

The Sacramento Bee

October 5, 2003

METRO



Amador County grape grower Don Potter has filed a lawsuit against the owners of Villa Toscano, in the hopes of shutting down its bistro. "We don't need another Napa Valley," he said.

In the booming wine country of Amador County, a vineyard bistro has sparked a ...

FOOD FIGHT



Sacramento Bee/Anne Chadwick Williams

The Villa Toscano Winery, above, is accompanied by a fully functioning bistro. Some argue that offering good food is a necessary step to ensuring the financial well-being of local vintners, but a group of Amador County residents and grape growers are furious the county has not enforced a law that bans restaurants on agricultural land.

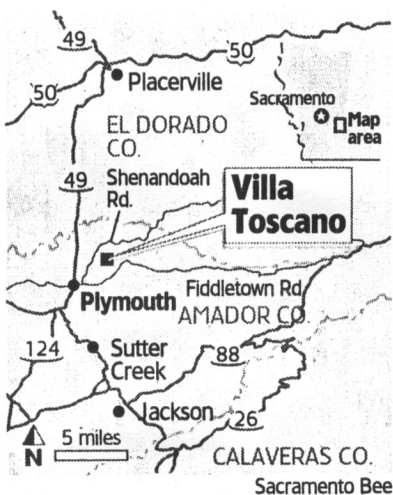
Some fear becoming another Napa

By Mareva Brown
BEE STAFF WRITER

SHENENDOAH VALLEY - Here in California's newest booming wine frontier, where iron-rich soil and scorching summer days produce some of the world's best Zinfandel grapes, a political ferment has begun over whether to allow restaurants in winery tasting rooms.

On one side stands Jerry and Erika Wright, relative newcomers to this Amador County valley, whose Villa Toscano Winery and tasting room is accompanied by a fully functioning restaurant, the Bistro. They, and others, have argued that good food is a logical and necessary step to ensuring the financial well-being of local vintners, especially as six new tasting rooms are set to open in the coming months.

On the other side are a former Amador County

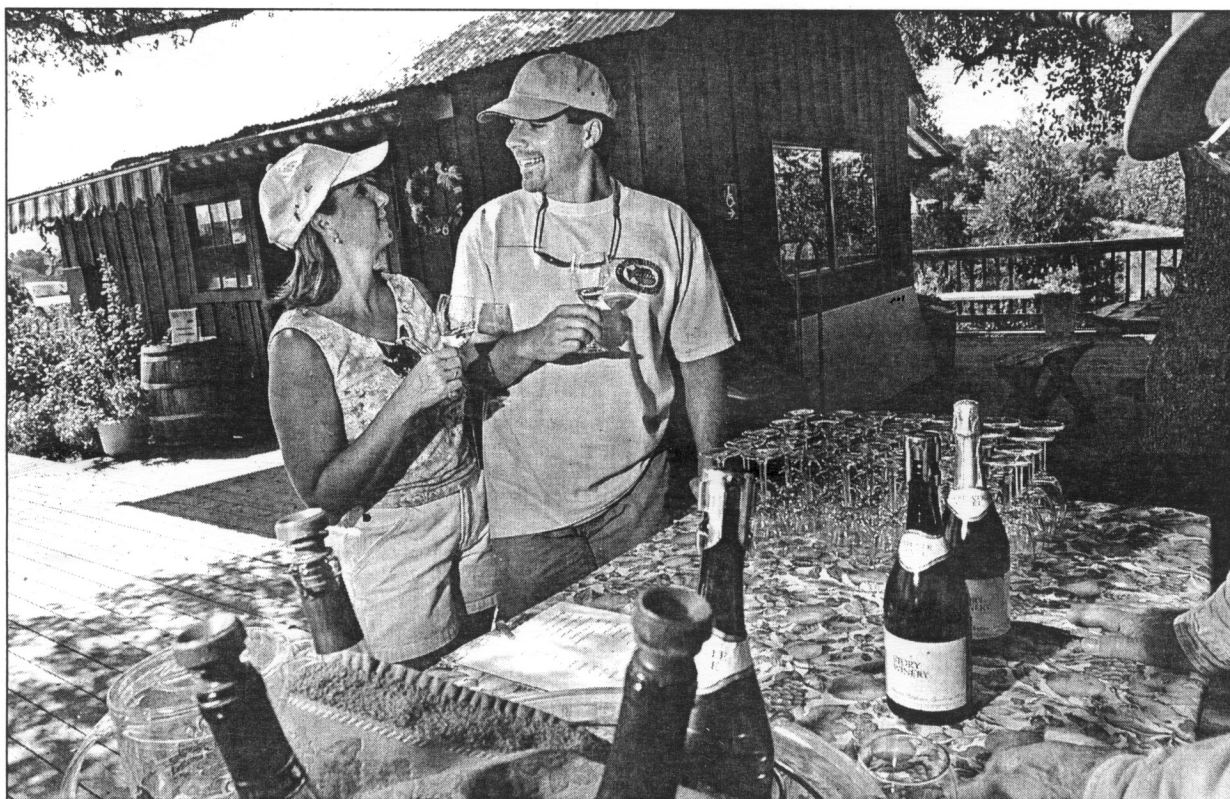


planning commissioner and a tightly knit group of longtime grape growers and vintners, who are furious that the county has not enforced an ordinance that specifically prohibits restaurants, like the Bistro, from operating on agricultural land.

They fear allowing the Bistro to stay open could lay the groundwork for a tourist climate like Napa's in the Shenandoah Valley, where about 21 wineries and tasting rooms are nestled among 10,000 acres of vineyards and dusty farm land.

"I'm really happy being in a place with a sleepy two-lane little road in front of me, and I don't want to see it overcommercialized," said Ben Zeitman, a former resident of Redwood City who now owns the Amador Foothill Winery with his wife. "A lot of people

► BISTRO, page B6



At left, Lisa and Kyle Zukoski taste wine at Story Winery in Amador County. Above, a sign for the Villa Toscano Winery & Bistro lists hours of operation. An injunction has been filed to try to close the Bistro and block the opening of a dell by the Bistro owners on another property.

Sacramento Bee/
Anne Chadwick Williams

► CONTINUED FROM B1

here want to keep the agricultural integrity of the Shenendoah Valley and think restaurants belong in cities."

Caught in the middle are county officials, who in recent weeks have taken refuge from increasingly heated meetings by using a law that allows them to discuss "pending litigation" behind closed doors. They have refused to answer any questions about the dispute publicly since the former planning commissioner, Don Potter, filed suit last month against Villa Toscano in an attempt to shut down the restaurant.

The dispute has chilled relationships in this close-knit valley, where attendance at monthly potluck dinners has dropped from as many as 120 people to fewer than 40.

"This whole valley is made up of people who like each other," said Potter, who has been growing grapes here since 1974. "All of them are basically great people to know. But this thing has spawned divisions among a lot of people. It's really crummy."

In the spring of 2002, the Wrights opened their tiny, stand-alone bistro at the front of the winery's sloping Shenendoah Road land. The Bistro, like the nearby tasting room, is painted a mustard color and is built in the style of a Tuscan villa, with an outdoor plaza where patrons are encouraged to eat amid piped-in music and outdoor fountains.

The Wrights have refused to talk to *The Bee*, nor have they authorized their attorney to speak for them. But Jerry Wright did grant an interview to the *New York Times* in June 2002 in which he defended the restaurant and accused its opponents of being anti-growth.

"They didn't want us to put a bistro in here," Wright said in the *Times*' article, a feature on gold country wineries. "But I said, 'I'm going to do it anyway.'"

After the Bistro opened, the Wrights applied to the county's Planning Department for a permit to run it full-time, but were denied because Amador County's 1993 wine ordinance specifically prohibits serving fresh food at wineries except at certain special events. Pre-packaged food may be sold.

A short time later, in August 2002, the Wrights appealed that decision to the county Planning Commission, and again were denied. The five-member panel included Potter, who had served as the commission's Shenendoah Valley representative for the previous six years.

"We said, 'No, you're in violation of the ordinance in place now,'" said Potter.

Again, the Wrights appealed, this time to county supervisors, who gave the Bistro a 120-day reprieve and sent the ordinance back to the Planning Commission to be rewritten. Some community members said they were infuriated at what they saw as tacit approval of the illegal restaurant.

Potter dashed off an angry letter to the *Amador Ledger Dispatch* newspaper accusing county supervisors of not having "the collective backbone to stand up to this outlandish behavior."

The Planning Commission appointed an eight-member committee to revisit the ordinance. But after weeks of discussion, and another 120-day waiver for the Bistro, the deeply divided panel said it could not recommend a revision.

Among the members was longtime vintner Leon Sobon, who owns Sobon Estates and Shenendoah Vineyards and helped write the original ordinance in 1993. He believes some sort of food service would be appropriate, but opposes the Bistro because of what he sees as the Wrights' heavy-handed business style.

"The Wrights have helped us," he said. "They've done a lot of advertising in Sacramento to try to get more people up here, and that's been good for all of us. But we would like for people to obey the law."

Yet, there are influential members of the valley's wine community, including Renwood Winery Chief Executive Officer Robert Smerling, who argue that food service may prove critical to the valley's success. He points out that the nearest "white tablecloth" restaurant is half an hour away.

"Nothing that anyone has proposed would alter the lifestyle," said Smerling. "There is a certain clique, a minority segment of the old-line families, that are against change for the sake of change. Yet, they are the most aggressive in asking for (wine grape) prices that are not reasonable. They should be selling their grapes at prices from 10 years ago if they want to live in the past."

Finally, on June 10, county supervisors voted to let the old ordinance stand and to deny any further delays in shutting down the restaurant. Since then, however, the county has taken no formal action, and the Wrights continue to operate the Bistro, serving fresh salads, sandwiches and daily specials from 11 a.m. to 4:30 p.m.

In early September, Potter filed a civil lawsuit, alleging the Wrights have engaged in unfair business practices by operating the Bistro illegally. The lawsuit is backed by a tight-knit coalition of wine growers and vintners, including *Domaine de la Terra Rouge* winery co-owner Jane O'Riordon.

"It sets a bad precedent," said O'Riordon. "And it's going to attract other people who think they can do whatever they want up here because the county is so slow to react to it."

She steered her giant sport-utility vehicle around a corner on Shenendoah School Road and gasped. On a fence outside a tasting room being erected by the Wrights is a sign advertising the new *Bella Piazza* winery "and deli."

"See what we have to put up with?" she said. "I have to get on the horn."

Tension is likely to run high this weekend, as the *Amador Vintners Association* hosts its annual harvest wine festival. For \$25 per person, patrons can taste wines at the 18 member wineries, listen to live music and sample catered food, which is permissible under the ordinance for such special events.

Villa Toscano, Renwood and a couple of other wineries do not participate; their tastings are free.

On Friday, Potter filed an injunction seeking to have the Bistro closed until his lawsuit is resolved and to prevent the Wrights from opening a deli on the *Bella Piazza* property.

"They think we should have a Napa Valley here in the Shenendoah Valley," Potter said last week, relaxing in the living room of his hillside home, where 30 acres of grape vines ripened in the afternoon sun.

"They think we should open it up for more economic opportunity for the people who have money. I happen to think we shouldn't. We don't need another Napa Valley," he said.

□ □ □

The Bee's Mareva Brown can be reached at (916) 321-1088 or mbrown@sacbee.com.