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1 July 2008

To: El Dorado County Board of Supervisors  
Rusty Dupray, District 1  
Helen Baumann, District 2  
James R (Jack) Sweeney, District 3  
Ron Briggs, District 4  
Norma Santiago, District 5

Subject: El Dorado County Draft Winery Ordinance and  
Environmental Impact Report

There are basically two issues facing the Board of Supervisors today, the Draft Winery Ordinance language and the Environmental Impact Report.

There can be significant environmental impact to residential roads used for access by wineries, tasting rooms and vineyards through their construction, operating of wineries, hosting tasting rooms and vineyard operations. It is not acceptable to cause an unfunded overburden on residential roads when the repair and maintenance is only paid for by those residents. River Pines Estates has been imposed upon by an unfunded overburden condition on its roads that still continues today. Business and customer traffic with primary access across Zone of Benefit roads must be required to contribute to the upkeep and maintenance of those roads.

The parking and access paragraphs in the Proposed Draft Winery Ordinance 11 September 2007 and the Alternate Draft Winery Ordinance 17 March 2008 are of primary concern when assessing the impact on River Pines Estates Zone of Benefit roads.

Proposed Draft Winery Ordinance 11 September 2007

4. Parking

b. On-street parking shall not be permitted on county maintained roads.

Submitted by Jerome Pasto  
at Board Hearing of 7/1/08  
#59

This does not address parking on Zone of Benefit roads.

5. Access.

a. The access driveway to the winery and tasting room facilities shall connect directly to a publicly maintained (or County maintained) road, except as provided below. (Access via a private road for purposes of this subsection is to mean that access to the winery utilizes any portion of a private road whether or not the private road utilized is located on or off-site.)

i. A winery open to the public accessed by a privately maintained (or non-County maintained) road, if located within an Agricultural District, shall be subject to the review and approval of a site plan review by the Development Services Director, following a recommendation by the Agricultural Commission.

ii. A winery without on-site sales and not open to the public may be accessed by a private road if located outside of an Agricultural District. If the winery will have on-site sales or a tasting room, a conditional use permit shall be required.

iii. If the winery utilizes a privately maintained (or non-County maintained) road, the winery shall participate in a road maintenance entity or agreement.

This last item must apply in all cases.

Alternate Draft Winery Ordinance 17 March 2008

B. Wineries and Accessory Uses

3. For uses listed in Paragraph 5 and 6 to be permitted by right, the uses must be located on a County maintained road with a minimum width of 20 feet, otherwise a CUP is required.

C. Development Standards and Special Provisions

4. Parking

b. Limitations on the number of guests may be based on availability of off-street parking. All temporary parking shall be accommodated on-site,

All parking, permanent and temporary, needs to be on-site.

5. Access: County Maintained Road. Access shall be to a County Maintained Road with a minimum 20 foot width. Wineries and accessory uses on a non-County maintained road are only permitted by Conditional Use

Permit, CUP. Wineries and accessory uses that are identified in Subsection B as "permitted" but are accessed by a County Maintained Road with less than a 20 foot width, may only be authorized by Conditional Use Permit.

"County Maintained Road" for this Subsection shall be a road that is listed by the Department of Transportation as being on the current County Maintained Mileage list. This list does not typically include County Service Area (CSA) or Zone of Benefit (ZOB) roads. As a condition of approval for a CUP, the winery will be required to participate in any private road maintenance, annex into a road ZOB, or otherwise pay a fair share for road maintenance as determined by the approving authority.

This addresses winery traffic but not vineyard traffic which is a requirement of a winery.

Requiring an Environmental Impact Report will help assure impacts are not overlooked. There are several key issues that should be included in the Environmental Impact Report.

- The Environmental Impact Report and the Winery Ordinance should include impacts caused by commercial vineyards because El Dorado County will not allow a winery without a vineyard.

Impact to the access roads should consider the weight that is transported over those access roads. This can be significant during construction of the infrastructure.

- Once a business is established there is surge traffic from special events and ongoing traffic to run a winery, tasting room and commercial vineyard.

The Environmental Impact Report must address the unfunded overburden of residential access roads and especially roads where the road repair and maintenance monies only come from the residents. River Pines Estates Zone of Benefit is a good example of a road overburden problem.

There are two broad categories of traffic overburden: those created from new construction traffic and those from sustained business traffic. The vehicle weight can be far more damaging to the road than vehicle count.

The following is an excerpt from a pamphlet provided to the River Pines Estates Advisory Committee by El Dorado County.

"Furthermore, today's trucks weigh twice as much as the average fleet weighed in 1960. It is now estimated that a typical 18-wheel truck semi-trailer has the equivalent loading effect of between 3,000 and 6,000 passenger vehicles. The effect of this weight increase in terms of decreasing pavement life span has been estimated to be between 10% for thick pavements such as those on highways and 90% for the thin pavements on local roads and streets."

Here is some background on the Twin Rivers Vineyard development and the subsequent unfunded overburden on River Pines Estates roads. Twin Rivers Vineyard is a 1564 acre development at the end of River Pines Estates, D'Agostini Drive. It was initially one vineyard with the majority of the land used for cattle grazing. The gate at the end of D'Agostini Drive was always locked and the un-improved dirt road that crossed Twin Rivers Vineyard was not passable in winter. Then the development started.

Think of weight and the damage it causes to a River Pines Estates chip seal road, damage caused by development at Twin Rivers Vineyard. The back way out of Twin Rivers Vineyard, and the primary access then, was over the Cosumnes River on an un-rated bridge connecting to Upton Road in Amador County. This unrated bridge causes all traffic of any weight and regular business and customer traffic to travel over River Pines Estates roads.

The first major impact and deterioration of River Pines Estates chip seal roads occurred during creation of the infrastructure in Twin Rivers Vineyard. The chip seal roads were never intended to withstand the magnitude of weight that transcended on its surface.

- Initial road surface, 50 gravel trucks @ equivalent loading effect of 6000 cars per truck. Total impact 300,000 cars.
- Construction equipment: graders, bulldozers, backhoes etc.
- Subsequent chip seal of main road.
- Subsequent paving of sections of the road.
- Power poles, transformers and electrical cable.
- Vineyard site preparation and planting.
- Firewood removal.

- Construction equipment: bulldozers, backhoes, trenchers.
- Vineyard equipment, tractors, discs, flail mowers, sprayers, etc.
- Deer fencing, end posts and T-posts.
- Vineyard Irrigation: well drilling equipment, pipe, water tanks, drip lines.
- Vineyard trellis materials: end posts, super stakes, pencil rods, drip, cordon and trellis wire and grapevines.
- Construction of structures: bulldozers, excavators, backhoes, cement trucks, concrete pump trucks, man lifts, cranes, forklifts.
- Weight of the winery construction materials and operational equipment.
- Weight of construction material and contents for multiple residences.
- All the employees and construction crews required to create the infrastructure.

The total equivalent loading effect of all this weight is HUGE, millions of equivalent cars. D'Agostini Drive suffered significant deterioration and abuse which is still reflected in the condition of River Pines Estates roads today.

Next phase is open for business. The traffic caused by sustained winery operations, tasting room operations, commercial vineyards, residents and parcel owners. There are different types of traffic at this stage: 1) significant increase in customer traffic for special events, 2) routine daily traffic from employees and customers as part of normal business and 3) delivery and receipt of everything required to operate a winery, tasting room and vineyards. In addition to the traffic flow of customers and employees, there is heavier traffic.

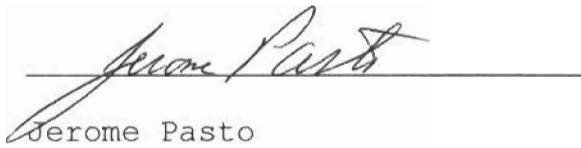
- Daily parcel delivery service. UPS, Fed-Ex, etc., sometimes with tractor trailer size trucks.
- Van delivery trucks, receipt of operating supplies and shipment wine
- Wine tanker trucks.
- Fuel tanker trucks.
- Bottling trucks.
- Propane trucks.
- Greyhound size tour busses and limousines
- Grape harvest delivery trucks.

- The moving in and out of vineyard tractors and implements.

The unacceptable part of this is that River Pines Estates chip seal roads were established as a residential neighborhood. Road repair and maintenance is only paid for by the residents of River Pines Estates. Not a single winery, commercial vineyard or parcel owner in Twin Rivers is annexed into River Pines Estates nor contributes toward the upkeep and maintenance of the roads they use and abuse on a daily basis.

An important issue separate from road abuse, repair and maintenance is the safety of River Pines Estates residents. River Pines Estates roads were not constructed with sidewalks or shoulders. The edge of the chip seal road surface usually drops off or has a drainage ditch. On a typical day residents are out walking, taking their dog out or riding their horses. Because of the construction of River Pines Estates roads their activities require them to be on the edge of the chip seal road surface. The high speed drivers that work in Twin Rivers, frequent the winery tasting room or participate in winery special events are putting River Pines Estates residents in peril. The roads are curved and hilly making it impossible, in some sections, for drivers to have clear vision out in front of their vehicle. Most drive toward the center of the road creating a hazard for oncoming traffic. The pedestrian and pets are also in peril especially should two way traffic emerge where they are. The only way to reduce that peril to residents is to limit the traffic.

The language used in the Alternate Draft Winery Ordinance 17 March 2008 is a more precise. An Environmental Impact Report should be required to assure everything is properly assessed and addressed.



Jerome Pasto  
Key Contact  
River Pines Estates Zone of Benefit