

Roudon-Smith Winery Critics Are Silenced By Supervisors

Residents of the Bean Creek Road area of Scotts Valley, won't get to air their complaints about the Roudon-Smith Winery in their neighborhood before the county Board of Supervisors.

In a 3-2 vote Tuesday, supervisors denied a request by the Bean Creek Road Association for an appeal hearing.

Residents wanted to appeal a recent decision of the Planning Commission allowing the continuance of the winery on a three-acre site off Bean Creek Road.

The residents believe the winery shouldn't be allowed to continue, claiming winemakers violated their use permit for a "home occupation" by expanding into a commercial venture and alleging they enlarged a building without the proper building permit.

But Supervisors' Chairman Robley Levy along with Supervisors Gary Patton and Dan Forbus rejected the residents' request since it didn't meet the legal qualifications for an appeal hearing.

Supervisors Joe Cucchiara and E. Wayne Moore Jr., normally foes in controversial board votes, this time joined together in supporting the residents' request for a hearing.

Cucchiara pointed out that this situation could be used by the new Winery Task Force in reviewing the growing winery industry in this county. In a unanimous vote, supervisors agreed to refer the matter to the task force to review how the county can avoid such conflicts in the future.

Levy pointed out to the residents at the meeting that the only legal basis for an appeal hearing would be if the commission wasn't given all the available information or if there was an error in the process the commission used in making its decision.

Mel Allen, president of the Bean Creek Association, admitted all the evidence had been presented.

"Neither the Zoning Administrator nor the Planning Commission haven't taken into consideration the items that were untenable to the neighborhood . . . We believe there's been collusion between the winery and the Planning Commission and we'd like to prove that fact," Allen said in explaining the reasons for asking for an appeal hearing.

If residents can show collusion, then there's reason to hear the appeal, Patton responded. If it's just a matter that commissioners didn't agree with you, then that's

no reason for the board to consider it again.

Allen didn't attempt to present any evidence of collusion. However, Association Secretary Ron Paterson told The Sentinel that since winemakers Bob Roudon and Jim Smith had expanded their operation in violation of their use permit and without building permits, it seems "there must be some type of collusion in favor of wineries."

Planner Jim Weaver told supervisors that all points on the legality of the operation had been presented to the commission and its decision on the winery now makes it a legal operation.

"The material presented to me by the association looks very compelling," Patton said, "but I don't think the association has presented any information that wasn't presented at the Planning Commission level . . . As the county code says, the buck stops at the Planning Commission."

The only recourse the residents have now is to take their complaints to court. Allen told The Sentinel that while no decision has yet been made, filing a lawsuit has been given "serious consideration."

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S. J. Ford