling comments submitted by Mr. Barber, the Smiths, and Mr. Jay, which apparently fell on deaf ears. We've listened to many citizens express concerns only to be dismissed with every new draft.

Alas, we now see that as citizens we **cannot** rely on public officials to follow existing zoning ordinances and do what is best for the majority. Instead, because a small group of special-interest commercial vintners want to make money at the expense of their neighbors' privacy, health, and safety, that once again, we, the taxpaying public have to oppose another absurd proposal. We urge you to vote **NO** on this ridiculous zoning change amendment—leave things as they are; and/or listen to your constituents who have pointed out the plethora of CEQA violations in the Negative Declaration and prepare a full Environmental Impact Report (EIR).

Also we strongly urge you to listen to your/our own County Counsel's advice. They certainly know that this Negative Declaration will not stand under even minimal scrutiny with regard to CEQA. Supervisors should not be voting to approve such an ill-advised zoning change amendment that so blatantly violates CEQA and, after litigation, will cost the county when ordered to pay/reimburse attorney fees. Vote **NO** and prepare the proper CEQA document--an EIR.

Just a few of the bothersome aspects of this ordinance will be mentioned here. However, you can be assured that there isn't enough time to express all the consistent dismay at the many negative impacts expressed by fellow citizens whenever they are informed and realize what this ordinance will bring. Don't take our word for it; reach out and survey your own constituents who live on neighborhood, privately-maintained, and/or gated roads; you will hear a much different story than you are hearing from the group that has asked for this nasty zoning amendment. Ask residents who live on Creekside Lane, Ridge Park, etc., how pleased they will be when the gates have to be left open or when the public is given the gate codes. None of this has been addressed.

A staff document from the May 8, 2008, Planning Dept Hearing states that this amendment will affect more than 1,000 people. Who conducted that study? How many private roads were studied? On our 1/2 mile private drive alone there are 35 residents using and/or adjacent to our road. On the public road where our private road gains access, there are over 30 other private roads that come off a 3-mile stretch of the county's two-lane rural public road. These private roads are extended even further by even more private road branches off the other private roads and public "spurs."

How was the "affect more than 1,000 people" figure determined? The truth is that in all of Placer County, which this proposed zoning change will cover, possibly more than 20,000 or more citizens will come under its umbrella and be impacted - always

235

worrying as to when the neighbors will plant the cursory one acre to start commercial wine tasting operations and hold “promotional” events.

Roadside stands are allowed for agricultural products grown on-site. This provision already allows vintners to sell their ag product, which, in this case, is GRAPES. However, wine tasting, a far stretch from grape growing, belongs in “restaurants and bars” definition, which is where it rightfully is now, and should be confined to existing commercial and industrial zoning districts. Can anyone honestly say they would like to have a bar in their rural neighborhood, using their private lanes and drives? We urge you to **not** allow commercial wine tasting in any establishment that must use privately maintained roadways.

At one hearing, an argument was presented to equate other roadside sales (busloads of kids coming in for pumpkin farms, mandarins, etc.) to wine tasting. Talk about apples and oranges! Those events (mandarins, pumpkins, etc.) are **SEASONAL**. Neighbors might be impacted for a week or so, but not day-in, day-out, in perpetuity. Wineries, by definition, have already impacted neighborhoods because they are allowed the “value-added” advantage. If there is any zoning change amendment to be made, we urge you to revisit and remove “wineries” from ag zoning and definition; put them in commercial/industrial zoning where they belong.

Conflicting information does not instill a sense of confidence in this proposed amendment: “There are currently 13 approved wineries...” (May 8, 2008 Hearing, page 2), although on page 8 of the same document, it states, “Currently there are only 14 approved wineries...” If this zoning amendment proposal is passed, there will be many more wineries and wine tasting facilities as commercial interests realize they can build the tasting structure and write it all off their taxes as a business expense, compliments of the county. We cannot be certain of this growth impact because we see no evidence of any surveys or studies. But even with 13 wineries, if the public (customers) must use a private neighborhood drive for access, with no specified hour restrictions, no limit on the number of customers, and no road requirements, there will be many more complaints than what is mentioned on page 3 of the May 8 document.

The May 8 hearing document states that winery owners indicated they need to be able to market their wines on site through tasting, direct sales, and promotional events. Does this mean that the standard to change zoning and start any commercial endeavor on private property is merely an “indication” to county planning that it is needed for profit? If one raises sheep/spins wool, then would an “indication” of the need for clothing stores to sell to the public for economic gain be sufficient to grant a retail outlet on a private road? If one grows zucchini, can one start a vegetable pizza parlor and sell ancillary products on a private road? Doesn't this ordinance automatically open the door to all commercial endeavors as long as the feeblest agricultural connection can be made? Are restaurants and/or snack bars next on private roads? The need for a profit should not be the concern of the planning department; its objective should be to regulate activities to conform to residential or other zoning, and not to make special-interest amendments to the detriment of neighbors.

Yes, Placer County via the Board of Supervisors can promote agriculture (grape growing), and Yes, it can also protect rural neighborhoods.

This proposed zoning amendment runs contrary (if not violates) the county's General Plan which states:

1.D.3. *The County shall require that new, urban, community commercial centers locate adjacent to major activity nodes and major transportation corridors. Community commercial centers should provide goods and services that residents have historically had to travel outside of the area to obtain.* [Land Use, page 39] The intent is for “public” transportation corridors (not private) and makes the case that wine tasting would be suitable for co-ops coming off public roads near transportation corridors—not at the end of private lanes.

The County’s non compliance with the General Plan, by allowing parcel splits and thereby enticing the boutique winery/tax-write off schemes must not be exacerbated by further non compliance. The General Plan states:

7.A.7. *The County shall maintain agricultural lands in large parcel sizes to retain viable farming units.* The General Plan also states [7.A.10] that the county will facilitate ag production to allow ag service uses “...to locate in agriculturally-designated areas if they relate to the primary agricultural activity in the area.” Boutique wineries are **NOT** a **primary** agricultural activity. The added guidelines include [c.] “It is compatible with existing agricultural activities and residential uses in the area.” Wine tasting and promotional events on private roads in private neighborhoods are **incompatible** and thus violate the General Plan.

The General Plan clearly states that the County shall support County-grown or processed products, yet this tasting ordinance completely disregards and weakens that intention with loopholes.

The Board of Supervisors should not be in the profit-insurance business. Any profit-oriented operation must know what its limitations and restrictions are BEFORE starting the business, rather than impose cockamamie proposals on tens of thousands of unsuspecting residents just so a profit can be made. The county should be trying to keep legitimate agricultural operations whole, the ones that feed the nation, and not be subsidizing marginal boutique wineries that not only may not even grow grapes on site or even process them there, but also may merely “cellar” wines from any other region.

For a winery to claim that it can’t stay in business if it cannot market on site is absurd. There are many wineries that do NOT market on site and are doing quite well. We see local wines in super markets, in specialty shops, at farmers’ markets, etc. We read of local wines being sold across the U.S. The vintners would do well to establish a coop if their market is so tight. Again, did they not know what they were going into when they started? It is **NOT** the responsibility of the county to guarantee a profit at the expense of family neighborhoods. When property values drop because there is constant wine-tasting or promotional-event activity (traffic, noise, dust, blocked driveways, etc.) on the private access roads, will the county step up and help re-cover home sale losses?

If a winery is producing a quality, competitive product, it will sell anywhere. If the wine is marginal and overpriced, then the winery will and should fail. If wineries need this zoning amendment to show a profit, which is akin to a subsidy at the expense of neighbors, then their product does not belong in a competitive market. The county has no business sending good money after bad. Stay the course and promote true, bona fide AGRICULTURE and PLACER GROWN. This amendment was concocted by a few special interests and places others at risk so that they can make money and enjoy tax write offs.

We read where the Planning Department was asked to provide more certainty and regulatory relief in terms of the permit process. The “certainty” could just as easily be

provided to vintners with more stringent requirements for any permitting activities; this would protect neighborhoods as well. The county should vote for NO wine tasting facilities or wine tasting activities on any private roadways. Wouldn't we all like more regulatory relief? However, laws are not arbitrary; they are made to be followed, not ignored or changed at the whim of special interests that find them inconvenient.

In addition, we read that county staff met with wine industry representatives to "get a better idea about concerns and objectives." Did county staff also meet with citizens living on private roads to get a better idea of their concerns and objectives for living in a rural area on a private road? Did county staff talk to citizens who live on private gated rural roads and discuss the potential conflicts and impacts?

After a self-appointed four-member subcommittee from the Ag Commission made recommendations, we learn that "...most of the suggestions were incorporated into the Draft Ordinance." Is there any court in the land that would find this fair and just? Every previous restriction was deleted or made more lenient, and parking requirements were eliminated. To fall back on existing parking space regulations is inappropriate. "Land use" parking space requirements are inadequate for wine tasting or promotional events as omitted in this zoning change amendment. Requiring one parking space per 1,500 square feet, or for 100 or 300 square feet, in no way restricts the number of cars that may turn up at tastings or at events. Thus private driveways and roads are at risk for being blocked or rendered impassable.

In addition, a convenient new definition was created for "promotional events" associated with wineries. But now the wine can be produced elsewhere, so a vineyard need not even be involved in wine processing, which was the link, the stretching of the connection, if you will, between the Ag zoning/growing of the grapes and the wine tasting. How will any enforcement agency determine whether the wines sold at these events were indeed produced from grapes grown on site? What will be the cost to the taxpayer for enforcement? Theoretically, the winery can disappear from the scene; just have 4.6 acres with one acre planted. The processing of grapes grown any where can be processed elsewhere as well, and wines from any other wineries can be "cellared" for the wine tasting. This effectively removes the legitimate PLACER GROWN connection and removes all regulatory authority.

Currently, the county allows the wine "processing," which is a value-added activity that creates a "winery" category, but is now one step further away from the legitimate agricultural activity of the actual growing of the grapes. From there, the winery declares that it needs to market via wine tasting. This ordinance says, "OK, and, oh, by the way, you can cut out the winery—the processing part—-you can produce the wine elsewhere; cellar anything you want."

Also, we constantly read that six promo events will be allowed; yet in the definition of "Temporary Outdoor Events," it is stated that these events will be "in addition to the promotional event authorized by this Section. Therefore, a facility could hold eight events per year or possibly more if they try for other permits.

Who will pay for the inspection of the "Road Standards"? Who will pay for tree trimming when vertical clearance is not in compliance?

The amendment in Section 17.56.330 is contradictory. It states, "...to protect the agricultural character and long-term agricultural production of agricultural lands." How can traffic and drinking drivers on private roads "protect ag character"?

Who will pay for the auditing of the wineries to determine the 20,000 cases “breaking” point? What constitutes a “case”?

Under Section 17.56.330, “Part D. Development and Operational Standards,” Sub section 1, Part A states in part that the minimum requirement of “*one acre of planted vineyard on site, unless...*” [loophole defined]. Supervisors should note that one acre “planted” means nothing—the crop could be useless, diseased, dead, but as long as it is planted, it qualifies. At least El Dorado County requires 20-acre parcels or more with “... *a minimum of five (5) acres of planted wine grapes that are properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum wine grapes acreage cease...the right to operate the winery becomes void. The operation of the winery shall be conducted concurrently with the sale of wines produced from wine grapes grown on the same parcel.*” This ordinance wording is much more realistic and reasonable to all concerned. Placer County should follow this example and also incorporate **access via public road only**.

Part B provides every other loophole remaining to sell any wine produced anywhere under the wine-tasting amendment. All that is required is that the wine be cellared or bottled by the winery operator.

Under Sub section 5, Tasting Facilities, Part A, incidental sales will allow merchandise and food. Thus, anything goes because the manner in which this amendment can be stretched can and will be applied to all kinds of “ancillary” merchandise. Wine tasting illegally converts ag/res zoning into a department store commercial serving food.

Under Sub section 6, Promotional Events, Part B, Standards, the fact is there are **no** standards for how many days per week tasting may occur, **no** standards for hours of operation, **no** procedure for enforcement (which will burden neighboring residents to file complaints for compliance or to file civil lawsuits), and **no** definition of penalties and fines for non-compliance. Worse, many issues are dismissed with a cavalier attitude of “let the citizen file a complaint.” For example, noise was mentioned and dismissed by reference to Placer County’s Noise Ordinance. Thus, in the event of excessive noise, a neighbor will have to file a complaint—everyone knows how futile that is, especially after office hours.

This is a situation where a very few commercial interests (apparently marginal) are changing county policy and zoning that will impact private homeowners and neighbors. It’s a “business” being granted preferential treatment and infringing on privacy rights. Traffic will be bad enough, but drinking and driving is over the edge. How can any reasonable official believe in his/her heart that this is an amendment that should be passed?

The argument that consumers need to come and taste wine to build brand loyalty is poppycock. Whether wine is tasted in a co-operative facility or on ag land is moot. Brand loyalty can be generated in many venues and does NOT need to endanger neighborhoods.

The argument that because this zoning amendment/ordinance has been a “long process” in creating a number of drafts, that somehow makes it more passable or viable. This is nonsensical and illogical; the very opposite is true: The longer a plan or process takes, the more indicative it is that there are major problems. “Working hard on it” is

meaningless if it's a bad (or in this case, very bad) proposed amendment to begin with. It's a difficult birth because it wasn't meant to be.

Many wine growing regions that have been in the business a lot longer than Placer County are now pursuing cooperative options (Co-ops) where multi-winery tasting rooms bring the area's best to one spot. Co-ops such as Vintner's Collective (Napa), Suisun Valley Wine Cooperative, Wineries of Napa County, as well as others are being formed throughout the U.S. and the world. As a viable alternative, a wine-tasting cooperative would solve the problem.

We urge you to:

1. Vote **NO** on this ordinance; it is not justifiable in any way. It does not allow for county or public review or regulation and as such is unacceptable. As county staff stated in a hearing (November 15, 2007), it will be more difficult to regulate.

2. Require an **EIR** and publicize it widely since EVERY homeowner that accesses a private roadway in Placer County will be subject to many of its negative impacts. This is a county-wide zoning change that is attempting to avoid public disclosure.

3. Support Agriculture by creating more and tougher restrictions for ag land use conversions to development—land/parcel splits contributing to the problem. When zoning changes are bent or yield to allow development, ag operations are pinched, and boutique wineries germinate. They may not be viable, but that is no excuse for granting them entitlements that impact others so significantly.

4. Take the braver high road: Remove "winery" from Agricultural designation. Go back to the true intent of Agricultural zoning: Growing plants or animals as an industry. If a vintner wants to be in Ag, then let them grow grapes to sell or to take for processing to commercial zones where they belong. YES, Placer County citizens support Agriculture and the right to farm. However, processing takes Ag over the edge, and now "wine-tasting" will drive the nail in its coffin.

Ag already receives a leg up by allowing roadside stands; vineyards have the same right. Stay true to ag: Grow, taste, and sell the grapes, but not value-added processed products. Otherwise, the door is opened to all kinds of expansive abuse. Revisit the zoning for "wineries" and make only the growing of the grapes the bona fide activity. Remove the "value-added" or "processing" allowances. If a vineyard is producing good Placer Grown grapes of any variety, it should be economically sustainable. If the ag activity is marginal, then it needs to consider planting/marketing a different crop and stop the winery operations along with all the nuisances it/they generate.

Sincerely,



Katie Cather
P.O. Box 2052
Loomis, CA 95650

Cc Placer Co Counsel

RECEIVED

JUN 17 2008

CLERK OF THE
BOARD OF SUPERVISORS

13 June 2008

TO: Placer County Board of Supervisors:

First Placer Co was primarily agriculture, with relatively large parcels, growing sustainable plants and/or raising animals. Then developers convinced the county board and city councils that splitting up those parcels and re-zoning for their development(s) was best.

Creeping sprawl is a constant reminder of those mistaken approval votes. A parallel can be drawn to what the developers are asking now with the proposal to weaken the current Williamson Act contracts. Staying in ag isn't reaping them great wealth so they want to end the contract early and begin the parcel divisions before the contract is even up! Thus Ag land is again made vulnerable to sprawl.

The same thing happens with vintners. Growing sustainable grape varieties was not Placer County's niche, but some who bought those previously split or developed parcels are pushing the envelope even further for tax breaks. First they said they needed processing in the form of wineries, so Placer Co allowed wineries. But that wasn't enough. Now they want wine tasting and promotional events. Where does this madness stop? Who knows what they will want to bring in next?

Tasting wine is NOT an ag event, any more than a cooking contest is. They are fine events, in and of themselves, but they are ^{NOT} agriculture; they are NOT hands in the dirt activities.

Second, because a few potential problems are being forecasted for Napa Co vintners (temps too hot due to removal of oaks for vineyards; wine tasting facilities becoming problematic), cooperatives are being utilized. This is what Placer Co should be promoting.

Leave the neighborhoods and private driveways alone. Vote NO on the wine tasting zoning change amendment. Or else, do an E.I.R. for the proposed change and inform everyone who lives on a private drive.

Cordially,



Mike Finch
P.O. Box 713
Loomis, CA 95650

6/19/08
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Mike Boyle
 Planning ^{BOSS} FAX

241

STEPHANIE AUSTIN
P.O. BOX 602
PENRYN, CA 95663

PHONE/FAX (916) 663-3086
email - StephanieAustin@cwnet.com

RECEIVED

JUN 16 2008

CLERK OF THE
BOARD OF SUPERVISORS

June 11, 2008

Board of Supervisors
Placer County
175 Fulweiler Road
Auburn, CA 95603

Subject: Wine Tasting Ordinance

Gentlemen:

I urge you to vote NO on the Wine Tasting Ordinance changes and to NOT consider any alterations until you have heard from all who may be impacted. At the very least, I urge you to comply with the California Environmental Quality Act (CEQA) which requires the preparation of an Environmental Impact Report (EIR).

Placer County's process of notifying the public may have been the legal minimum, but tens of thousands of unsuspecting residents on private lanes and drives have no idea that such drastic impacts to their lives and their neighborhoods are being considered. The county's own report acknowledges that it will affect over 1,000 people, which is a gross underestimate; this ordinance change will impact EVERY citizen who lives on a private drive. We are talking tens of thousands of people living in rural Placer County. A good-faith notice would include EVERY citizen who lives on a private road in Placer County. I urge you to make that good faith notice effort, but to vote NO on this ordinance until you do.

It is an outrage that what is being billed as a Winery Ordinance change and being slipped in under the radar is in reality a defacto zoning change for the entire county and may violate the General Plan. We can only wonder who asked staff to "draft a winery-specific ordinance" and make such an egregious zoning change from Ag to Commercial with such monumental consequences.

What is even more preposterous is the County's attempt to ignore the obvious CEQA compliance requirements and proceed straight ahead with violations. To use a Negative Declaration on such a county-wide zoning change with its many significant impacts is appalling. Where are the traffic studies? Where are the health and safety studies for neighborhood exposure to drinking drivers?

Any such drastic change, by whatever name it tries to use ("ordinance, zoning, General Plan") must include:

1. Strict road requirements (paving to keep down dust, width for two-way traffic for safety),

DATE 6/16/08
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Mike Boyle
 Planning Box 3089

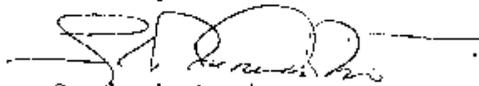
242

2. Well-posted and vigorously enforced rural neighborhood hours-of-operation windows (1 to 5 pm, for example) and limited number of days of operation (weekends only);
3. Winery sales limited to ONLY wine produced from grapes grown ON the winery's parcel ("Placer Grown" must be upheld rather than diluted and falsified with imports);
4. Prohibition of sales of ancillary products (Ag or Farm zoning in this issue means grapes and only grapes; the processing of the grapes was a big enough stretch; it must not be expanded to selling wine from other vineyards, then to other food sales, then to gift shops, etc., which is where this is headed).
5. Strong enforcement policies for violation and discovery of such, as well as generous remedies for citizens who report/expose noncompliance.

The Board of Supervisors must stop this nonsensical ordinance/zoning change before it causes irreparable harm throughout Placer County's quiet rural neighborhoods. Wineries have plenty of opportunities to sell their goods in legitimate commercial locations. It is not the function of the county to guarantee profits for commercial enterprises.

In addition, because the CEQA violations are so obvious, the county is setting itself up for yet another lawsuit for which it will have to pay legal fees (again). If the county insists on pursuing this atrocious scheme, then at least it should follow the law and prepare an EIR so that the public will know what is coming their way and be able to respond accordingly.

Sincerely,



Stephanie Austin

From: Stephen Mischissin [mailto:mischissin@unr.edu]
Sent: Friday, June 13, 2008 12:20 PM
To: Lisa Buescher
Subject: Support of Placer County Wineries

RECEIVED
JUN 13 2008
COUNTY OF PLACER
COMMUNITY DEVELOPMENT

Lisa,

I want to show my support for Placer County wineries and vineyards to allow them to have their facilities open for wine tasting. I understand that the Placer County Board of Supervisors will be deciding the fate of wine tasting at wineries in our county on July 8th. This vote would give us all an opportunity to better promote visitors and tourism to county wineries without concern for a code violation. We should promote our wineries as does El Dorado county and Amador county. Please pass on to Bruce my support for our right to enjoy our countryside and to allow wine tasting to occur.

Regards,

Stephen G. Mischissin
227 Squaw Valley Road, Olympic Valley, CA

DATE 6/13/08
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Mike Boyle
 Planning 2080 Capitol 2:35 pm

RECEIVED
JUN 13 2008
COUNTY OF PLACER
COMMUNITY DEVELOPMENT

HAND DELIVERED

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

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APR 21 2008

April 21, 2008

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BOARD OF SUPERVISORS			
5 Bds Recd	MEI	DW	
Other	TS	COI	
APR 21 2008			
Sup D1	Sup D4	Aide D1	Aide D4
Sup D2	Sup D5	Aide D2	Aide D5
Sup D3		Aide D3	

To: Melanie Heckel, Assistant Planning Director
From: Fred Barber
Subject: Wine Ordinance, Negative Declaration

Message: The latest draft of the proposed wine ordinance apparently reflects changes suggested by the planning commission. Review of this proposal discloses that protections for land owners on private roads, previously recommended by the planning and public works departments in earlier versions, were removed. As a result, the use of a negative declaration as the appropriate CEQA document may be questionable.

Specifically, as now proposed, Section 17.56.330 D2 Access Standards, a project must still meet access standards set by the local fire agency, but the language goes on to say that those standards may be modified and alternative designs selected. The people who can modify and approve said alternative access designs, however, are not identified. Modifications of access standards by non-professionals (not desirable) can affect public safety and lead to serious environmental impacts.

The current zoning ordinance already has a lawful procedure for modifying standards. It's called an Administrative Review Permit (ARP). While public road access usually doesn't involve other owners; access over a private road definitely does. Your earlier wine ordinance drafts proposed the ARP as the method of choice for approving wineries on private roads. The ARP does not necessitate a public hearing, but it does require notice by mail to surrounding owners. It also mandates review by "appropriate" county staff members. When access is over a private road professionals in the public works department have been, and should be, called upon to give their comments.

Our home, which lies in a Rural Residential Area set forth in the Placer County General Plan (it's in a "Farm" zone) abuts a winery operated by neighbor Charlie Green. Our place, Charlie's winery, and three other homes are all served from Mount Vernon Road by a one-lane, 10 foot wide private road approximately 760 feet long through a fairly heavily wooded area. If a 20' wide road were required for wineries, as earlier suggested by a fire official, an environmental impact would occur and an EIR might be required because somewhere between 40 and 50 trees over 6" in diameter would have to be removed just so Charlie could have on-site sales and wine tasting at his operation. If, however, an ARP were required it could be used to lawfully modify road requirements, allow wine tasting and sales, without widening the existing road. Public works department recommendations concerning safety, roadway capacity and traffic generation could be used make widening unnecessary.

Alternatively, and in closer conformity with the County General Plan, you might amend the heading of the second table in proposed Section 17.56.330 C to read: "Residential Districts (Rural Residential Districts of the County General Plan or Residential Agricultural and Residential Forest only)"

Fred Barber
Fred Barber

Cc Jim Helmes, Supervisor ✓
Charlie Green

245



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

Clerk of the Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

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NOV 19 2007

COPY OF THE
BOARD OF SUPERVISORS

DATE 11/27/07

- Board of Supervisors - 5
- County Executive Office
- County Counsel
- Mike Doyle
- Planning FAX

Please distribute the enclosed letter from the Newcastle Community Association to the each Supervisor at your earliest convenience.

Thank you,

Diane Ross
President
Newcastle Community Association

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BOARD OF SUPERVISORS			
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Sup D1	Sup D4	Aide D1	Aide D4
Sup D2	Sup D5	Aide D2	Aide D5
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Newcastle Community Association

NCA
Post Office Box 777
Newcastle, CA 95658

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NOV 19 2007

CLERK OF THE
BOARD OF SUPERVISORS

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

Diane Ross
President
663-4818

Kevin Odell
Vice President
663-9546

November 10, 2007

Jerry Mohlenbrok
Treasurer
663-4822

Cathie Cordova
Secretary

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



Newcastle Community Association

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

President, Newcastle Community Association

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

From: Doug and Dianne Jones [dodijones@comcast.net]
Sent: Monday, July 02, 2007 7:14 PM
To: Placer County Board of Supervisors
Subject: wineries

RECEIVED
DATE _____
X Board of Supervisors - 8/1/07
X County Executive Office
X County Counsel
X Mike Bayle
X Planning

CLERK OF THE BOARD OF SUPERVISORS

Placer County Supervisors:

I am writing to you about the ordinances that the Placer County Supervisors are considering concerning family owned wineries and tasting rooms of Placer County. I am a 30 year resident of Roseville, and a board member and officer of the Placer Care Coalition, Inc. Over the past 7 years, our organization has raised over \$300,000 for the elderly, the poor, the abused, and the homeless of Placer County. We do this by sponsoring an annual wine and food tasting and auction. The primary contributors of this event are the family owned wineries and restaurants of Placer County. The wineries are small farm operations that need to sell direct to the consumer. The wineries promote tourism, and the wine industry is a key contributor to the local economy. I sincerely hope that you will keep in mind that Placer County wineries need to be sustainable, as you consider ordinances and restrictions that may hamper the wineries' ability to market themselves and their products in Placer County. Further regulating small family owned wineries in Placer County would most likely eliminate their participation in events such as ours. Please consider the negative impact any commercial regulations of these small wineries would have on local charities, as well as tourism in our county. I look forward to the swift and just resolutions of these concerns.

Sincerely,
Marilyn Knox, V.P.
Placer Care Coalition

RECEIVED
JPA
ZTA-Winery Ord

From: Richard D. Knox [dicknox@rcsis.com]
Sent: Monday, July 02, 2007 7:40 PM
To: Placer County Board of Supervisors
Subject: Winery Ordinances

RECEIVED
CLERK OF THE BOARD OF SUPERVISORS

Placer County Supervisors:

I am writing to you about the ordinances that the Placer County Supervisors are considering concerning family owned wineries and tasting rooms of Placer County. I am a 30 year resident of Roseville, and a board member and officer of the Placer Care Coalition, Inc. Over the past 7 years, our organization has raised over \$300,000 for the elderly, the poor, the abused, and the homeless of Placer County. We do this by sponsoring an annual wine and food tasting and auction. The primary contributors of this event are the family owned wineries and restaurants of Placer County. The wineries are small farm operations that need to sell direct to the consumer. The wineries promote tourism, and the wine industry is a key contributor to the local economy. I sincerely hope that you will keep in mind that Placer County wineries need to be sustainable, as you consider ordinances and restrictions that may hamper the wineries' ability to market themselves and their products in Placer County. Further regulating small family owned wineries in Placer County would most likely eliminate their participation in events such as ours. Please consider the negative impact any commercial regulations of these small wineries would have on local charities, as well as tourism in our county. I look forward to the swift and just resolutions of these concerns.

Sincerely,
Marilyn Knox, V.P.
Placer Care Coalition, 604 Widgeon Ct. Roseville Ca. 95661

249

RECEIVED

May 12, 2007

MAY 17 2007

CLERK OF THE BOARD OF SUPERVISORS

DATE _____
 Board of Supervisors - C
 County Executive Office
 City Counsel
 Mike Beatty Assistant
 Planning (FAU)

3-8-07
 10:00 AM
 ACAP

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

Re: **Rezoning Local Wineries
 Placer County**

RECEIVED
 TBA
 TBA Winery Ord.
 DATE: _____

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,

Jeffery C. Coker
 Jeffery C. Coker
 5059 Trajan Drive
 Fair Oaks, CA 95628

cc: Files

RECEIVED
 BOARD OF SUPERVISORS
 JHOS Rec'd _____ MB _____ DW _____
 Other _____ TS _____ CUJ _____

17

Sup D1 _____ Sup D4 _____ Aide D1 _____ Aide D4 _____
 Sup D2 _____ Sup D5 _____ Aide D2 _____ Aide D5 _____
 Sup D3 _____ Aide D3 _____ *

250

From: Craig Wilson [CWilson@sanjuan.edu]
Sent: Thursday, June 26, 2008 2:45 PM
To: Placer County Board of Supervisors
Subject: Placer County Wineries

As a resident of Placer County I think wineries should be allowed to offer wine tasting on their premises. I think this fits with the rural and agrarian lifestyle that Placer County is becoming famous for.

Craig Wilson
2580 Burl Lane
Newcastle

AC ENTER FROM
DATE: 7-8-08
TIME: 10:30

Board of Supervisors - 6
 County Executive Office
 County Clerk

Mike Boyle
Planning

251

