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09/10/2007 11:39 PM

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cc
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Subject Winery Ordinance

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY
SEP 11 2007

2007 SEP 11 AM 8:28

To: El Dorado County Supervisors
From: Thaleia Georgiades, REALTOR

Date: September 10, 2007

Proposed WINERY ORDINANCE

Dear Supervisors,

I would like to bring up 5 good reasons to find against adopting the proposed winery ordinance as currently written:

1. Need for Environmental (CEQA) Review

Please consider that allowing the proposed winery ordinance to pass as written with a negative declaration is absurd. There is no possible way that we can allow events of up to 250 people per occurrence to be allowed simply "by right" to apply to all wineries, without environmental impact analysis. There will be obvious environmental impacts. Some may produce greater impacts than others depending on their particular locations and characteristics. Only a case-by-case special use permit process can evaluate the particular impacts of each winery. At the very least, there MUST be an environmental analysis of the cumulative impacts.

2. Infringement on Private Property Rights

Also consider that if you were to adopt this ordinance as currently written your action would deny adjacent land owners their rights to comment on impacts to their property. This can seriously and adversely impact many unsuspecting property owners. The determination that all properties outside of designated Ag Districts that still carry the old Residential Agricultural (RA) designation are eligible to impose a 200' setback on their adjacent neighbors is inequitable enough without now burdening the adjacent land owners with an events facility "by right". This would certainly create friction between land owners and invite takings issues.

3. Circumventing Oversight and Regulation

Adopting this ordinance as written would usurp the authority of public service organizations to comment on such things as fire & safety issues, waste disposal, road capacity, alternate access, noise levels, specific types of events the facility may/may not be appropriate for, and application of a variety of conditions normally applied to special use permits. There's sound reasoning behind the concept of requiring a public process to issue special use permits. Please consider the unintended consequences of circumventing a conditioning process. Naturally the industry would love to avoid regulation but allowing this use without due process could prove to be a huge mistake. Any other business would have to apply for and process a special use permit.

4. Road Impacts: Public and Private

Consider that many existing and future wineries may be located on private roads where adjacent land owners maintain the right-of-way. It would be quite inappropriate to allow a use "by right" that would unfairly physically and financially impact other private parties. That would create big problems. And what about those rural publicly maintained roads not adequate to handle the additional traffic impacts on wear and safety? Many residents in the outlying areas would argue that their roads are already substandard and/or unsafe in places and will be looking to the County to answer for, and pay for, the additional burden. Any other business would have to pay impact fees.

5. Opening the Door for Other Industries to Demand Equal Rights

Then think about all of the other agricultural operations other than wineries that will surely step up to be afforded the same "rights" as wineries. Some may argue that a winery is "different" than an orchard operation or a berry farm but I can imagine the compelling arguments all of those other agricultural operations could make, and win, that they are no different. They all produce crops and products, they all need to supplement their income, they are all agricultural, they can all be considered a tourism draw, they all make for a good events facility, etc. The argument that a winery is "different" from any other crop operation is like saying someone who makes and sells doors is different than someone who makes and sells dolls. All of them are operating a business. If any of them decide to sell product and /or hold events outside of a business district, they should be subject to some level of discretion and conditioning so they do not negatively impact their neighbors or the public. It's possible that the man who makes dolls in his barn would like to be afforded the same rights as a winery to show and sell his product, hold charity events in the barn, and supplement his income by holding a wedding or two.

Thank you for taking the time to think about these issues.

Respectfully,

Thaleia Georgiades