

CRIS ALARCON Placerville

Good afternoon Madam Chair & members of the Board of Supervisors.

I love our Wineries.

I love our local Wines.

I love going to winery Events.

I love sharing our quality wines with out-of-towners.

I do not love, I can not support, I must object to the proposed WO as it is a subtle, but significant power grab!

It snatches rights from local citizens and delivers them to private businesses. Inherent to this shift is an accompanying loss of fee revenues to the county.

I do value the growing wine industry in El Dorado County almost as much as I do the rights of a neighborhood to determine what kind of place it is that they call Home, but not quite!

I support the activities listed in the proposed WO, even if the activities listed are currently permissible today. This ordinance does not, so much, change the kind of marketing permitted at wineries, as it fundamentally shifts the oversight control away from those that are most effected by those activities.

The proposal shifts those activities that are already available by Permit, to activities that are now a **Right!**

The proposed WO shifts many of the current activities out of a category described as allowed "by permit" into the body of the definition of a winery. This effectively means that if a business meets the definition of a winery, then they have the "Right" to perform these activities.

This differs from a Permit that requires public notice, community comment and forum to address community concerns.

A great example of this distinction is the Casino. The Tribe had the "right" to a casino, and as such, the community had lost there right to have any say about their community.

This is most certainly a subtle move, as it is very easy to overlook the significances of where the activity is listed within the Ordinance.

Submitted by Cris
Alarcon
at Board Hearing of 10/16/07
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The significance of shifting neighborhood rights from residents to business owners is fundamental. One can only imagine the public outcry if they feel the Board has given away their rights to private business concerns.

Some would call this a "Takings" and it is certainly taking away some of the rights of neighbors.

The Industry has told you that the permit process is too slow and expensive, that promoting wineries increases the economic development of the county, and that wineries increase the ambiance of the area. I Agree, but I don't think the answer is to throw out permits altogether, let us modify and streamline the process.

I don't think this proposal is the best way to proceed until we have answered these questions:

- To what \$ amount does the shift from "by permit" to "by right" cause in the generated revenues to the County (to mitigate negative effects) and does this bring the County nearer or farther from use fees that mitigate the actual costs?
- To provide a stated rationale used to justify this "shift of authority" from the nearby community to the merchant specifically addressing why the benefits to the merchants objectively outweigh the loss of community discretion and fees.

I have heard that some vineyards are within communities with CCRs prohibiting agriculture! If we make these changes a "right", then how does this effect the prior rights of those that live within that community?

Has any credible evidence been provided to project the degree of increased profitability of the area wineries and how much this would equate to in revenue to the County and does this offset the loss of fees generated?

To date, this is a story that has not received a lot of notice with the general public.

If it does become news worthy that the Board has swept away private property rights of the community, in favor of a specific industry, the public will want to know if the Board was fair & objective (especially if one has close ties to the industry), if Board members felt justified taking residential rights and shifting them to commercial rights, and if they made the best policy rather than caving into industry pressure for a rushed program.

If you do not feel comfortable answering those questions to your constituents today, then I urge you to vote NO, against this ordinance as written.