



Ken Greenwood  
<kg@d-web.com>  
02/03/2009 11:30 AM

To: cynthia.johnson@edcgov.us  
cc  
bcc  
Subject: Winery Ordinance comments

Cynthia,

I sent this to each member's office, but should have sent it to you for best results. Sorry about the lateness, but two jobs and community activism don't leave much time!!

Thanks,

Ken Greenwood

2009 FEB -3 PM 1:26

BOARD OF SUPERVISORS  
EL DORADO COUNTY

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

**Subject:** Winery Ordinance comments

**Date:** Tue, 03 Feb 2009 11:17:35 -0800

**From:** Ken Greenwood <kg@d-web.com>

**To:** Ron Briggs <bosfour@co.el-dorado.ca.us>, Helen Baumann <bostwo@co.el-dorado.ca.us>, Jack Sw <bosthree@co.el-dorado.ca.us>, Rusty Dupray <bosone@co.el-dorado.ca.us>, Norma Santiago <bos

February 3, 2008

El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, Ca 95667

Subject: Winery Ordinance Comments

Dear Board Members,

I have reviewed the documentation for the Industry Proposed Winery Ordinance (IPWO) and remain opposed to the proposal on the grounds that too much activity is allowed on all parcels effected and surrounding parcels will be adversely effected by these activities without due process. I also believe the proposed Mitigated Negative Declaration (MND) is inadequate to fully mitigate the potential environmental impacts to insignificance as the scope of allowed uses is too vast and there is little or no analysis of the cumulative effects unleashed by the permissive nature of the ordinance.

I have been involved with this issue for nearly four years, and have previously asked my previous comments from the Mira Flores project and this IPWO be incorporated into the record.

I also have serious concern regarding the validity of the Planning Commission vote on December 8, 2008 due to the Doctrine of Incompatible Offices. Planning Commissioner John Knight was the essential "third vote" to establish a quorum to hear and act on this item as Commissioner MacCready recused himself and Commissioner Machado was absent. The Doctrine of Incompatible Offices (Government Code 1099) suggests that Commissioner Knight may have been ineligible to participate in this meeting (and many others) as he was serving in two capacities at the time; that of El Dorado County Planning Commissioner and as a member of the El Dorado Hills Fire Protection District. This may mean the December 8, 2008 Planning Commission decision is invalid and perhaps the Planning Commission should hear this item again before sending it to your Board for review. Perhaps County Counsel should review this matter prior to your action today. Please see the following link to the California Attorney General's web site for the basis of my concern: <http://ag.ca.gov/ethics/accessible/doctrine.php>

**Need for Special Use Permits For all Wineries:** As I have stated for nearly four years; every property and its surroundings are unique and therefore all wineries (potentially an "Event Center with and Agricultural Theme" under the IPWO) should require a Special Use Permit for their operation regardless of Zoning, parcel size or General Plan Land Use Designation. We should use the IPWO as a performance baseline for all such Use Permit applications and work from there to deal with site specific issues that will arise even within Agricultural Districts.

The current proposal is a vast improvement over the past drafts, and staff and the industry representatives should be applauded for their efforts, but again too much is allowed and the public has been essentially excluded from the planning process. However, there has been little or no notification of the affected public (primarily those who live in NEWLY DESIGNATED Agricultural Districts on smaller 5-10 acre Residential parcels that will soon find themselves adjacent to "Event Centers with and Agricultural Theme" once this ordinance is approved). I have been involved with this process to represent those that do not know to be here. I fear there is limited knowledge of the significance of this ordinance to those within the county, especially the newly designated Agricultural Districts.

Specific comments:

- What is this costing us? Will El Dorado County ever recover the cost of processing the IPWO? The amount of staff hours expended on the IPWO has been tracked by the Planning Department's internal system. How will this cost be recovered? What other industry in El Dorado County has received this gift of public funds?
- Off site Signs: Off Site signs are allowed under the IPWO with landowner and Planning Director review. The public has no input to this process. Any other industry in El Dorado County has to apply for a Use Permit of some sort that is subject to public notice and hearing, but not for wineries. This does not seem fair.
- Setbacks: Parking lots and other neighbor unfriendly land uses will be allowed immediately adjacent to existing residential properties that may have been subject to 30 foot setbacks.
- Cumulative impacts on Oak Woodlands and Water Supply not addressed by the MND:
  - Oak Woodlands: The IPWO will accommodate the conversion of untold acreage

of Oak Woodlands to vineyards in and outside of Agricultural Districts. This is not discussed in the MND and not covered in the General Plan EIR.

- Similarly, increased water use by vineyards is not addressed adequately in the MND and the GP EIR. There is not county wide analysis of groundwater supply and demand to justify the increase in vineyard establishment triggered by the increased production capability accommodated by the IPWO.
- Traffic Impacts: Traffic has and will continue to increase with the development of the wine industry in rural roads and intersections. Will the limited amount of traffic fees collected for these commercial operations adequately fund the improvements necessary to handle this increase in traffic? What about intersection and sight distance improvements that abound in our Agricultural Districts?

**What will the "Corporate Future" bring?** Admirably, most wineries are "Mom and Pop Operations" and that is a good thing. However, as witnessed with the recent purchase of the Charles Mitchell winery by a corporation, the focus has been pure business. How will this pan out with the permissive nature of the IPWO once corporate decisions and the need to generate maximum cash flow take over? I fear that scenario, as do the neighbors of existing "Mom and Pop Operations" that are not subject to such pressures.

Thanks you for this opportunity to comment on this proposal and I look forward to the hearing later today.

Sincerely,

Ken R. Greenwood