

Draft Winery Ordinance Workshop
June 21, 2007

After Melanie Heckel gave an introduction of the winery ordinance including information on the purpose and contents of the ordinance, the floor was opened up to the attendees to speak. The following summarizes the comments made.

Michael Abbott of Ophir Wines in Newcastle spoke on behalf of the Placer Wineries Group. He made the following points:

- The specific purpose of the proposed ordinance is unclear.
- There is no documented factual basis through statistical or empirical evidence for the ordinance.
- The proposed ordinance conflicts with Section 7 of the County's General Plan, which requires County government to encourage and facilitate agriculture and agricultural marketing within the County.
- The proposed ordinance also conflicts with the Right-to-Farm Ordinance.
- They estimate a 30% loss of income so far this year if wine sampling is prohibited. 60% of their annual sales come from direct-to-consumer sales this includes a loss of 50% reduction of on-site sales including the wine tours.
- The commercial level of this regulation is unsupported
- The proper cost analysis and schemes have not been considered and the impact on small wineries will be devastating.
- The requirement of a 20 foot asphalt fire road is unwarranted.
- The proposed regulatory scheme chokes wineries' income while mandating thousands of dollars in costs of compliance with no need demonstrated.

County Response: The purpose of the Draft Ordinance is to provide more clear guidance in terms of winery and accessory use regulations and provide some regulatory relief. For example, many winery operators would be able to obtain an Administrative Review Permit, instead of the Minor Use Permit currently required. The County will re-evaluate the requirements in the Ordinance, with a goal of providing greater flexibility.

He suggested going back to the drawing board to determine with empirical evidence the need for regulation and the appropriate level of regulation. While this process is underway he suggested the following interim guidelines:

- A bonded winery in Placer County whose bond is in good standing, could conduct on-site sampling under specified conditions. At a winery's request, the County would certify to ABC that such activities are permitted under the specified conditions.
- If a winery is currently operating pursuant to a MUP, the MUP would supersede these proposed interim guidelines.
- The County's "fruit stand ordinance" would remain.
- Wineries located within a farm zoning or with an address on a public road, may be open for sampling by appointment or drop-in during specified published hours.

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Wineries located within these areas would also be able to conduct promotional events as defined in the draft Winery Ordinance.

- Wineries located within an agriculture/residential zone may be open for wine sampling by appointment or drop-in during specified hours between 11:00 a.m. and 6:00 p.m. and would be required to notify landowners within a one-half mile radius of the subject winery should they conduct drop-in wine sampling or if conducting a promotional event which would be allowed only during the above specified hours.
- Bonded wineries located within a residential only zone would be prohibited from wine sampling. Wineries in commercial zones would be allowed to offer wine sampling pursuant to a MUP or other County permit.

County Response: As indicated above, the County will re-evaluate the requirements included in the Draft Ordinance. The County does not have a budget established to prepare an empirical analysis or benefit/cost ratio analyzing the impacts of regulations on individual winery owners. Such an undertaking would require hiring a consultant and several months of analysis. The goal of the County is to establish regulations that are more acceptable to winery owners without negatively impacting winery neighbors, consistent with General Plan policies, and bring them forward to decision-makers in the next few months rather than conducting lengthy and expensive studies. In terms of establishing interim guidelines, the County cannot grant new uses not currently authorized by the Zoning Ordinance, without processing a Zoning Text Amendment. However, some of the requested interim standards will apply: 1. Existing winery MUP's will stay in effect. 2. The Roadside Stands for Agricultural Products provisions will remain in place. 3. Residential only zoning districts do not allow wineries or tasting rooms.

Dave Wegner, owner of Pescatore Winery and Vineyard expanded on Mr. Abbott's comments with the following.

- The purpose of the wine ordinance should reference General Plan Sections 7A3, 7B4, 7C5, 7C6, and 7C1 and also incorporate specifically the Right-to-Farm Ordinance.
- The definition "boutique winery" should be added to the ordinance, which would be defined as a winery that produces less than 1,000 cases on site, has tastings by appointment, and one acre of vineyard on site. A boutique winery would be subject to the following:
 - Administrative Approval would be required.
 - Grading plans or engineering would not be required unless there are improvements made to meet the County criteria for such.
 - Road access should be consistent with agricultural residential standards, unless tastings exceed residential road usage, with Fire Department approval.
 - Parking should have a gravel surface with one ADA handicapped and two additional parking spaces that meet the County's parking standards.

Additional parking spaces may be required depending on the number of tastings permitted per week.

- Tasting rooms shall meet County standards but could also occur in an outdoor venue with no structure.

Justification for establishing alternate regulations for Boutique Wineries:

- The Draft Winery Ordinance as proposed does not differentiate between a commercial enterprise and a winery, while a winery is an agricultural enterprise.
 - There is no distinction between a small winery with set hours and a winery with unlimited hours of operation.
 - The hours of operation would also determine the impact on roads and thus should determine the road standards.
 - This proposed ordinance is more restrictive on wineries than residences in agricultural zones, which have no road improvement requirements.
 - Under Home Businesses, 15 patrons per day are permitted for non-farm businesses in non-farm zones proving that they have more rights than wineries would under this ordinance.
 - If a residence generates 10 trips per day with 5 cars coming and going (as defined under residential use) and a winery with tastings will have less than 35 cars per week why would they be subject to more restrictions?
 - It is unfair to apply stricter standards to a small winery than are applied to other agricultural sale venues. It would be reasonable to make stricter standards for larger operations.
- The reference to "paved" should be deleted. A 40,000 pound access road should not have to be paved. There is no justification in an agricultural setting for a paved road and it violates General Plan Section 7C1.
 - Clarification of Public Road Access is requested and what is the cost of an "encroachment permit"?
 - The Draft Winery Ordinance does not address or recognize the rural setting and agricultural nature of a winery
 - A grading permit should not be required unless required improvements meet threshold requirement for a grading permit.

County Response: The County will evaluate the recommendation to establish "Boutique Winery" provisions for very small wineries with tasting by appointment only. Placing General Plan policies in the Purpose statement of the Winery Ordinance is a good idea worth considering. The County will be evaluating the paved road requirement, and looking at comparing trip generation estimates for tasting rooms with home occupation businesses. The cost of an encroachment permit is \$75.00, however improvements associated with a road intersection within the County highway would typically require improvement plans and the encroachment permit fee would included in the improvement

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 CHIP 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.

- If he loses 30 percent and has to spend extra money for road improvements it will cost him millions and he will not be able to recover.

County Response See response to Michael Abbott. In response to the question about the 20 foot road requirement, according to Bob Eicholtz, Placer County Fire Protection Planner, the Fire Code requires an all weather-road, not less than 20 feet wide with 13'6" vertical clearance. In certain instances, these requirements may be reduced by the serving Fire Chief.

Karen McGillvray, co-owner of Dono dal Cielo made the following points:

- The wineries need to be responsible for pouring alcohol.
- Placer County wineries are striving for the excellence of Napa and Yolo County wines.
- It costs thousands and thousands to start a winery and this ordinance will cost the wineries even more.
- They are farmers and should be treated as farmers even if their crop is grapes.
- They need to market their product.
- They cannot make great wine due to the expense of roads in this intense ordinance.

County Response. See response to Michael Abbott

Noah Mackenroth lives in Newcastle by the Pescatore Winery and made the following statements:

- There needs to be a distinction between farming and commercial use. For example importing grapes and selling wine to strangers is not agriculture that is retail.
- Holding events is also commercial because of the road traffic it brings.
- Agriculture is fine but commercial activity with retail sales is unacceptable.
- He asked whether he could import wine from China and sell it from a neighborhood winery.

County Response. The County agrees that importing all grapes or wine from other areas for sale does not constitute an agricultural use. Therefore, the Draft Ordinance includes a provision that the primary purpose of the winery is to process wine grapes grown on the site or on other local agricultural lands. There is no specific vineyard acreage or percentage of Placer County grapes required, primarily because wine-making takes many forms. For instance, some grape-growers will simply sell their grapes to wineries, some wineries will import grapes for blending or for providing additional varietals, some grape-growers may utilize another winery facility to custom-crush their grapes to be sold under their own vineyard label. Winery owners have indicated that they need an opportunity to sell their wine through on-site sales and occasional Promotional Events, in order to gain customers and make a profit

Mike Giles, a neighbor to the Pescatore Winery made the following statements:

- He supports wineries and vineyards look beautiful.
- The rural look of agriculture needs to be preserved.
- Weddings and anniversary parties are not what he expected when he moved here knowing that next door was agriculture. The noise from these events has been a disruption.
- Special events do not seem like agricultural but the wineries will be pushed to do these kind of activities to recoup their lost money spent on building tasting rooms and improvements. He sees no limits in the ordinance.
- We should use Nevada County as an example where tasting rooms are in downtown locations.
- It should be up to the public to say if weddings and special events are okay. There should be a vote.
- As a fire fighter, he understands the paved road requirement because fire trucks could sink to their axles.

County Response See response to Noah Mackenroth. Special events, including the conduct of weddings, anniversaries, parties, etc are not part of the Draft Winery Ordinance, except by reference. The Placer County Zoning Ordinance already allows these events at Community Centers in a wide variety of zoning districts. The establishment of Community Centers for special events requires a Minor Use Permit, except in the commercial zoning districts. The Minor Use Permit process will establish the number of special events that are allowed. The County does not utilize a neighborhood vote to determine land uses, but neighborhood issues are taken into account when a Minor Use Permit is evaluated at a public hearing before the Zoning Administrator. There are several approved Community Centers in Placer County. To date, none of them are at wineries.

Jim Taylor, owner of Mt. Vernon Winery made the following statements:

- If neighbors call and complain about noise they turn down the music. The wineries and neighbors need to communicate and everyone needs to be courteous.
- Signs off Mt. Vernon Road indicate the road cannot support vehicles over seven tons, so why would his access road have a 40,000 pound minimum? How could you get the truck to the winery if the County road will not hold it?
- The traffic that wineries bring in is during non-peak hours during the weekends, when there are no commuters on the road.
- Since there is no trail of wineries in Placer County, there is not as much traffic.
- Roadway entrance requirements are too restrictive.

County Response: There are a number of administrative and engineering factors considered in evaluating weight limits for county highways and bridges including existing pavement design, highway capacity, traffic loads, etc. Highway pavements are designed for legal axle loads, and loads above these will significantly shorten pavement life. As a part of the County's Pavement Management System, weight limits are

established to maximize pavement life and limit load stresses to specified "truck routes". In some instances, as in the case of Mr. Vernon Road, roads have been established with weight limits as a measure to prevent commercial trucks from bypassing the State Highway System.

Highway and bridge axle load limits differ from the minimum road design requirements to construct an access capable of supporting a 40,000-lb. vehicle (fire truck) in that the road design is intended to prevent that emergency vehicle from becoming immobile due to slope and/or roadbed failure (County recommends 2" AC over 4" AB to achieve this, however 6" AB (aggregate base) at 90% compaction would be a minimum).

Karin Killabrew, a marketing consultant not in the winery business made the following comments:

- The County has done a poor job with the notification process.
- As a resident, she would rather have 10 wineries than one Walmart.
- Placer County has done a poor job of protecting agriculture and needs to do a better job of letting people know what it means to move into an agriculture zone and protect that right.

County Response: The Planning Department sent notices to all parties indicating an interest in the Draft Winery Ordinance and to a mailing list provided by the Agricultural Commissioner's Office. The County does have a Right-to-Farm Ordinance.

Melanie Heckel and Michael Johnson answered the following additional questions:

1. What are the next steps?
The County will conduct the second public workshop on June 27th and take the ordinance to the Agricultural Commission on July 9th in a workshop setting. The Draft Ordinance will not be revised before the next two meetings. After that, staff will evaluate the comments and make revisions to the ordinance before bringing it forward to decision makers.
2. Has the Draft Winery Ordinance been reviewed by County Counsel?
Yes, they have reviewed and made comments to the Planning Department.
3. How much on-site vineyard is required to be approved for a winery?
There is no set acreage required, but there is a requirement that the primary purpose of the winery shall be to process wine grapes grown on the winery site or on other local agricultural lands.
4. How many events at Community Centers are proposed?
The Winery Ordinance would not amend the current Zoning Ordinance requirements for Community Centers, which do not establish a specific number limitation. Any limit on the number of events is established by the

Minor Use Permit that is required. To date, there are a number of Community Centers in Placer County, none of them are at wineries.

5. Can you bring wine to the site for tasting and sale without growing or making it there?

No you cannot.

6. Can you provide overflow parking for Promotional Events on adjacent parcels?

Melanie did not respond at the meeting, but is now providing the following response:

Yes, off-site parking can be provided as outlined in Zoning Ordinance Section 17.51.075, which requires an easement from the adjacent property owner providing parking and allows parking only on adjacent residential parcels that are zoned to allow the proposed use.

Draft Winery Ordinance Workshop
June 27, 2007

Melanie Heckel gave the same presentation as presented on June 21st than opened the floor for public comments. The following summarizes the comments made.

Mike Abbott of Ophir Wines added to his points from the last workshop by citing specific ordinance sections. There were as follows:

- The County's Farm Ordinance Section 4883 (B), Article XII states "protect agricultural pursuits and resolve conflicts in favor of agricultural enterprises".
- He believes that the proposed ordinance contradicts the Right-to-Farm Ordinance Section 5.700

It is the declared policy of the County of Placer to preserve, protect and encourage the development and improvement of its agricultural land for the production of food and agricultural products. When non- agricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits. As a result agricultural operations are sometimes forced to cease or are substantially curtailed... It is the purpose of this ordinance to reduce the loss to the County of its commercial agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance

- Right-to-Farm Ordinance Section 5.705 states "... an agricultural activity can not be deemed a nuisance if it has been in operation for more than one year..." Most complaints about noise are in regards to one winery's personal family parties that are not part of the winery business, and are not addressed by the ordinance.
- He believes that every vineyard and winery in Placer County meets the legal standards for protection under the County's Right-to-Farm Ordinance under Section 5.714 which provides that commercial agriculture means agricultural lands in designated areas... or those lands that produce a gross annual income of \$4,500 from the sale of agricultural products.
- He is in support of standards of conduct like normal winery activity such as sampling and separating them from other events like weddings and large parties which should require special permits.
- He disagrees with the commercial requirement of a 20 foot wide paved road on farm operations and is troubled by a MUP requirement
- He argues that the ordinances used as a basis for the proposed ordinance were from Counties whose wineries are far larger than those of Placer County. Those Counties do not require a MUP like Placer County.
- The commercial standards are untenable, and if imposed would force wineries to have more and bigger event to recoup cost of required improvements.

Staff Response: Staff is aware of the Right-to-Farm Ordinance and finds that the Draft Winery Ordinance does not contradict its provisions. The intent of the Right-to-Farm

Ordinance is to notify property owners who choose to live in agricultural areas, that they can expect agricultural activity nearby and is intended to limit the circumstances under which agricultural operations may be deemed to constitute a nuisance. It is not intended to eliminate County regulation of agricultural pursuits. Although crop production (growing and harvesting) of crops is a permitted use in every zoning district where it is allowed, there are many agricultural activities that require Minor and Conditional Use Permits in the Placer County Zoning Ordinance. These include agricultural processing (including wineries), poultry and hog ranches and retail plant nurseries. It is true, however, that complaints about personal parties at one winery are unrelated to the winery business. Furthermore, the ability to conduct weddings, parties and events at wineries is not addressed in the Winery Ordinance, other than by reference to current zoning requirements that apply to Community Centers. In terms of the 20 foot wide paved road, the County is looking at that standard in the Draft Ordinance for possible revision. Mr. Abbott indicated that he is troubled by the Minor Use Permit requirement and mentioned that the basis for the proposed ordinance were from counties with larger wineries without the use permit requirement. Staff's response is that this is a fairly complicated issue. While some nearby jurisdictions do not require use permits, others do in particular circumstances. Both El Dorado and Nevada Counties have Draft Revisions to their winery provisions under consideration. El Dorado's current ordinance requires a use permit for accessory uses like tasting and promotional events in residential zones and if served by a private road if outside the general plan designated agricultural district boundaries. Some of the surrounding jurisdictions do not have a use permit requirement, but do have other more restrictive provisions than are proposed for Placer County's ordinance. For example, El Dorado's Ordinance requires ten acres for a winery, as well as five acres of on-site vineyard in order to have accessory public uses. Staff is recommending a Draft Ordinance that includes land use permit regulations that are designed to be appropriate for Placer County. As drafted, this allows wineries and accessory uses on parcels as small as 4.6 acres and without a minimum vineyard acreage. In addition, a Minor Use Permit is required only for larger wineries and tasting rooms, on parcels zoned Residential Agricultural, on parcels less than 10 acres or on private roads.

Mike Giles, on behalf of Neighborhood Rescue Group made the following comments:

- He suggests that the Winery Ordinance should follow the Placer County General Plan and other Placer County Community Plans to promote the rural agricultural character of the RA, RF, and F-B-X 5.0 acre minimum zoning districts. He suggests the Winery Ordinance include the following provisions.
 - Wineries located on 30 or more acres should be allowed to apply for an on-site tasting room through the permit process.
 - Wineries on less than 30 acres may be allowed to have off-site tastings in commercial retail facilities located within City limits.
 - Wineries with less than 30 acres will be approved by a MUP if located in RA, RF, and F-B-X 5.0 acre minimum districts.
 - All tasting rooms in RA, RF, and F-B-X 5.0 acre minimum districts would be approved by a MUP.

- Only agricultural related events will occur in RA, RF, and F-B-X 5.0 acre minimum zoning districts.
- Non-agricultural events will occur in commercial retail facilities located within City limits.
- A winery, its wine tasting room, and overflow parking must all be located on the same parcel of land with a single APN.
- If a winery is subdivided to less than 30 acres, all licenses and permits for tasting rooms will be immediately revoked along with all related tasting room privileges.
- All winery accessory uses including pouring of wine and consumption of food shall be conducted in the approved wine tasting room.
- Wineries may only sell wine fruit products produced from grapes grown in Placer County.
- All wineries will be required to file a yearly report with the Planning Department detailing where any and all wine grapes were purchased, how many pounds were purchased, the name of the grower, and address of the vineyard the grapes came from.
- All wine tasting rooms shall meet the Uniform Building Codes, have panic hardware, 40,000 pound all-weather capable paved road access, sufficient exiting and other requirements necessary for public safety in a commercial eating and drinking establishment.
- Due to the fact that one dozen complaints of winery code violations were reported from October, 2005 through 2006 and not one violation was issued, he believes regulations and penalties should be based on plausible evidence of code violations.

County Response: In terms of requiring at least 30 acres for winery accessory uses including tasting and promotional events, this is more restrictive than the County is willing to propose, given the smaller agricultural parcels in Placer County and the 4.6 acre minimum lot size in the Farm zoning district. In terms of requiring that all grapes be produced from grapes grown in Placer County, it is staff's opinion that this is too restrictive, given the need to import grapes for blending and to produce different varieties. See also the response to Noah Mackenroth outlined in the June 21 Workshop notes. In response to the final comments on evidence of code violations, that is outside the scope of the Draft Winery Ordinance.

Gabe Mendez, owner of Vina Castellano Vineyard, made the following comments:

- He cannot believe that a small business will be expected to spend thousands of dollars in road improvements.
- With his current gravel road he expects to be serviced by the Fire Department so why would he have to put in a 20 foot paved road?
- He proposes that the Fire Department should come out to each individual winery and evaluate the site.
- The tasting rooms have too many restrictions on what can be sold and they should be allowed to offer a sample of their product just like Raley's does.

- This is a farming situation so why can they not just comply with farming regulations.
- He is trying to make a profit off his wines.

County Response: See response to comments from Michael Abbott and Gabe Mendez from the June 21 Workshop notes

Stewart Perry, owner of Fawnridge Winery, made the following comments

- He had an application for a MUP that was to include a wine tasting room but his neighbors opposed it so it was withdrawn from his MUP.
- He had numerous letters of support signed by his neighbors regarding allowance for visitors, sales and related activities. In addition he submitted a Petition to Support Placer County Wineries signed by people tasting his wine at off-site locations.
- He does not serve drunk people.

County Response: None necessary. The letters of support and petition have been accepted and are a part of the record

Michael Leydon, a resident of Newcastle, had the following comments:

- He welcomes wineries into Placer County, and he thinks that the vineyards are very appealing and pleasing to the eye.
- He does not think that wineries belong in the incorporated areas.
- He is concerned about the 4.6 acre minimum size because in other Counties the minimum size for wineries is larger.
- He suggests that the ordinance include a minimum number of acres of horticulture required in order to be considered a winery.
- He is concerned that the draft ordinance would allow people to start getting grapes and wine from Lodi and start selling them here in Placer County.
- He is also concerned about the special events. In the Right-to-Farm Ordinance there is nothing about special events. He is concerned that there will be no limit to the number of special events.

County Response: It is true that some other Counties have larger minimum lot sizes for wineries. However, staff proposes a 4.6 acre minimum lot size for wineries because that is the minimum lot size for creating parcels in the Farm zone, the County's primary agricultural zoning district. Staff decided not to require a minimum acreage of vineyards. Instead, the Draft Ordinance indicates that the primary purpose of the winery shall be to process wine grapes grown on the winery premises or on other local agricultural lands. See response to Noah Mackenroth in the June 21 Workshops Notes

Ken Williams, a resident of Newcastle, had the following statements:

- He lives next to a winery and he has never experienced traffic problems.

- The wineries work very hard to grow their grapes.
- He supports the opportunity for wineries to provide on-site tasting and sales.

County Response: No response necessary.

Steve Wegner, on behalf of Pescatore Winery and Vineyard, had the following comments:

- The draft Winery Ordinance holds wineries to a much higher standard than other agricultural business in agricultural zones.
- The draft Winery Ordinance also holds wineries to higher standards than residential businesses.
- They recommend that the draft Winery Ordinance needs to reference the General Plan and Right-to-Farm Ordinance.
- The draft Winery Ordinance should specifically state that "grading plans" and "engineering" should not be required unless they meet the current County guidelines for such.
- An entire section should be added to the draft on "boutique wineries." A boutique winery would produce less than 1,000 cases, have tastings by appointment, and have a limited number of cars per week or month.
- A boutique winery would have parking standards based on the cars permitted.
- At least one acre of vines would be required to be considered a boutique winery.
- An ARP would be required to operate as a boutique winery.
- The current Zoning Ordinance allows 15 patrons per day for residential businesses, so a winery should be able to have at least that many.
- A boutique winery that has 20 to 30 cars per week is less than that of a residence, so road improvements, fire access, etc. should be based on residential standards not commercial standards.
- To reach a residence for fire is the same or less than an agricultural business because there are less patrons on-site and for shorter periods of time.
- They request that "paving" be removed from the draft Winery Ordinance because it takes away from the rural character. Also if the parking can be gravel and meet the 40,000 pound load, why can the road not be the same? With gravel parking and no grading permit.
- The date for promotional events with gravel parking and no grading permits should be extended from October 15th to October 31st because harvests last well into October.
- The draft Winery Ordinance does recognize wineries as agricultural businesses but is too strict with site improvements when this is a seasonal business just like other agricultural products.
- They are glad that food is involved and being recognized with tastings

County Response: Staff previously responded to suggestions that the County look at establishing alternative regulations for boutique wineries. See response to Michael Abbott and Dave Wegner from the June 21 Workshop Notes. In response to the

suggestion that the Winery Ordinance indicate that Grading Plans/engineering not be required for wineries unless required by the standard grading permit threshold, the County will look at threshold requirements for grading plan requirements when evaluating the Draft Winery Ordinance. It should be noted that the County typically evaluates grading plans to ensure minimum loading requirements, compliance with the County's Grading and Erosion Control Ordinance, review parking layout and circulation areas for minimum stall size and aisle widths, and compliance with Best Management Practices if near a waterway. Staff will look at the suggestion that overflow parking for promotional events be allowed without a grading permit until the end of October, to coincide with the end of the harvest and crush. Staff disagrees with Mr. Wegner's contention that wineries are seasonal businesses and should be treated as such. Whereas the harvesting and crushing of grapes is seasonal, wine is not. Wine is ready to taste and sell all year long. Although some months may have greater potential for tasting and sales than others, unless wineries voluntarily propose seasonal limits as part of their project descriptions and conditions of approval, these activities can occur year-round.

Phil Maddox, of Lone Buffalo Vineyards, had the following comments:

- He has been bonded with ABC and he is about ready to file a MUP.
- He would like to respond to remarks about minimum vineyard acreage. El Dorado County is in the process of revising their ordinance at this time and is amending this provision.
- Staff needs to recognize that surrounding Counties have found things that did not work, like the five acre minimum of on-site vineyard in order to have a winery.

Staff Response: The County is not proposing a minimum vineyard acreage such as the requirement in El Dorado County. Staff is unable to verify that El Dorado County is removing that requirement from their Winery Ordinance. The March 14, 2007 Agricultural Commission Draft still requires a five acre vineyard in order to operate a winery and accessory uses. Staff is attempting to get an update from El Dorado County to see if Draft Winery provisions have changed and the status of their Winery Ordinance Update.

Bonnie McAdams, a resident that lives off Bell Road, had the following statement.

- She gets support from the vineyards for the Boys and Girls Club. The wineries help provide programs for kids and they also raise money for Regional Park.
- The draft ordinance affects not just the vineyards but also the other people that pay taxes and support open space.
- The rural flavor of the community needs to be preserved.
- If the ordinance puts wineries out of business because of the requirements that will hurt the County, and numerous non-profit organizations, businesses and residents as well.

County Response: The County is re-evaluating the Draft Winery Ordinance in order to strike a reasonable balance that will be supportive of the winery industry, while

protecting public safety and neighborhood compatibility. See response to Michael Abbott from the June 21 Workshop notes.

Keith Smith, a resident of Placer County that lives off Mt. Vernon Road by a winery, had the following comments:

- Wineries are a part of why people want to live in Placer County.
- The draft ordinance does not promote the economics of wineries. The requirement of a paved fire road will cost winery owners far too much.

County Response. See response to Bonnie McAdams above and response to Michael Abbott and Dave Wegner from the June 21 Workshop Notes.

Lisa Mann, owner of a new vineyard off Mt. Vernon Road, had the following statements:

- She has invested a considerable amount of money to get her winery started.
- She does not serve drunk people.
- If she cannot make money by selling wine she will have no choice but to subdivide her property. She does not want to put in a 20 foot paved road.

County Response: See response to Bonnie McAdams above and response to Michael Abbott and Dave Wegner from the June 21 Winery Ordinance Workshop Notes.

Melanie Heckel and other County staff responded to the following questions:

1. What is the difference between the farm and farm residential zones?
Melanie stated there is no farm residential. RF stands for the Residential Forest zone. There are also Farm zoning districts.
2. In the regulations it states that with parking it would be all weather yet road requirement is a paved twenty feet. Can the driveway be aggregate?
Melanie indicated that parking can be aggregate but the draft ordinance calls for a paved driveway.
3. Where did the numbers come from like two parking attendants?
Melanie indicated that one can make sure the access road is not blocked and the other can actually direct parking vehicles.
4. Are parking requirements for spaces cumulative or inclusive?
Melanie said it would be cumulative as they would be looking at square footage of different categories of use, and the totals would be added up.
5. Where did the twenty foot paved road come from?
Bob Eicholtz remarked that it was out of the CA Fire Code minimum CA standard.

6. Can you read the code?
Bob read from the code.

7. Is there a time frame beyond the Agricultural Commission?
At this point not.

8. Are there going to be corrections and additions?
Yes, we will do some work, but we don't know how soon it will be available.

9. The Agricultural Commission is July 9th and where?
At the old Planning Commission Hearing Room. At Supervisor Holmes direction, it was decided to move it to the new Planning Commission Hearing Room.

10. Are you collecting names for a mailing list?
If you sign in, then you will be put on the list.

11. At next week's Agricultural Commission meeting, will the ordinance be revised?
The County will not have time to revise the ordinance. It will be a report to the commissioners.

12. Is it going to be the same format as tonight?
Christine Turner indicated it will be the same kind of format. It is a public meeting and they will take in comments.