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## 2. RESPONSES TO COMMENTS

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## 2

## RESPONSES TO COMMENTS

### 2.1 INTRODUCTION

This chapter contains responses to each of the public comment letters submitted regarding the Winery and Farm Brewery Zoning Text Amendment Project Draft EIR. Each bracketed comment letter is followed by numbered responses to each bracketed comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record, as appropriate. Where revisions to the Draft EIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 3 of this Final EIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.

The changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required.

### 2.2 MASTER RESPONSES

Many of the commenters raised similar concerns. For such concerns, the County has prepared master responses. Through master responses, the County can address the common topics in a comprehensive manner and without duplication in the individual responses. Two master responses have been prepared: (1) Induced Development of Future Wineries/Farm Breweries, and (2) Geographic Area of Analysis.

#### **Master Response #1: Induced Development of Future Wineries/Farm Breweries**

Commenters have raised concerns about the proposed Zoning Text Amendment leading to growth inducement, in some cases citing *Laurel Heights Improvement Association v. Regents of the University of California* (1988) Cal.3d 376 (“Laurel Heights I”) in support of the opinion that the Draft EIR impermissibly segments review of reasonably foreseeable construction under the Zoning Text Amendment. The California Supreme Court set forth a piecemealing test in *Laurel Heights*. The court states: “We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent these two circumstances, the future expansion need not be considered in the EIR for the proposed project.” The court further notes: “Under this standard, the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action.”



As noted in *Banning Ranch Conservancy v. City of Newport Beach et al.* (2012) Cal.4<sup>th</sup> 1209 (“Banning Ranch”), there may be improper piecemealing when the purpose of the reviewed project is to be the first step toward future development. The purpose of the Zoning Text Amendment, as stated on page 3-4 of the Draft EIR, is

“...to preserve and protect farmland while also enhancing the economic viability of Placer County’s agricultural operations and supporting the tenets of agri-tourism, which is a type of tourism that brings visitors directly to a farm or ranch. The Zoning Text Amendment is intended to balance the needs of various stakeholder groups and support the core principle that the primary use of the property is to cultivate and process agriculture in order to make a locally grown and value-added product.”

Nothing in the project’s purpose/objective statement suggests that the County is trying to facilitate the development of more wineries and farm breweries in the County with the changes proposed in the Zoning Text Amendment. In fact, as discussed on pages 12-31 and 12-32 of the Draft EIR, the proposed changes to the permit requirements for wineries and farm breweries are generally more restrictive than the current Winery Ordinance. As shown in Table 12-8 of the Draft EIR (reproduced below), future production facilities with tasting rooms within Residential Agricultural (RA) and Residential Forest (RF) zone districts would now be subject to a Conditional Use Permit (CUP) or a Minor Use Permit (MUP), as compared to an Administrative Review Permit (ARP) under the current ordinance, and, thus, would require additional review, separate from the proposed project. An MUP and a CUP both require a public hearing prior to approval, whereas an ARP does not.

<b>Table 12-8</b>		
<b>Proposed Changes to Permit Requirements</b>		
<b>Use</b>	<b>Existing Ordinance</b>	<b>Proposed Ordinance</b>
Small Production (0 to 20,000 cases)	ARP required in RA and RF zone districts	MUP required
	Not allowed in RES zone district	Allowed with ARP in RES zone district
Wholesale and Retail Sales of Wine, Grape, and Beer Products	ARP required in RA and RF zone districts	MUP required in RA and RF zone districts
Tasting and Retail Sales of Wine- or Beer-Related Merchandise	ARP required in RA and RF zone districts	CUP required in RA and RF zone districts on 4.6- to less than 10-acre parcels
		MUP required in RA and RF zone districts on parcels 10 acres or larger.
	C required for AE, F, and FOR zone districts on 4.6-acre minimum parcel size	MUP required for AE, F, and FOR zone districts on 4.6- to less than 10-acre parcels
		Zoning Clearance allowed for AE, F, and FOR zone districts on parcels 10 acres or larger.
<i>Source: Placer County Code, 2018.</i>		

The Draft EIR further states (page 12-32):

As also shown in Table 12-8, under the currently adopted Winery Ordinance, the minimum parcel size for establishment of a new production facility with a tasting room without a Use Permit is 4.6 acres in the Agricultural and Resource (AE, F, FOR) zoning districts. Under the proposed project, a minimum parcel size of 10 acres would be required for any new production facility with a tasting room to be established without a use permit in the AE, F, and FOR zoning districts. For existing parcels sized between 4.6 and less than 10 acres, and zoned AE, F, or FOR, an MUP would be required, whereas a production facility with a tasting room is currently allowed by-right on such parcels. Within Placer County, a total of approximately 3,400 parcels (21,677 acres) sized between 4.6 and less than 10 acres are currently zoned AE, F, or FOR (Figure 12-1). A total of 3,860 parcels (455,577 acres) are sized 10 acres or larger and are currently zoned AE, F, or FOR. Thus, the proposed Zoning Text Amendment would preclude potential by-right development of production facilities with tasting rooms on approximately 47 percent of the parcels zoned AE, F, or FOR. Consequently, as generally shown in Figure 12-1, the total number of interfaces between parcels zoned AE, F, and FOR and parcels zoned RA or RF would be reduced.

This is strong evidence that the County does not intend the Zoning Text Amendment to be a first step towards future development of wineries and farm breweries.

*Banning Ranch* also states that there may be improper piecemealing when the reviewed project legally compels or practically presumes completion of another action. There is nothing in the proposed Zoning Text Amendment that legally compels or practically presumes completion of future winery or farm brewery projects. The Zoning Text Amendment does not take any major steps, such as rezoning properties to districts where wineries and/or farm breweries could be allowed by-right.<sup>1</sup> As noted on page 3-15 of the Draft EIR, winery/farm brewery development is already allowed by right in certain zones; the Zoning Text Amendment would not expand the number of zones where by-right development can occur.

The Zoning Text Amendment and any future development projects also have different proponents. The Zoning Text Amendment is a proposal by the County of Placer, while any future winery or farm brewery development projects would be proposed by private property owners. Other than the facilities evaluated in the Draft EIR, there are no other winery/farm brewery projects being proposed for approval in zoning districts where by-right development can occur.

The Zoning Text Amendment proposes changes to a countywide ordinance that includes regulatory standards for wineries and farm breweries. Adopting the Zoning Text Amendment does not commit the County to a particular course of action. Any future actions on the part of private

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<sup>1</sup> As noted in Kostka and Zischke, *Practice Under the California Environmental Quality Act, Second Edition, Vol 1*, Section 12.10, in *Banning Ranch*, the court upheld an EIR for a park and access road project against a claim that a proposed residential development that would also use the access road should have been treated as part of the park project. The court concluded that, even though the residential project was foreseeable and the access road would benefit it, the residential project could not be viewed as a “consequence” of the access road. Although the park project would further the residential project in a limited way, (by providing access), it was not proposed to induce the residential project, and it did not include any steps, such as rezoning, that would amount to an approval for that project.

party owners are too speculative to be considered in the Draft EIR. CEQA does not require evaluation of speculative impacts. (Guidelines, § 15145.)

Therefore, it can be concluded that the physical development of future wineries and farm breweries is not a reasonably foreseeable consequence of the Zoning Text Amendment, thus requiring analysis within the Draft EIR. The second criterion in *Laurel Heights* for determining whether future actions must be evaluated in an EIR is whether the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.<sup>2</sup> There is nothing that would suggest future action, such as winery or farm brewery development, would change the scope or nature of the Zoning Text Amendment or its environmental effects. As demonstrated in *Laurel Heights*, this criterion is typically focused on development projects, whereby future expansion of the project could occur, such that the initial project is modified in scope and its environmental effects increased. The proposed Zoning Text Amendment is an amendment to the County's Winery ordinance, which establishes development standards with which all future projects must comply. The standards in the proposed Zoning Text Amendment set parameters that define the types of events that could occur, hours of operation, allowable noise levels, etc. All future actions must comply with these standards, thus, ensuring that the scope or nature of the Zoning Text Amendment, as currently proposed, will not change.

While physical development of future wineries and farm breweries is not required to be evaluated in the Draft EIR for the reasons set forth above, the Draft EIR does appropriately evaluate the potential environmental effects that could result from additional by-right events at existing medium- and large-size wineries and farm breweries in unincorporated Placer County, as well as by-right events at up to 30 new facilities over the next 20 years.

## **Master Response #2: Geographic Area of Analysis**

The proposed Zoning Text Amendment to the County's existing Winery Ordinance, which is the subject of this EIR, applies to all unincorporated portions of Placer County. Consistent with standard industry practice, the cumulative horizon of this EIR is 20 years. A finite number of new wineries and farm breweries would be developed within the unincorporated portions of Placer County during this 20-year timeframe. As a result, the County conducted research in neighboring foothill counties regarding historic winery/farm brewery growth. As discussed on page 3-16 of the Draft EIR, the research,

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<sup>2</sup> In *Laurel Heights*, the EIR defined the project as "[moving] the School of Pharmacy basic science research units from the UCSF Parnassus campus to Laurel Heights." The building to which those research units were to be moved was approximately 354,000 square feet in size, but only 100,000 square feet were then available to UCSF because one-half of the building was occupied by Caltrans pursuant to a lease with the University that expired in 1990 with an option to extend tenancy until 1995. The EIR did not discuss the additional environmental effects, if any, that would result from UCSF's use of the remaining 254,000 square feet when it became available, perhaps as soon as 1990. The Association contended that the EIR was inadequate because it failed to discuss the anticipated future uses of the Laurel Heights facility and the likely effects of those uses.

The court determined that the future action would be significant in that it would likely change the scope or nature of the proposed initial project and its environmental effects by expanding UCSF's Laurel Heights facility from approximately 100,000 sf to 354,000 sf and an increase in occupants from approximately 460 to 860. The court determined that was obviously a change in the scope of the project and perhaps its nature as well.

[...] demonstrates that the historic annual growth rates for Placer, El Dorado, and Amador counties are very similar, ranging from 1.2 to 1.4 new facilities per year. While certain years may see more growth than other years, an average annual growth rate would be a reasonable assumption for purposes of the cumulative analysis within this EIR. To be conservative, the County has elected to use an annual average growth rate of 1.5 new facilities per year, which is inclusive of both winery or farm brewery development. While this growth rate accounts for both wineries and farm breweries, the rate is conservative given that this EIR is only analyzing wineries and farm breweries on medium and large parcel sizes, for reasons set forth above (i.e., facilities with tasting rooms on small parcels require a use permit). Thus, the estimated growth rate in Placer County over the period evaluated, 2003 through 2017, would be much less for wineries and farm breweries located only on medium or large sized parcels. The estimated average annual growth rate would be 0.6 new facilities per year, for a total of 12 new facilities over 20 years.

***Total cumulative winery/farm brewery growth estimate:*** consistent with industry standard practice, the cumulative study period for this EIR is 20 years. Assuming 1.5 new facilities per year, the total growth evaluated in this EIR equates to 30 new facilities.

With an estimated total of 30 new facilities over 20 years, it follows that new facilities would affect only a relatively small portion of the overall unincorporated area of the County. Thus, the most reasonable approach would be to assess the most likely locations of future facilities based upon a variety of relevant factors, so as to minimize, to the extent possible, the amount of speculation involved. This is precisely what the EIR does. For example, page 3-18 states the following regarding the assumption that future winery/farm brewery growth would be concentrated in western Placer County:

This assumption is also congruent with the geographical and climatic characteristics of western Placer County and their conduciveness to high quality wine grape production. High quality grapes are produced when vines undergo moderate stress from limited water and/or nutrients and are subjected to wide day-night temperature fluctuations. When daytime temperatures are high, there is a high rate of photosynthesis, resulting in accumulated sugars. At night, plants convert the sugars into other compounds in a process called respiration. When nighttime temperatures are low, respiration rates go down so the plants are able to stockpile more sugars and flavor components, which contribute to the intense flavor and color profiles of foothill grapes.

The foothill areas of western Placer County, generally east of Lincoln and west of Meadow Vista, have the appropriate microclimates where day/nighttime temperature fluctuations are higher than the valley areas of far western Placer County in the summer and early fall. In addition, the valley areas in western Placer County (i.e., west of Lincoln and Roseville) have higher frost risk than the foothill region during cold temperature periods because cold air can sit in the valley, whereas it drains/flows off from the foothills. These factors render the valley areas of western Placer County less suitable for high quality wine grape production. The higher elevations of Placer County are not well-suited for high quality

grape growth due to their colder temperatures and shorter growing season. Areas above 2,700 feet in elevation are generally not very suitable for wine grape production.<sup>3</sup>

With respect to soils, in contrast to the fertile, nutrient-rich soils of the valley areas, the foothill regions are characterized predominantly by shallow soils low in nutrients and organic matter. In the lower foothill zone of decomposed granite soils, water-holding capacity may also be limited. Shallow soils, low fertility soils, and limited water-holding capacity can all cause moderate plant stress which contributes to the intensity of flavor and color of wine grapes. This causes moderate plant stress and contributes to the flavor profile of the grapes.

Given that high quality wine grape production is a driving factor for the economic viability of wineries, it is reasonable to assume that future wineries would continue to locate in the foothill region of western Placer County. Figure 3-3 and Figure 3-4 show the location of the sub-regions in relation to existing zoning (Figure 3-3) and existing parcel size (Figure 3-4), with a delineated, dashed focus area. These figures depict where zoning allowances support wine and farm beer production and tasting rooms without the need for a use permit. Additionally, the figures show where the soils and microclimates are conducive to high quality grape production.

Further, page 3-16 of the Draft EIR states the following regarding the County's decision to evaluate concentrated growth of future study facilities within sub-regions of Western Placer County:

In order to provide a reasonable analysis of this Zoning Text Amendment's potential cumulative impacts, this EIR assumes that future winery/farm brewery growth will be concentrated in western Placer County, in and around the areas where current facilities are located. Figure 3-2 shows the "sub-regions" that have been defined for the purposes of the analysis of this EIR. While the sub-region boundaries generally follow the established boundaries of the County's Municipal Advisory Councils (MACs), select adjustments have been made to better reflect the concentrations of existing wineries and follow the primary access roads to these areas. In concept and practice, concentrated growth will result in greater combined, related effects as the majority of future facilities would be nearer to one another, as well as existing facilities, thus increasing the intensity of combined effects, such as vehicle traffic, roadway noise, etc. In contrast, if the EIR were to assume that future facilities would be spread throughout the County, separate from one another, their effects would be more isolated, and thus, potentially underestimated.

As described above, given that the precise location of future wineries/farm breweries is ultimately speculative, the County has specifically chosen to assume development of future study facilities within a concentrated set of sub-regions in order to provide for a conservative analysis. Conversely, choosing to evaluate development of future study facilities throughout the County would underestimate the potential environmental effects of the Zoning Text Amendment. In addition, as stated on page 3-22 of the Draft EIR, development of future study facilities outside of the sub-regions evaluated in this EIR would not result in new or substantially more severe impacts:

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<sup>3</sup> Fake, Cindy, Horticulture and Small Farms Advisor, University of California, Cooperative Extension Placer County. Personal communication with Nick Pappani, Vice President, Raney Planning and Management, Inc. March 28, 2018.

The County recognizes that this Zoning Text Amendment applies countywide, and thus, one or more new wineries or farm breweries could be developed outside of the above-listed sub-regions. However, the County recognizes that even if a new facility were to be established outside of these sub-regions, they would most likely occur in relatively remote locations, where additional by-right events allowable at the facility under this Zoning Text Amendment would produce isolated effects. For example, as shown in Figure 3-3, existing population centers within the unincorporated County have very few parcels with the proper zoning to accommodate by-right development and operation of future facilities. The population centers and immediate environs are dominated by Residential-Agriculture zoning, wherein any winery or farm brewery would require a MUP.

The Draft EIR provides substantial justification for the County's chosen approach regarding focusing the quantitative analysis of the EIR to specific winery/farm brewery sub-regions within Western Placer County. Specifically, given that only a limited number of future wineries/farm breweries will be developed and the location of such facilities would be limited by land use characteristics and environmental constraints, the most reasonable approach to analyzing environmental impacts at future wineries/farm breweries is to use the best available data to ascertain where the future facilities might be located. The commenter does not provide sufficient evidence that the methodology employed for the EIR analysis is flawed.

In addition, it is noted that CEQA Guidelines provide: "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." (Guidelines, § 15151.) Also, "The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." (Guidelines, § 15146) This section specifically notes that, "An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance . . . should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow." (Guidelines, § 15146, subd. (b))

The EIR identifies and discusses the secondary effects of the project in eight resource areas. The EIR found one effect to be significant, and several effects to be less-than-significant with mitigation, as a result of the ability to hold increased by-right events. The EIR thus served its purpose as a disclosure document, by informing decision-makers and the public of the potential environmental impacts of approving the project.

## **2.3 RESPONSES TO WRITTEN COMMENT LETTERS**

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The following is a compilation of all letters received by the County during the 52-day public comment period. Each letter has been considered by the County and addressed, according to CEQA Guidelines §15088, prior to approval of this Final EIR.

**Letter 1**

**Shirlee Herrington**

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**From:** Armstrong, Scott@Waterboards <Scott.Armstrong@waterboards.ca.gov>  
**Sent:** Thursday, May 23, 2019 10:55 AM  
**To:** Placer County Environmental Coordination Services  
**Subject:** Comments on Draft EIR (PCPJ 20130151)

**1-1**

I have reviewed your Notice of Availability and the draft Environmental Impact Report for the proposed Winery and Farm Brewery Zoning Text Amending.

I only have one comment on page 11-1 of Volume I (Chapter 11). Reference is made to existing facilities currently have waivers for waste discharge requirements under Regional Water Quality Control Board (RWQCB) Resolution No. R5-2003-0106, Waiver of Waste Discharge Requirements for Small Food Processors, Including Wineries, Within the Central Valley Region. Resolution No. Resolution No. R5-2003-0106 expired on 11 July 2008. That Waiver was replaced by R5-2009-0097, which has also expired. The current Waiver for this same category of discharge is R5-2015-0005, which was adopted by the Central Valley Water Board on 5 February 2015. Waiver R5-2015-0005 is scheduled to expire in February 2020, and will be replaced by a revised Waiver at that time.

Resolution R5-2015-0005 is referenced correctly on page 11-11.

Scott

Scott Armstrong P.G., C.H.G.  
Senior Engineering Geologist

Central Valley Regional Water Quality Control Board  
Waste Discharge to Land Permitting Unit  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, California 95670  
Direct: 916-464-4616 / Fax: 916-464-4681

**LETTER 1: SCOTT ARMSTRONG, CENTRAL VALLEY RWQCB**

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**Response to Comment 1-1**

In response to the comment, page 11-1, of the Draft EIR is hereby revised as follows:

**Wastewater Conveyance and Treatment**

The existing study facilities currently produce two types of wastewater: 1) process wastewater produced from wine/beer-making operations, which is tied to production levels at each facility; and 2) wastewater from bathrooms, sinks, and dishwashers at the study facilities. The latter of the two types is influenced by events and, thus, is the focus of this EIR. It should be noted that for the process wastewater, the existing study facilities currently have waivers for waste discharge requirements under Regional Water Quality Control Board (RWQCB) Resolution No. ~~R5-2003-0106~~ R5-2015-0005, Waiver of Waste Discharge Requirements for Small Food Processors, Including Wineries, Within the Central Valley Region.

The foregoing revision is for clarification purposes and would not alter the analysis or conclusions within the Draft EIR.





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CDRA



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Letter 2

**Central Valley Regional Water Quality Control Board**

28 May 2019

Shirlee Herrington  
County of Placer  
Community Development Resource Agency  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

**CERTIFIED MAIL**

7014 2120 0001 4292 4140

**COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF AVAILABILITY OF  
ERRATUM TO DRAFT ENVIRONMENTAL IMPACT REPORT, WINERY AND FARM  
BREWERY ZONING TEXT AMENDMENT PROJECT, SCH#2015072019, PLACER  
COUNTY**

2-1

Pursuant to the State Clearinghouse's 19 April 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Availability of Erratum to Draft Environmental Impact Report* for the Winery and Farm Brewery Zoning Text Amendment Project, located in Placer County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**I. Regulatory Setting**

**Basin Plan**

2-2

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



Winery and Farm Brewery Zoning  
Text Amendment Project  
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**Letter 2  
Cont'd**

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

**Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

**2-2  
Cont'd**

Letter 2

Winery and Farm Brewery Zoning  
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Letter 2  
Cont'd

## II. Permitting Requirements

2-3

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

2-4

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Winery and Farm Brewery Zoning  
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**Letter 2  
Cont'd**

2-5

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

2-6

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

2-7

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

2-8

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by



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**2-8  
Cont'd**

Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

**2-9**

**Waste Discharge Requirements – Discharges to Land**

The discharge of winery wastewater and residual solids to land is subject to regulation under individual WDRs or Central Valley Water Board Order R5-2015-0005 (the Conditional Waiver of Waste Discharge Requirements for Small Food Processors, Small Wineries and Related Agricultural Processors within the Central Valley Region, or Waiver). In accordance with California Water Code Section 13260, the project proponent is required to submit a Report of Waste Discharge (RWD) to apply for the Waiver. We recommend that the RWD be submitted 12 to 18 months before the expected startup date.

For more information on waste discharges to land, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_land/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.shtml)

**2-10**

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

Winery and Farm Brewery Zoning  
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2-11

**Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/regulatory\\_information/for\\_growers/coalition\\_groups/](https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently \$1,277 + \$8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

2-12

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

Winery and Farm Brewery Zoning  
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**Letter 2  
Cont'd**

**2-12  
Cont'd**

↑ For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**2-13**

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



Jordan Hensley  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento

**LETTER 2: JORDAN HENSLEY, CENTRAL VALLEY RWQCB**

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**Response to Comment 2-1**

The comment is introductory and does not address the adequacy of the Draft EIR.

**Response to Comment 2-2**

The comment does not specifically address the adequacy of the Draft EIR, but provides background regarding water quality standards and regulations enforced by the Central Valley Regional Water Quality Control Board. Such information has been reflected in Section IX, Hydrology and Water Quality, of the Initial Study prepared for the proposed project (see Appendix D to the Draft EIR). As discussed on pages 19 and 20 of the Initial Study and Chapter 11 - Utilities and Service Systems in the EIR, the Zoning Text Amendment would result in a less-than-significant impact related to violating federal, State, or County potable water quality standards or otherwise resulting in substantial degradation of groundwater quality. Specifically, physical development resulting from the project would be limited to potential expansion of parking areas to accommodate events. As discussed in greater detail under Response to Comment 2-4 below, grading activity related to the establishment of new parking would be subject to applicable County standards related to water quality. With regard to operations, as noted under Response to Comment 13-8 below, the septic systems that have been installed at all existing facilities were done so in compliance with the County's septic system regulations developed by the Health and Human Services Department. Said regulations include setback requirements from surface waters. Such setback requirements are intended to protect surface water and groundwater quality from the septic system. Any future septic systems associated with new wineries and farm breweries would also be subject to the same setback requirements.

Furthermore, as discussed on pages 11-21, 12-56, and 12-57 of the Draft EIR, implementation of the proposed Zoning Text Amendment would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge at existing or future study facilities such that the project may impede sustainable groundwater management. Thus, the Draft EIR concluded that a less-than-significant impact would occur.

**Response to Comment 2-3**

The comment does not specifically address the adequacy of the Draft EIR. The Zoning Text Amendment would not directly result in the development of new wineries within the County and, thus, would not include ground-disturbing activities associated with such development. However, ground disturbance may occur at existing study facilities, as discussed on page 6-25 of the Draft EIR as follows:

Under the current Winery Ordinance and following the proposed Zoning Text Amendment, existing study facilities would have the ability to expand permanent parking spaces within their sites in order to accommodate tasting room guests, agricultural activities, and event attendees. Should such expansions of parking areas be undertaken to support events, the expansion of parking areas would be subject to all relevant County, State, and federal



regulations. For instance, Article 15.48 of the Placer County Code regulates all grading activity within the County, which includes grading activity associated with the establishment of parking spaces, unless such activity meets the exemptions specified in Section 15.48.070.

Per Section 15.48.040 of the Placer County Code, all grading activities occurring within the County are required to comply with any applicable NPDES stormwater discharge permit. Therefore, in the event that expansion of permanent parking as a result of the project includes grading/disturbance of one acre of land or greater, such ground-disturbing activity would be required to comply with applicable NPDES permit standards related to construction water quality.

#### **Response to Comment 2-4**

The comment does not specifically address the adequacy of the Draft EIR. As discussed above, while the Zoning Text Amendment could indirectly result in the establishment of new parking areas at existing study facilities, the proposed project does not include any direct physical development or redevelopment and, thus, would not require a Phase I or II MS4 Permit. As noted on page 6-26 of the Draft EIR, grading activity related to the establishment of new parking could be exempt from County review if such activity is determined to represent a minor project or meets other specific exemption requirements. However, minor projects deemed exempt from further regulation by the County would not include grading activity that would obstruct any watercourse, disturb, or negatively impact any drainage way, wetland, stream environment zone or water body. Page 6-26 further states the following:

Non-exempt grading activity subject to Article 15.48 is required to obtain proper permitting prior to initiation of grading activity, which includes general County review of the parking design being proposed. Permitting for such grading activity includes conditions related to the safeguarding of watercourses as specified in Section 15.48.240 of the Placer County Code.

Based on the above, grading activity related to the establishment of new parking would be subject to applicable County standards related to water quality. It should be noted that future parking area expansions resulting from the Zoning Text Amendment would not be likely to include new impervious surfaces. However, any potential expansions that would create and/or replace more than 2,500 square feet of impervious surface would be required to comply with the County's Phase II MS4 permit requirements and associated best management practices (BMPs).

#### **Response to Comment 2-5**

The comment does not specifically address the adequacy of the Draft EIR. The proposed project does not include industrial uses and would not result in stormwater discharge associated with industrial sites.

#### **Response to Comment 2-6**

The comment does not specifically address the adequacy of the Draft EIR. The Draft EIR addresses the Section 404 permit in Impact 6-2 of Chapter 6, Biological Resources. Implementation of

Mitigation Measure 6-1(a) would ensure that any disturbance associated with temporary or permanent parking occurring as a result of the Zoning Text Amendment would be required to avoid any aquatic features and riparian areas. The language of Mitigation Measure 6-1(a) is as follows:

*6-1(a) All grading activity within existing and future wineries and farm breweries not meeting the exemptions within Section 15.48.070 of the Placer County Code shall obtain a grading permit from the County prior to initiation of grading activity. Prior to approval and issuance of any grading permits for existing and future wineries and farm breweries, the County shall impose biological resource protection measures as conditions of the grading permit. Such protection measures shall specify that grading activity shall avoid any aquatic features and riparian areas. Avoidance of such features shall be insured through the placement of high visibility and silt fencing at the edge of construction/maintenance footprint if work is anticipated to occur within 50 feet of aquatic features and riparian areas.*

### **Response to Comment 2-7**

See Response to Comment 2-6 above.

### **Response to Comment 2-8**

See Response to Comment 2-6 above.

### **Response to Comment 2-9**

The comment does not specifically address the adequacy of the Draft EIR. Page 11-11 of the Draft EIR states the following regarding discharge of waste to land:

Central Valley Regional Water Quality Control Board (CVRWQCB) Resolution No. R5-2015-0005 waives the requirement to obtain WDRs for small food processor dischargers who comply with specific terms and conditions and who receive a waiver notification signed by the Executive Officer. Discharges authorized under the waiver are grouped into three regulatory tiers based on the wastewater management practices employed and the amount of waste discharged to land. Wastewater and residual solids storage and land application methods must comply with the established Specific and General Conditions listed in Resolution No. R5-2015-0005.

Existing study facilities may include land application of residual wastewater from the winemaking or beer making process. However, as noted on page 11-18 of the Draft EIR, “Existing water use associated directly with the wine/beer production process would not be affected by the proposed Zoning Text Amendment. The relatively small quantity of wine/beer purchased and consumed during Agricultural Promotional Events and Special Events would not necessitate an associated increase in production levels at the existing study facilities, as mass quantities are not typically consumed at such events.” Therefore, the Zoning Text Amendment would not result in an increase in discharge of process water by way of land application.

### **Response to Comment 2-10**

The comment does not specifically address the adequacy of the Draft EIR. The proposed project is an amendment to the current Zoning Text Amendment and does not directly include physical development of future wineries or farm breweries. While expansion of parking areas could include minor ground disturbance, such disturbance would be surface-level and would not reach groundwater. Thus, the need for dewatering activities would not occur as a result of the Zoning Text Amendment.

### **Response to Comment 2-11**

The comment does not specifically address the adequacy of the Draft EIR. While existing and future wineries and farm breweries would include the use of commercially-irrigated agriculture, such uses are not a component of the proposed Zoning Text Amendment. While the Zoning Text Amendment would increase the minimum agricultural planting requirements for future study facilities from one acre to two acres, all on-site commercial agricultural uses would continue to be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. Thus, the comment does not address the adequacy of the Draft EIR.

### **Response to Comment 2-12**

See Response to Comment 2-10 above.

### **Response to Comment 2-13**

The comment does not specifically address the adequacy of the Draft EIR. As discussed on page 11-14 of the Draft EIR, with the exception of Casque at Flower Farm, which receives sewer service from the Placer County Facilities Services Department, Environmental Engineering and Utilities, the existing study facilities within the County are connected to private septic systems. Page 11-15 of the Draft EIR states the following regarding the adequacy of the septic systems:

[...] in order to accommodate peak wastewater flows associated with events at the existing study facilities, a minimum septic tank size of 1,250 gallons is required for large parcel-sized facilities, and a minimum tank size of 1,000 gallons is required for medium parcel-sized facilities. Of the nine existing study facilities which are not connected to a public sewer system, five include septic tanks greater than or equal to 1,250 gallons, and thus, could accommodate the peak wastewater flows generated by a maximum attendance event that could occur under the Zoning Text Amendment. The remaining four facilities do not have septic systems capable of accommodating the maximum attendance event allowable under the proposed Zoning Text Amendment.

It is in the best interest of the owners of such facilities to manage events proportional to the limitations of their wastewater systems. Specifically, the operators would either limit attendance based on the capacity of the existing septic system, or provide portable toilets on-site during events. If a commercial septic system fails, the facility is considered non-operational per the Placer County Environmental Health Department and the owner must

repair/replace the system to ensure public safety. The public may not enter the site until adequate repairs are made and safety of the site is restored.

Because each facility would limit attendance and/or provide adequate portable toilets during events, each on-site septic system would be sufficient to handle wastewater generated during events occurring under the Zoning Text Amendment. Thus, waste discharge associated with the facilities would not have the potential to affect the quality of any surface waters. In addition, ongoing use of the septic systems, as well as any alterations to the septic systems, is subject to the rules and regulations of the Placer County Environmental Health Department. Thus, coverage under an NPDES permit is not required for the proposed project.

**Letter 3**



110 Maple Street, Auburn, CA 95603 • (530) 745-2330 • Fax (530) 745-2373 • [www.placerair.org](http://www.placerair.org)

Erik C. White, Air Pollution Control Officer

June 17, 2019

Ms. Shirlee Herrington  
Environmental Coordination Services  
Placer County Community Development Resource Agency  
3091 County Center Drive  
Auburn, CA 95603

Subject: Review of the Draft Environmental Impact Report for the Winery and Farm Ordinance

Dear Ms. Herrington:

The Placer County Air Pollution Control District (District) thanks you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) prepared for the proposed Winery and Farm Ordinance (Project). The District has the following comments on the Project's DEIR for your consideration.

- 3-1 1. Under the Local Air Quality Monitoring Section, please clarify this section to read that air quality is monitored primarily by the Air District in Placer County. Four air quality monitoring sites are maintained by the Air District with one site is maintained by CARB.
- 3-2 2. The two air monitoring sites closest to the existing wineries are Auburn – Atwood Road and Lincoln at the new location 2885 Moore Road (November 2018).
- 3-3 3. Table 5-4 Air Quality Information lists the correct information to use for Lincoln, however, the 1<sup>st</sup> Street site shut down in mid-2017 and a new site was not found until November 2018. However, in Table 5.5 for the Auburn Site, it has been continuously in use and thus the 2016-2018 monitoring data can be used for it, instead of 2014-2016.
- 3-4 4. In section 5.3 under the first paragraph what various international agencies are involved in the air monitoring and regulating?
- 3-5 5. On page 5-17 under PCAPCD Rules and Regulations, there is no discussion regarding agricultural burning as per District Rule 302 – Agricultural Waste Burning Smoke Management. Any outdoor burning associated with an agricultural operation is required to obtain a year-round burn permit from the PCAPCD.

**Letter 3  
Cont'd**

Ms. Shirlee Herrington  
June 17, 2019  
Page 2 of 2

**3-6**

6. On page 5-18 under Regulation 5 – Permits, it should be noted that portable operating equipment greater than 50 horsepower may be subject to PERP Registration. Portable Equipment Registration Program is administered by the California Air Resources Board.

Thank you for allowing the District the opportunity to review the project proposal. Please do not hesitate to contact me at 530.745.2327 or at [ahobbs@placer.ca.gov](mailto:ahobbs@placer.ca.gov) if you have any questions.

Sincerely,

Ann Hobbs  
Associate Planner  
Planning and Monitoring Section

**LETTER 3: ANN HOBBS, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT**

**Response to Comment 3-1**

In response to the comment, page 5-10 of Chapter 5, Air Quality, of the Draft EIR is hereby revised as follows:

**Local Air Quality Monitoring**

Air quality is monitored primarily by CARB the PCAPCD in Placer County at various locations to determine which air quality standards are being violated, and to direct emission reduction efforts, such as developing attainment plans and rules, incentive programs, etc. ~~Several~~ Four air quality monitoring stations are maintained by PCAPCD and one station is maintained by CARB within Placer County. The two air monitoring stations nearest to the existing study facilities are located at Auburn-Atwood Road and Lincoln at 2885 Moore Road.

The foregoing revisions are for clarification purposes and would not alter the analysis or conclusions within the Draft EIR.

**Response to Comment 3-2**

See Response to Comment 3-1.

**Response to Comment 3-3**

In response to the comment, Table 5-5, of Chapter 5, Air Quality, of the Draft EIR, is hereby revised to reflect the 2016-2018 data as follows:

Table 5-5 Air Quality Data Summary for the Auburn-11645 Atwood Road Station (2014 <del>6</del> -2016 <del>8</del> )				
Pollutant	Standard	Days Standard Was Exceeded		
		2014 <del>6</del>	2015 <del>7</del>	2016 <del>8</del>
1-Hour Ozone	State	0 <del>5</del>	0 <del>3</del>	0 <del>12</del>
	Federal	4 <del>0</del>	4 <del>0</del>	5 <del>2</del>
8-Hour Ozone	State	1 <del>727</del>	1 <del>630</del>	2 <del>736</del>
	Federal	6 <del>4</del>	1 <del>00</del>	1 <del>59</del>
24-Hour PM <sub>2.5</sub>	Federal	4 <del>0</del>	1 <del>0</del>	0 <del>11</del>
24-Hour PM <sub>10</sub> <sup>1</sup>	State	-	-	-
	Federal	-	-	-
1-Hour Nitrogen Dioxide <sup>1</sup>	State	-	-	-
	Federal	-	-	-
<sup>1</sup> 24-Hour PM <sub>10</sub> and 1-Hour Nitrogen Dioxide not monitored at Auburn-11645 Station				
Source: California Air Resources Board, Aerometric Data Analysis and Management (iADAM) System, <a href="http://www.arb.ca.gov/adam/welcome.html">http://www.arb.ca.gov/adam/welcome.html</a> , accessed <del>March 2018</del> July 2019.				

The foregoing revisions are for clarification purposes and would not alter the analysis or conclusions within the Draft EIR. Specifically, the local air quality monitoring site data has been updated. None of this data is used for the project-specific air quality modelling; thus, no changes to the analysis contained in the Draft EIR would be required as a result.

#### **Response to Comment 3-4**

In response to the comment, page 5-12 and 5-13 of Chapter 5, Air Quality, of the Draft EIR, are hereby revised as follows:

Air quality is monitored and regulated through the efforts of various ~~international~~, federal, State, and local government agencies. Agencies work jointly and individually to improve air quality through legislation, regulations, planning, policy-making, education, and a variety of programs. The agencies responsible for regulating and improving the air quality within the project area are discussed below.

The foregoing revision is for clarification purposes and does not alter the analysis or conclusions within the Draft EIR.

#### **Response to Comment 3-5**

While agricultural burning is not a component of the proposed project, which is focused primarily on event allowances, in response to the comment, pages 5-17 and 5-18 of Chapter 5, Air Quality, of the Draft EIR, are hereby revised as follows to provide some further regulatory context that may apply to existing operations at the facilities:

##### *PCAPCD Rules and Regulations*

All projects under the jurisdiction of the PCAPCD are required to comply with all applicable PCAPCD rules and regulations. In addition, PCAPCD permit requirements apply to many commercial activities (e.g., print shops, dry cleaners, gasoline stations), and other miscellaneous activities (e.g., demolition of buildings containing asbestos). The proposed project is required to comply with all applicable PCAPCD rules and regulations, which shall be noted on County-approved construction plans. The PCAPCD regulations and rules include, but are not limited to, the following:

##### Regulation 2 – Prohibitions

Regulation 2 is comprised of prohibitory rules that are written to achieve emission reductions from specific source categories. The rules are applicable to existing sources as well as new sources. Examples of prohibitory rules include Rule 202 related to visible emissions, Rule 217 related to asphalt paving materials, Rule 218 related to architectural coatings, Rule 228 related to fugitive dust, Rule 205 related to nuisance, and Rule 225 related to wood-burning appliances.

Rule 228 sets forth requirements necessary to comply with the Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (Title 17, Section 93105, of the California Code of Regulations), as discussed



above. Rule 228 requires projects involving earth-disturbing activities to implement various dust control measures, such as minimizing track-out on to paved public roadways, limiting vehicle travel on unpaved surfaces to 15 miles per hour, and stabilization of storage piles and disturbed areas.

#### Regulation 3 – Open Burning

The purpose of Regulation 3 is to establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning. The rules for burning smoke management apply to all burning located within Placer County except where otherwise prohibited by a local jurisdiction. For example, Rule 302, Agricultural Waste Burning Smoke Management, requires that any outdoor burning associated with an agricultural operation is required to obtain a year-round burn permit from the PCAPCD.

#### Regulation 5 – Permits

Regulation 5 is intended to provide an orderly procedure for the review of new sources, and modification and operation of existing sources, of air pollution through the issuance of permits. Regulation 5 primarily deals with permitting major emission sources and includes, but is not limited to, rules such as General Permit Requirements (Rule 501), New Source Review (Rule 502), Emission Statement (Rule 503), Emission Reduction Credits (Rule 504), and Toxics New Source Review (Rule 513). It should be noted that portable operating equipment greater than 50 horsepower may be subject to registration under the Portable Equipment Registration Program (PERP) administered by CARB.

The foregoing revisions are for clarification purposes and would not alter the analysis or conclusions within the Draft EIR.

#### **Response to Comment 3-6**

See Response to Comment 3-5.

Letter 4

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 3  
703 B STREET  
MARYSVILLE, CA 95901  
PHONE (530) 741-4233  
FAX (530) 741-4245  
TTY 711  
www.dot.ca.gov/dist3



Making Conservation  
a California Way of Life.

May 31, 2019

GTS# 03-PLA-2019-00437  
03-PLA-193 PM 6.466  
SCH# 2015072019

Shirlee Herrington  
Placer County Community Development Resource Agency  
3091 County Center Drive, Suite #190  
Auburn, CA 95603

Winery and Farm Brewery Zoning Text Amendment

Dear Shirlee Herrington:

4-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental/application review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

4-2

The proposed project would amend the existing Winery Ordinance, which regulates wineries in the unincorporated portions of Placer County. All of the existing wineries and current and pending farm breweries are located in the western-central portion of the County. While the Winery Ordinance applies to all unincorporated portions of Placer County, the geographic study area of this EIR is appropriately focused on the areas of western Placer County where wineries and farm breweries are currently concentrated. The draft Winery and Farm Brewery Ordinance language includes the following substantive changes to the current Winery Ordinance:

- Add definition of "Farm Brewery" to the Ordinance
- Amend "Winery" definition to reference appropriate California Alcohol Beverage Control (ABC) license
- Add definition of "Tasting Room" to the Ordinance
- Modify definition of "Event" in the Ordinance
- Define new 10-acre minimum parcel size requirements for Production-only Facilities and Tasting Rooms
- Create table outlining "Event" allowances, maximum capacity, and use permit requirement
- Clarify hours of operation of all facilities
- Update the potable water standards for facility water systems
- Update the wastewater disposal standards for all facilities

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

**Letter 4  
Cont'd**

**4-2  
Cont'd**

Ms. Shirlee Herrington, Placer County Community Development Resource Agency  
May 31, 2019  
Page 2

- Update the standards for facility access roadways
- Add "Accessory Use - Restaurant" as allowable land use subject to CUP

The following comments are based on the Draft Environmental Impact Report (DEIR) received.

**Traffic Operations**

**4-3**

1. Analyze the following SR 193 roadway segments
  - o West of Sierra College Boulevard
  - o Between Gold Hill Road and Taylor Road

**4-4**

2. SR 193 between Sierra College Boulevard to Fowler Road is classified as Rural 2-Lane Highway – Level Terrain, consistent with Table 2 (or 10.2) and section 10.2 of the document. The study appears to use Arterial – High Access Control roadway classification to calculate roadway segment Level of Service (LOS). This segment is projected to operate at existing/cumulative LOS D/E, respectively, with 2-Lane Highway classification.

**4-5**

3. Analyze the following intersections on, or within close proximity of State Highway System (SHS):
  - o SR 193 / Sierra College Boulevard
  - o Old State Highway / New Castle Highway / Main Street
  - o New Castle Highway / Taylor Road (SR 193)
  - o Old State Highway / New Castle Road
  - o I-80 Westbound Ramps / New Castle Road
  - o New Castle Road / Chantry Hill Road
  - o I-80 Eastbound Ramps / New Castle Road / Indian Hill Road
  - o I-80 Westbound Ramp / Taylor Road (SR 193) / Ophir Road
  - o I-80 Eastbound Ramps / Ophir Road (SR 193) / Hillview Road

**4-6**

4. Analyze the most recent 3-year collisions on study SHS roadway segments and intersection, using TASAS/TSAR.

**4-7**

5. Discuss SR 193 Transportation Concept Report, SR 193 horizon year and ultimate concept facility type and other related information.

**4-8**

6. Project only traffic volumes do not balance between closely spaced intersections, with only minor driveways in between. Specifically, project only volumes do not balance between SR 193 intersections with Fowler Lane and Golden Hill Retail Center.

**4-9**

7. Project trip distributions are inconsistent. Intersection 8 illustrates heavy south-to-west / east-to-north and the adjacent intersection 9 illustrates heavy south-to-east / west-to-north distribution behavior. Provide justification or updated Project Only traffic volumes.

**4-10**

8. Include intersection vehicular queue analysis and spillbacks for intersections on, or within close proximity of SHS. For closely spaced intersections (i.e. New Castle Road / Main Street / Taylor Road (SR 193) / I-80 ramp intersections), Micro Simulation should be used.

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

**Letter 4  
Cont'd**

Ms. Shirlee Herrington, Placer County Community Development Resource Agency  
May 31, 2019  
Page 3

**4-11**

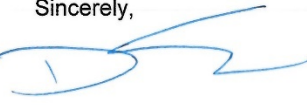

9. Multiple wineries could have special events on a single weekend, especially during peak season. Peak Project Trip Generations from multiple wineries should be discussed and analyzed.

**4-12**

Please provide our office with copies of any further actions regarding this project or future development of the property. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any question regarding these comments or require additional information, please contact David Smith, Intergovernmental Review Coordinator for Placer County, by phone (530) 634-7799 or via email to david.j.smith@dot.ca.gov.

Sincerely,

KEVIN YOUNT, Branch Chief  
Office of Transportation Planning  
Regional Planning Branch—East

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

**LETTER 4: KEVIN YOUNT, DEPARTMENT OF TRANSPORTATION (CALTRANS)**

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**Response to Comment 4-1**

The comment is an introductory statement and provides background information regarding the goals of Caltrans. The comment does not address the adequacy of the Draft EIR.

**Response to Comment 4-2**

The comment references language from the Draft EIR describing the proposed project and does not specifically address the adequacy of the Draft EIR.

**Response to Comment 4-3**

The Draft EIR traffic study addressed the segment of SR 193, from Sierra College Boulevard to Fowler Road, as well as the SR 193 intersections with Fowler Road and Gold Hill Road. Such locations were selected in consultation with Placer County staff based on their knowledge of local travel and in order to address responses to the Draft EIR's Notice of Preparation (NOP). This roadway segment reflects the SR 193 location with the maximum amount of project traffic, with roughly 158 average daily trips (ADT) and 44 peak hour trips added by by-right events that could be held at existing wineries under "Existing Plus Project" conditions.

**Response to Comment 4-4**

The comment makes reference to the Placer County General Plan EIR LOS standards based on daily traffic volumes (see Table 10-2 of the Draft EIR). The Placer County General Plan Circulation Element classifies the overall segment of SR 193, from Sierra College Boulevard to Interstate 80, as a two-lane rural highway, as suggested by the comment. The Draft EIR assumed the segment immediately east of Sierra College Boulevard would operate as an arterial primarily based on the presence of the all-way stop at the Sierra College Boulevard intersection. While the ultimate capacity for a two-lane rural highway collector is much higher, (i.e., 18,000 ADT for Arterial with moderate access control and 25,000 ADT for Rural Highway in level terrain), the individual LOS thresholds are lower for a rural highway than for an arterial. The roadway segment volume/LOS summaries for SR 193 that follow (see Table 2-1 and Table 2-2 below) indicate that use of the rural highway standard would result in LOS C under Existing Plus Project conditions and LOS D under Cumulative Plus Project conditions. Because LOS D is the minimum standard for State highways under the Placer County General Plan, no significant impact would result from the use of the rural highway standard.

**Table 2-1  
Study Roadway Segment Traffic Volumes and LOS – Existing Plus Project Condition**

#	Road	Location	Class	Roadway Volume and Segment Level of Service									
				Weekday					Saturday				
				Existing		Existing Plus Project			Existing		Existing Plus Project		
				Daily Volume	LOS	Daily Volume		LOS	Daily Volume	LOS	Daily Volume		LOS
						Project	Total				Project	Total	
Z	SR 193	Sierra College Blvd to Fowler Rd	Arterial	6,700	A	158	6,858	A	6,700	A	158	6,858	A
Z	SR 193	Sierra College Blvd to Fowler Rd	RH	6,700	C	158	6,858	C	6,700	A	158	6,858	C

Source: KD Anderson & Associates, Inc., 2019.

**Table 2-2  
Study Roadway Segment Traffic Volumes and LOS – Cumulative Plus Project Condition**

#	Road	Location	Class	Roadway Volume and Segment Level of Service									
				Weekday					Saturday				
				Existing		Existing Plus Project			Existing		Existing Plus Project		
				Daily Volume	LOS	Daily Volume		LOS	Daily Volume	LOS	Daily Volume		LOS
						Project	Total				Project	Total	
Z	SR 193	Sierra College Blvd to Fowler Rd	Arterial	10,980	B	876	11,856	B	11,420	B	876	12,296	B
Z	SR 193	Sierra College Blvd to Fowler Rd	RH	10,980	D	876	11,856	D	11,420	D	876	12,296	D

Source: KD Anderson & Associates, Inc., 2019.

## Response to Comment 4-5

The comment requests analysis of nine additional locations. It is noted that Caltrans did not provide a comment letter on the NOP issued for the proposed project, identifying these requests early in the EIR scoping process. The list of locations includes intersections where improvements are already addressed by Placer County's traffic impact fee program or are conditions of approval of other projects.

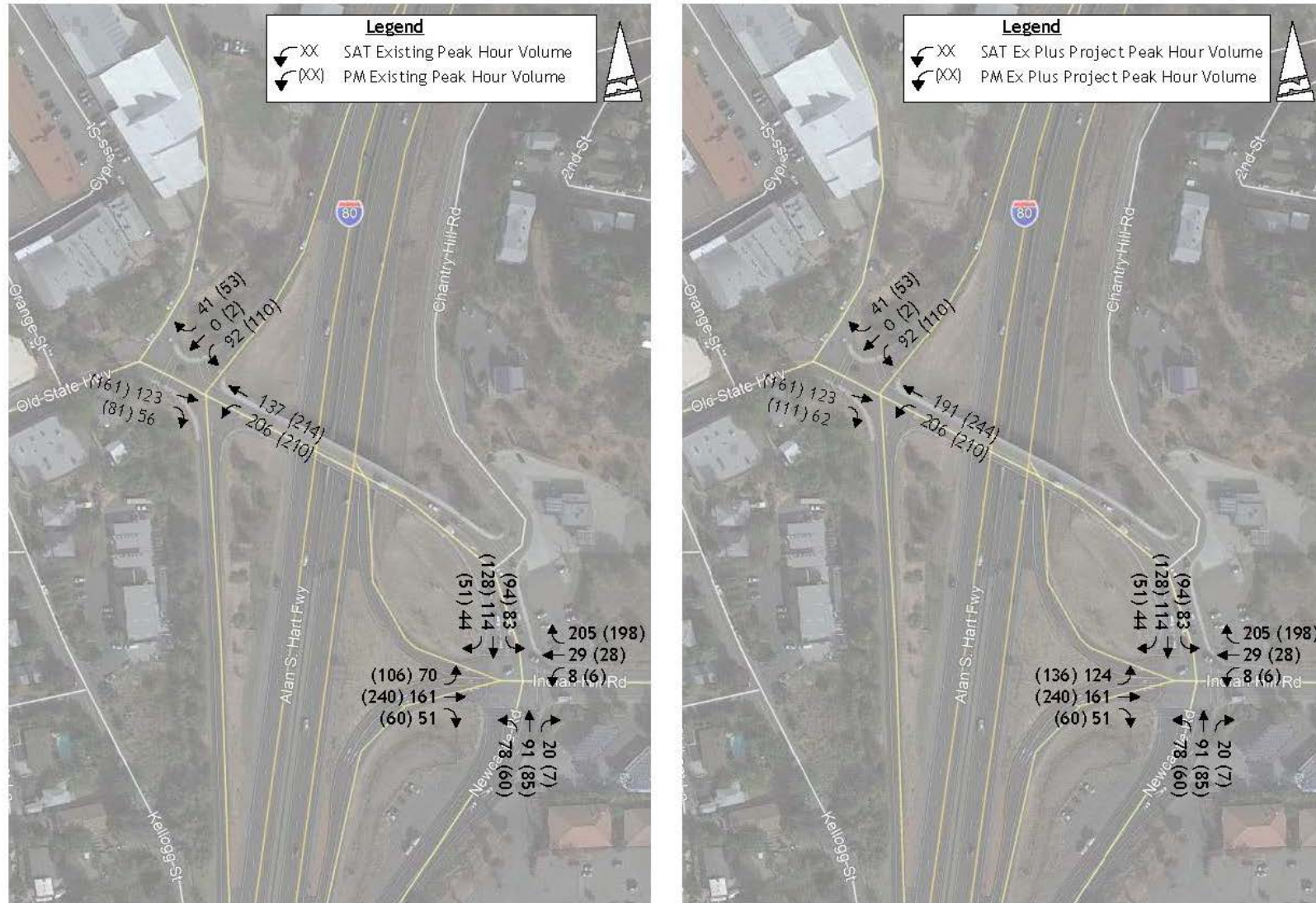
From the traffic flow standpoint, the I-80 interchanges would be key locations. To provide perspective, the volume of traffic that may be added to these facilities under Existing Plus Project conditions has been investigated within the context of available background information. As indicated in Table 2-3, under the traffic study's conservative assumption that every winery and farm brewery hosts two events on the same day, project trips represent a relatively small share of the current background traffic volumes at the identified I-80 interchanges and would be unlikely to cause a significant impact. Further analysis of additional locations is not required.

<b>Table 2-3</b> <b>Traffic Contribution from Events at Existing Wineries and Farm Breweries Under New Ordinance</b>				
<b>Location</b>	<b>Condition</b>	<b>Existing Traffic</b>	<b>Project Traffic</b>	<b>Percentage</b>
SR 193/Sierra College Blvd	Weekday PM	1,520 vph <sup>1</sup>	80 vph	5%
Newcastle Rd/WB I-80 ramps	Weekday PM	831 vph <sup>2</sup>	60 vph	7%
Newcastle Rd/EB I-80 ramps	Weekday PM	1,063 vph <sup>2</sup>	30 vph	3%
WB I-80 off-ramp to Ophir Rd (SR 193)	Weekday	1,201 ADT <sup>3</sup>	<10 ADT	<1%
WB I-80 on-ramp from Ophir Rd (SR 193)	Weekday	2,001 ADT	60 ADT	3%
EB I-80 off-ramp to Ophir Rd	Weekday	1,801 ADT	60 ADT	5%
EB I-80 on-ramp from Ophir Rd	Weekday	1,740 ADT	<10 ADT	<1%
<sup>1</sup> May 15, 2018 traffic count. <sup>2</sup> April 25, 2018 traffic counts. <sup>3</sup> Caltrans ramp volume report for 2016.				

In response to this information, project impacts to two locations were evaluated. The Newcastle Road / WB I-80 ramps intersection and the Newcastle Road / Indian Hill Road / EB I-80 ramps intersection were addressed for both weekday PM and Saturday peak hour conditions. Recent traffic volume count data was assembled (see Figure 2-1), and Existing Plus Project conditions were identified. Cumulative traffic volume forecasts were made based on 20-year traffic volume growth rates created from review of the best available background data. Cumulative Plus Project conditions, including the effects of events at 30 additional wineries/farm breweries in the study area were then assessed.



Figure 2-1



**KD Anderson & Associates, Inc.**  
Transportation Engineers

## NEWCASTLE RD/ I-80 RAMPs TRAFFIC VOLUMES AND LANE CONFIGURATIONS



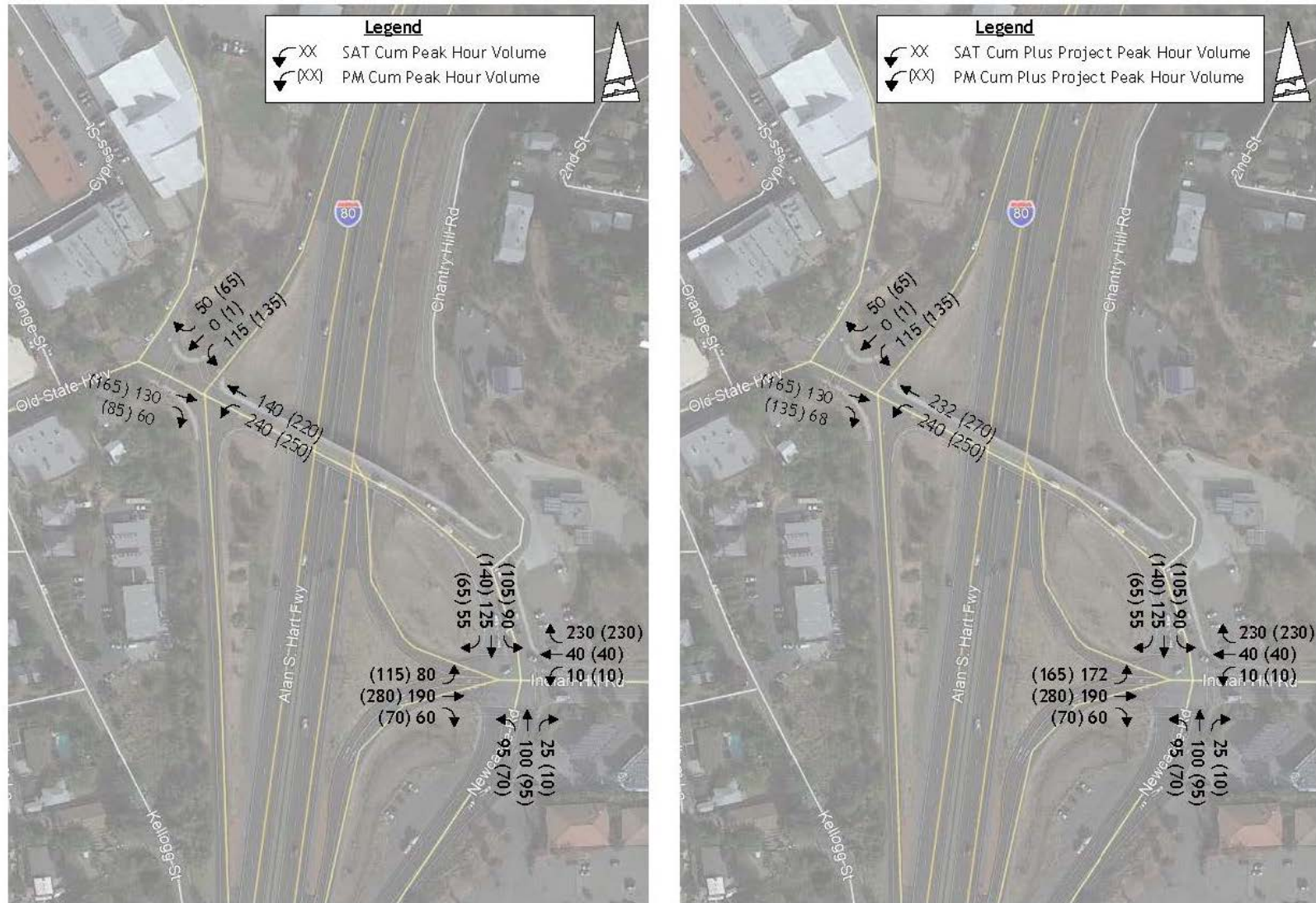
Table 2-4 summarizes the current and “plus project” weekday PM peak hour Levels of Service at the ramp intersections (See Appendix B to the Final EIR for LOS worksheets). As indicated, current conditions satisfy the minimum LOS D standard for locations near state highways, and the addition of project trips does not alter that LOS. Thus, the project’s impact is not significant.

<div>TABLE 2-4</div> <div>INTERSTATE 80 / NEWCASTLE ROAD INTERCHANGE</div> <div>EXISTING PLUS PROJECT PEAK HOUR TRAFFIC CONDITIONS</div>						
Location	Control	Level of Service				Signal Warrants Met?
		Existing		Existing Plus Project		
		Ave Delay (sec/veh)	LOS	Ave Delay (Sec/veh)	LOS	
Weekday Pm Peak Hour <sup>1</sup>						
Newcastle Rd/ WB I-80 ramps (Overall)	WB Stop	(18.0)	(C)	(20.0)	(C)	No
NB left turn		8.4	A	8.5	A	
WB approach only		30.3	D	34.7	D	
Indian Hill Rd / Newcastle Rd / EB I-80 ramps	Signal	21.8	C	22.1	C	n.a
Saturday Midday Peak Hour <sup>2</sup>						
Newcastle Rd/WB I-80 ramps (overall)	WB Stop	(12.7)	(B)	(13.6)	(B)	No
NB left turn		8.1	A	8.1	A	
WB Approach only		19.9	C	22.2	C	
Indian Hill Rd / Newcastle Rd / EB I-80 ramps	Signal	20.5	C	21.1	C	n.a.
<div><sup>1</sup> April 25, 2018 traffic counts</div> <div><sup>2</sup> October 19, 2019 traffic counts</div> <div><b>BOLD</b> values exceed LOS D. <b>HIGHLIGHTED</b> values are a significant impact</div>						

Cumulative impacts were assessed based on an approach similar to that employed in the DEIR. Available historic traffic count data for the interchange and for surrounding County roads was assembled and reviewed to identify applicable growth rates. As noted in Table 2-5, daily traffic count information was available from Caltrans, and this data suggested relatively low growth rates that were confirmed by Placer County staff from review of traffic count information on nearby County roads. For this analysis, the average growth rate was determined for ramp pairs (i.e., EB off ramp and WB on ramp), and the resulting rates were applied over twenty years. Overall growth rates of 1.10 to 1.15 were applied and Figure 2-2 identifies resulting volumes.

As noted in the DEIR, the traffic associated with other approved / pending projects was added to the background growth. In addition to trips associated with Hidden Falls Regional Park Expansion and with the potential retail center at SR 193 / Sierra College Boulevard that were included in the DEIR, trips generated by an approved subdivision and winery on Indian Hill Road were included.

Figure 2-2



KD Anderson & Associates, Inc.  
Transportation Engineers

## NEWCASTLE RD/ I-80 RAMPS TRAFFIC VOLUMES AND LANE CONFIGURATIONS

TABLE 2-5 I-80 / NEWCASTLE ROAD INTERCHANGE TRAFFIC VOLUMES				
Location	Ramp	Daily volume		Annualized Growth Rate
		1995	2016	
I-80 / Newcastle Road	Eastbound Off ramp to Indian Hill Road	3,500	3,600	0.14%
	EB on from Indian Hill Road	2,400	3,200	1.40%
	WB off to Newcastle Road	2,300	2,300	0.00%
	WB on from Newcastle Road	3,100	3,700	0.85%

Table 2-6 presents the results of Level of Service analysis for ramp intersections under cumulative conditions with and without the project. As indicated, without the project, overall Levels of Service at each location satisfy the LOS D minimum standard. The addition of project trips will result in overall LOS E at the Westbound I-80 ramps intersection in the weekday PM peak hour. While LOS E exceeds the minimum LOS D standard, because peak hour traffic signal warrants are not satisfied, the project's impact is not significant under Placer County guidelines, and mitigation is not required.

<div>TABLE 2-6</div> <div>INTERSTATE 80 / NEWCASTLE ROAD INTERCHANGE</div> <div>CUMULATIVE PLUS PROJECT PEAK HOUR TRAFFIC CONDITIONS</div>						
Location	Control	Level of Service				Signal Warrants Met?
		Cumulative		Cumulative Plus Project		
		Ave Delay (sec/veh)	LOS	Ave Delay (Sec/veh)	LOS	
Weekday Pm Peak Hour						
Newcastle Rd/ WB I-80 ramps (Overall) NB left turn WB approach only	WB Stop	(31.1) 8.5 59.1	(D) A F	(44.2) 8.7 88.4	(E) A F	No
Indian Hill Rd / Newcastle Rd / EB I-80 ramps	Signal	25.3	C	26.1	C	n.a.
Saturday Midday Peak Hour						
Newcastle Rd/WB I-80 ramps (overall) NB left turn WB Approach only	WB Stop	(16.1) 8.3 27.5	(C) A D	(20.0) 8.3 36.9	(C) A E	No
Indian Hill Rd / Newcastle Rd / EB I-80 ramps	Signal	22.9	C	24.4	C	n.a.
<div>BOLD values exceed LOS D.</div> <div>HIGHLIGHTED values are a significant impact</div>						

Additional analysis was performed by the County and it was determined that the installation of an all-way stop at the intersection of Newcastle Road and the WB I-80 ramps would result in LOS C conditions.

The County, in coordination with Caltrans, will continue to monitor this location and if, in the future, it is determined that an all-way stop is warranted, will install the appropriate signage and striping at this location.

#### **Response to Comment 4-6**

Traffic collision information was obtained for locations on SR 193 for the period of January 1, 2016 to December 31, 2018. During that time period a total of ten collisions were reported for the 1.15-mile segment from Sierra College Boulevard to Fowler Road. Of that total, five collisions occurred at the Sierra College Boulevard intersection. Consistent with collision analysis included in the Draft EIR, the roadway collision rate was calculated based on the five roadway related collisions. Over the three-year period, the average collision rate for this segment of SR 193 was 0.59 collisions per million vehicle miles travelled. This frequency rate is lower than the statewide average for rural highways carrying 6,700 ADT (i.e., 0.87).

It is also noted that a traffic signal at the intersection of SR 193 and Sierra College Boulevard is a condition of approval for the Bickford Ranch Specific Plan. With respect to I-80, Response to Comment 4-5 demonstrates that the proposed project would not contribute a substantial amount of traffic to the on- and off-ramps identified by the commenter (see Table 2-3 above). In addition, per Mitigation Measure 12-10 of the Draft EIR, the future wineries and farm breweries are subject to payment of traffic impact fees.

#### **Response to Comment 4-7**

In response to the comment, page 10-19 of the Draft EIR, is hereby revised to provide additional regulatory context information, as follows:

Existing transportation policies, laws, and regulations that would apply to the proposed Zoning Text Amendment are summarized below. Federal ~~and/or State~~ plans, policies, regulations, or laws related to transportation and circulation are not directly applicable to the proposed project. Rather, the analysis presented herein focuses on local Placer County regulations, which govern the regulatory environment related to transportation and circulation at the project level, as well as State regulations.

### **State Regulations**

The State Route SR 193 Transportation Concept Report, 2017 (SR 193 TCR) documents Caltrans' long-term plan for this facility. The TCR indicates that SR 193 from Sierra College Boulevard to Taylor Road will remain a two-lane conventional highway with bike lanes and curve improvements. The TCR suggest that little growth will occur, with the current average segment daily volume of 5,300 ADT increasing to 6,654 at the TCR Horizon. The TCR indicates that the segment currently operates at LOS E and will continue to operate at LOS E in the future under both No Build and Build conditions.

The foregoing addition is for clarification purposes and would not alter the analysis or conclusions within the Draft EIR.

### **Response to Comment 4-8**

The comment suggests that project-only traffic volumes do not balance on SR 193 between the Fowler Road and Gold Hill Road intersections. Traffic Impact Analysis Figure 7 indicates that under Existing Plus Project conditions, six vehicles per hour are added to this segment, and that total is consistent at each intersection. Figure 8 of the Traffic Impact Analysis illustrates Project traffic volumes under the long-term cumulative conditions with the assumed development of 30 new wineries/rural breweries. The trip assignment under that scenario assumes that possible future wineries could have access to various County roads and State highways, including SR 193. The cumulative traffic volume leaving the SR 193 / Fowler Lane intersection would not equal the volume arriving at the SR 193 / Gold Hill Road intersection (i.e., “balance”) due to the presence of possible future wineries that would add or subtract traffic along the way.

### **Response to Comment 4-9**

The comment expands upon the concern raised in Response to Comment 4-8 with regard to the directional flow of project traffic. In this case, the assignment reflects the likely choice of routes to major regional facilities (i.e., Sierra College Boulevard, SR 65 and Interstate 80 from various possible future wineries locations). Some of these route choices may yield assignments that appear contradictory. For example, future wineries that use Sierra College Boulevard to reach I-80 will have a south-west travel pattern, while those using the Newcastle Road interchange may have a south-east orientation. Therefore, assumptions in the traffic analysis are valid and changes are not necessary.

### **Response to Comment 4-10**

The comment suggests that detailed intersection operational analysis based on Micro Simulation should be provided at intersections on or within close proximity to State highways. As noted in Response to Comment 4-5, the amount of project traffic added to additional State highway intersections is minimal, and further assessment of key ramp intersections confirmed that the proposed project would not trigger significant traffic impacts at these locations.

#### **Response to Comment 4-11**

As can be seen by reviewing Tables 10-12, 10-13, and 10-14 of the Draft EIR, the Existing Plus Project analysis conservatively assumed that each existing winery/farm brewery would have two events on the same day, and that these events could occur at times that caused automobile traffic during peak traffic hours. Furthermore, the Cumulative Traffic Analysis assumed two events per day at each existing facility, as well as up to 30 future facilities (see Table 12-14).

These assumptions address the request for analysis of concurrent events, and no additional analysis is needed to respond to this comment.

#### **Response to Comment 4-12**

Comment noted. Placer County will provide the commenter with future notifications regarding the project.



Letter 5

1



PUBLIC INTEREST COALITION



[Sent via email: [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov)  
Placer County, CDRA  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

June 10, 2019

Ladies and Gentlemen:

Re: Winery and Farm Brewery Ordinance—Public Comments—DEIR

5-1

The County is to be commended for breaking up the proposed Winery and Farm Brewery (WFB) ordinance (project) Draft Environmental Impact Report (DEIR) into manageable sections. Due to the DEIR's size, our, Public Interest Coalition (PIC) comments submitted below may focus on the same issue more than once, in part because the same issue is brought up more than once in the DEIR in different sections and occasionally with slightly different regulatory nuances.

History. In 2005 and 2006, at least one winery that came into existence did not obtain proper permits. Noise from un-permitted commercial events generated complaints, which lead to further investigation and findings of non-compliance with a number of codes. Specifically prohibited with a Conditions of Approval were "Outdoor amplified music, weddings, wine tours, wine dinners, rental hall, community center, rural recreation, or similar activities that would be contrary to the use of this facility for wine tasting and sales by appointment." In addition to neighbor/community and winery acrimony, County officials became involved in ways that were questionable. Thus, over 13 years later, the controversy continues with specific entrepreneurs wanting rights that rural residential neighbors believe infringes on their quality of life rights, peace and tranquility of life, and perhaps even the safety of family, friends, neighbors, and others who travel on narrow winding roads with little-to no shoulders (and some without a center line).

5-2

We are not opposed to ag operations or roadside farm stands, nor are most people we know. We support ag land conservation and ag operations in part because of its importance in providing at least one of the necessities of life. However, creating commercial activities, fraught with negative impacts from non-customary ag operations and that disrupt rural residential citizens/neighbors living in ag or farm zones is unacceptable. The proposed project is a capitulation to commercial interests in rural residential ag and farm zoned area. The "Right to Farm" ordinance (County Code, 5.24.040) is respected, but commercial events are not and never have been considered "customary ag operations"—they are not protected by the Right to Farm ordinance.

5-3

Inadequate DEIR. Of particularly grave concern is that our comments and those from others were quite specific about the negative impacts that needed to be avoided or mitigated, yet many of our concerns were not addressed, or if mentioned, addressed inadequately. Primary concerns included noise and traffic, among others, and their adverse impacts on citizens. However, those concerns appear to not have been

P.O. Box 671

Loomis, CA 95650

[Public-Interest@live.com](mailto:Public-Interest@live.com)

5-3  
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addressed at all. As part of these comments, we incorporate by reference our NOP comments (2017) as well as comments by others, orally and written.

A very relevant CEQA policy appears to have been ignored also: CEQA Section 21083(b)(3).<sup>1</sup> This code clearly states:

(b) The guidelines shall specifically include criteria for public agencies to follow in determining whether or not a proposed project may have a “significant effect on the environment.” The criteria shall require a finding that a project may have a “significant effect on the environment” if one or more of the following conditions exist:

**(3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly. [bold added]**

5-4

For over a decade residents in rural County ag and farm zones have been pointing out adverse impacts affecting them, neighbors and/or entire communities that have been impacted and had their lives disrupted by of one or more neighbors (winery or brewery) that use their residential property for non-permitted, non-ag commercial event. No one is objects to ag operations, but commercial events with noise especially, have a direct impact on neighbors—infringe on their rights to enjoy their properties and quality of life that includes peace and tranquility. The safety of individuals and family members driving on narrow, winding, roads, with blind corners and no shoulders is a concern, especially with traffic who may have been drinking (or tasting) as participants on a wine or beer “tasting trail.” These incompatible activities do not belong in rural residential areas and are not part of ag or farming operations.

~Were noise, traffic and other adverse impacts that were cited in NOP comments, and that neighbors have filed complaints about, analyzed related to Section 21083(b)(3)? If so, what are the mitigation measures? If not analyzed, then why not, since these neighbors are in the same areas as the wine/beer operations?

~How can events, especially “unlimited” and/or weddings that now be justified as allowed in the project?

5-5

We ask that the project’s “unlimited events” be deleted and that mitigation measures state that there can be no weddings, or other facility rent-out for commercial events; and that whatever the County code allows for Temporary Outdoor Events (TOE), then only that same allowance shall be granted to wineries or breweries—no additional events per se allowed—to avoid actual favoritism or a perception of such, or worse. As with any law, code, ordinance, there cannot be different interpretations and/or different levels of enforcement and/or citations for different citizens.

5-6

~How does the proposed project justify and/or address equality in applying ordinances if beer/wine operations are granted special allowance not allowed in other ag operations (such as unlimited events)? Will all other ag operations be granted the same allowances as WFBs? And if so, how will the public be informed of expanded impacts?

5-7

DEIR Analysis and CEQA Non-compliance. The overarching flaw of the DEIR is its incorrect primary focus on “existing facilities,” as if all impacts may be fully analyzed solely from existing WFB operations, which in turn colors the entire scope of the DEIR and its erroneous conclusions drawn thereafter. Citizens living near existing

<sup>1</sup> PRC Division 13, Environmental Quality [21000-1289.57], Chpt 2.6, General [21080 -21098] [http://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PRC&division=13.&title=&part=&chapter=2.6.&article=](http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&title=&part=&chapter=2.6.&article=)



**Letter 5  
Cont'd**

**5-7  
Cont'd**

WFB's in rural residential zones are already on the receiving end of significant negative impacts—from permitted and non-permitted activities—which have never been properly analyzed as required by CEQA and have created contentious issues.

Code Compliance Ignored. To cite one example of how pervasive non-compliance is: Previously, after much debate and pressure for code enforcement, and after multiple complaints were called in to Code Enforcement (aka Code Compliance) but non-permitted events continued(s) with loud, disturbing noise, the County established an after-hours “hotline” to call in complaints. Without any public notice, that hotline remedy was discontinued which left suffering rural residents with no recourse. At one hearing, County staff implied that complaints were from only one or two residents, as if that nullified the importance of the complaint and deemed it not worthy of enforcement.

~If there are no code enforcement remedies, especially with violations that occur after hours or on weekends, how can the proposed project be effective, fair, and properly enforced? Is the County relying on self-policing? How viable is a Zoning Text Amendment (ZTA) if it is not enforced to protect citizens and preserve true ag operations?

**5-8**

As an example of how winery/brewery operations are avoiding code compliance, it is our understanding that only one winery applied for an ARP to operate (tastings, events, etc.). However, after the owner's two-year time span to complete the Conditions of Approval (COA) expired, with the owner refusing to comply, Code Compliance eventually cited the facility. The owner did not appear at a number of Code Compliance hearings—wasting time of the hearing officer, Code Compliance personnel, and the public who attend the hearings to ensure justice is served. As was stated at one hearing, some operations see fines as a cost of doing business and are not as costly as actual compliance (fire sprinklers, etc.) would be. However, as soon as four-figure fines were declared to apply for each violation, suddenly the owner requested and was granted a “re-hearing.” To our knowledge, the “settlement” allowed the winery owner to not pay any fines, and slightly modify the operation (not having to comply with COA). Because code compliance is “complaint driven,” there is no way to know if the facility is now operating legally.

**5-9**

Project's Increased Impacts Not Analyzed. The project's proposed incompatible land-use allowances from increased commercial event allowances alone, exacerbated by increased attendee allowances, opens the flood gates for even more unacceptable impacts—new operations in the future and expansion by existing operations. Yet, continually, the DEIR either minimally cites or incorrectly analyzes significant impacts, and then subsequently dismisses them with boilerplate language, such as, “...would not directly induce development of new structures....” “New structures” are just one element of the project—physical structures in and of themselves may have specific impacts (loss of pervious surfaces, footprint loss of soil, etc.). However, it is event impacts that will occur at structures, the number of attendees at structures, and related noise, traffic, air quality (VMT), wildfire risks, and all other impacts generated from those commercial events that are not fully recognized or analyzed—and instead dismissed.

~How can the the DEIR justify its narrow focus on “development of new structures” when that is not the defining CEQA impact or issue?

**5-10**

Another overarching flaw of the DEIR is the lack of clarity, contradiction, and incorrect focus as to Project Location (3.2). The DEIR states the project applies to the

PIC to Plcr Co CDRA-Page 3 of 20

4

**Letter 5  
Cont'd**

**5-10  
Cont'd**

↑ unincorporated portions of Placer County, which legally covers County line to County line. It then tosses in a questionable statement, “All of the existing wineries and current and pending farm breweries are located in the western-central portion of the County.” However, a “western-central portion” is never fully defined or mapped. From here, the DEIR makes an abrupt turn and states, “...the geographic study area of this EIR is appropriately focused on the areas of western Placer County.”

**5-11**

Not only are no boundaries of “western Placer County” ever defined, but also no justification is provided for claiming such a focus is “appropriate,” when in fact it is not. An analysis of the proposed project must include all of Placer County—border to border—its entirety. No where in the ordinance does it state that the project proposed regulations/code amendments apply solely to “existing operations” and/or only to undefined “west” areas in the County. Also, the proposed project should apply to all WFB

**5-12**

operations—current and future—and the DEIR must analyze impacts accordingly. The DEIR’s reliance on an unsupported, ill-defined project location position and premise for most of its limited analysis, thus distorts and/or skews almost every conclusion drawn—rendering them useless, misleading, and contrary to CEQA’s purpose to fully inform the public.

**5-13**

~How does the DEIR justify using a static project location (typically used for developments that will be constructed in one specific location) with a ZTA that will be countywide? How does the DEIR’s constant assertion that it is only analyzing “existing structures” comply with CEQA’s clear mandate that it must analyze the “whole of the project” (also discussed later in this document)?

**5-14**

To further add to the confusion, in discussing project locations, the DEIR refers to “West Placer,” “western Placer,” “western-central portion of the County,” etc. However, those terms are never differentiated or specifically designated on DEIR maps. General area maps of existing WFB areas as well as speculative “Future anticipated WFB Growth Sub-Regions” are shown, but the public cannot know or trust what areas are being referenced via different uses of “west,” “central western,” or “western.”

**5-15**

Equally questionable and disturbing is the omission of at least one proposed winery in the Granite Bay area (e.g. Sehr Winery, which is on the County’s Active Project list), and multiple acres of viable planted vineyards in the West Roseville area of the County—notably in the areas of Vineyard Rd—yet that entire area is omitted from impact analysis.

**5-16**

The DEIR’s project location maps do not include actual western Placer County lines (adjacent to Sacramento County for example), nor the eastern areas to which this project also applies. Maps, such as Fig 3-1 and 3-2 are truncated—again creating an incomplete analysis and/or an inaccurate perception that no WFBs will be located in those areas of the County or that the project doesn’t apply in those areas, which simply adds to the inadequacies of the DEIR. Since wineries and breweries shall be allowed in all portions of County unincorporated areas, the DEIR must analyze impacts in all areas.

**5-17**

CEQA Guidelines Section 15126.2(a) which is cited on page 1-5 of the DEIR (“Scope of the EIR”) states, “...the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published...” Somehow, “affected area” was erroneously construed and arbitrarily interpreted to include only the limited areas of existing wineries (as if it were a proposed subdivision development project located in one area), when in fact the “affected area” of the proposed project is countywide and should have included the entire unincorporated area of the County in its examination.

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5      **Letter 5  
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**5-17  
Cont'd**

CEQA Guidelines Section 15003. "Policies," clearly indicates that the correct, Guidelines policy which should be followed is:

(h) The lead agency must consider the **whole of an action, not simply its constituent parts**, when determining whether it will have a significant environmental effect. (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151) [bold added]

The WFB project's DEIR chose a subordinate CEQA Guideline language of "should normally" rather than 15003(h) Guideline's "must" (akin to "shall") which clearly violates other policies listed in 15003 as well.<sup>2</sup> Instead of the required comprehensive analysis of foreseeable impacts, that have been continuously submitted by concerned citizens at countless meetings and hearings over the past 13 years, and included in this very CEQA process, meaningful and substantive public comments have been ignored.

~How can the use of a CEQA code section that states "should normally" trump a mandated CEQA code section that states "must"? What was the justification for reliance on weaker CEQA code language that might be appropriate for an on-the-ground project that would be located in one area only instead of language applicable to an ordinance?

This DEIR provides the public with a pinhole to look through and view many irrelevant or minimalist analyses that wrongly conclude the impacts are not significant. For 13 years, the public has acted in good faith in commenting and providing testimony as to unacceptable impacts from commercial event activities in their rural communities. Many are aghast at the lead agency's illogical reasoning for not analyzing impacts as indicated the DEIR, which has in turn created a serious lack of public trust. The DEIR must be revised to analyze the proposed project's true scope (entire county) and unacceptable significant impacts—such as those from events (noise, traffic) and CEQA sections mentioned above.

**5-18**

Topics that should be analyzed in the DEIR

**5-19**

In a time of not just climate change and/or crisis, but also of increasing losses of agricultural (ag) lands due to egregious approvals of sprawling developments and/or subtle conversion to non-ag operations (which includes commercial events), we believe food security will be, or already is, at risk. This risk is a serious impact to the County's ag resources. International tariff debates may continue to disrupt ag market commodities; ag operations may be jeopardized; food security risks could be exacerbated to unacceptable levels.

~At what point does the County's commitment to ag conservation, and CEQA's preservation of ag resources mandate, include impacts created by ag lands used for produce and/or value-added products that only a few can consume? Are hops edible and nutritious? Can wine or beer be a healthy source of nutrition for children and all adults?

<sup>2</sup> Paraphrased excerpts from CEQA Guidelines 15003, which the courts have declared to be implicit in CEQA include the following: (a)—that the EIR is the heart of CEQA; (b) serves not only to protect the environment but also to demonstrate to the it is being protected; (d) demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implication of its action; (f) CEQA's intention—to afford the fullest possible protection to the environment within the reasonable scope of the statutory language; (i) CEQA...requires adequacy, completeness, and a good-faith effort at full disclosure—an EIR that is sufficient as an informational document; (j) that decisions be informed and balanced...not subverted into an instrument for oppression....

**Letter 5  
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**5-19  
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~Why hasn't this project's CEQA analysis included the broader scope of impacts to ag resources and impacts to citizens when/if ag resource's are benefiting only those over the age of 21?

~If, as we submit, this project's excessive allowances become an incentive for ag operations to convert their plant-based nutritious produce (for all to consume) to grow only for alcoholic consumption ingredients, how will that loss of ag lands used for edible produce for all impact food supplies and/or food security issues? Does this project need to consider a countywide limit or cap on total ag acreage used for winery, brewery, cidery, distillery (with alcohol percentages), and/or cannabis operations?

We recognize ag's importance to food security and fully support ag operations that provide one of the basic necessities for life. However, we are opposed to the proposed project's increased liberal, and more flexible "event" allowances, which obviously will exacerbate environmental impacts and possibly prioritize non-ag activities (commercial events) over actual ag operations. In the DEIR, mention is made that beer or wine may be processed from plants not grown on site, which further demeans or diminishes Placer County's ag crop/operation quotient to an even greater subordinate level. Thus, the proposed ZTA project will first create unacceptable negative environmental impacts from excessive non-ag commercial events and secondly be detrimental to the future of ag's primary use and core values,<sup>3</sup> which reinforce food security.

**5-20**

~How does the project's minimum two-acres of planted beer/wine related crop ensure that the two acres will be maintained and used in that operation's value-added product (beer or wine)?

**5-21**

Although we greatly appreciate the work, knowledge and professional leadership skills of the County Ag Commissioner, we submit that no one person should have authority to waive a code requirement. No functional equivalent determination to relieve an ag operation of its code requirements should be allowed. The WFB is either a legitimate ag operation first, or it is not and cannot claim rights to all the allowances the project bestows on WFBs. The WFB may still contract to receive wine from locally produced vineyards; but here again loophole language is in force. The "functional equivalent" example states, "...contracted to receive a substantial portion of the winery production capacity from locally produced vineyards."

~What constitutes a "substantial portion" of capacity? 50%? 75%? or?

It is fairly common knowledge that wineries with their "locally grown vineyards" not only purchase from other vineyards, but those other vineyards also may purchase wine grapes grown elsewhere.<sup>4</sup>

~ What kind of testing for assurances will be in place to confirm that the "substantial portion" from "locally produced vineyards" is actually grown at other local vineyards (which includes the "Sierra Foothills" appellation)?

<sup>3</sup> Initial Study, Discussion Item X-8, page 23: "Generally, the text amendment is intended to balance the needs of various stakeholder groups and support the core principle that the primary use of the property is for the growing and processing of grapes or hops."

<sup>4</sup> A few years ago, a Placer County vintner boasted a first place win of estate bottled wine at the CA State Fair. We were informed that use of the word "Estate" on wine means that the grapes and production must be from that winery only. However, a Lodi wine-grape grower then announced that grapes used in that prize-winning estate wine in Placer County were from his vineyard—not locally grown in Placer County— and not in the Sierra Foothills appellation.

Agricultural Resources

5-22

Once again, the DEIR wrongly focuses on impacts of the proposed project only on ten existing medium and large parcel-sized wineries and farm breweries, when the focus should be on the entire County. Until a revised DEIR is circulated, the public must comment on an incomplete, inadequate DEIR which severely hampers its participation and access to information—both being critical foundations of CEQA.

We submit that the current WO is the baseline. The DEIR must analyze impacts created by the proposed project, if adopted, to impacts from the current WO at a countywide scale (all unincorporated areas). For example, a stated purpose of the current WO is to protect the agricultural character and long-term agricultural production of agricultural lands. Since that stated purpose is changed with the proposed project, the DEIR must analyze how that purpose will be impacted if the proposed project is adopted.

5-23

We submit that the proposed project is a blatant and unacceptable, disingenuous hijacking of the current WO in order to legalize wineries and breweries to become defacto event centers without having to follow or comply with the County's Agricultural Event Center code (approved a couple of years ago). Regulations and codes that apply to Ag Event Centers will be circumvented and not applied to WFBs or enforced as they should be.

The existing Placer County Winery Ordinance WO may be worthy of an update, but it does not need to be revamped with amendments that will destroy its current benefits and create incompatible land uses with increased significant impacts (noise, traffic, fire risks) in rural residential areas. The existing WO simply needed compliance; lacking that, it required enforcement—both of which were lacking. Rather than abide by County Code, wineries made a mockery of it. As far as we know, only one winery bothered to comply with the WO and obtain an Administrative Review Permit (ARP). According to the owner, he was chastised at the time for doing so.

In the past few years (2012-2013, 2015-2016, and 2017-2018), separate Grand Jury Reports have chastised the County for its lack Winery Ordinance code enforcement and again for general lack of code enforcement that impacts many. This alone should be reflected in a project that will close the loopholes and have codes that cannot be worked around. Instead, the project chooses to "relax" the ordinance, and "expand" the allowances, which only serves to reward the scofflaws and will bring on more of the same in the future.

5-24

As it pertains to wineries, the proposed project was created solely because wineries claimed they wanted to hold more events without a use permit (aka "by right"). As a calculated step toward winery/brewery operations becoming defacto event centers (without having to comply with the Ag Event Center ordinance), the obvious reason was profit making. Although the DEIR may mention receipt of public comment, for the most part, the County ignored rural residential citizens' concerns of significant impacts and granted event allowance demands of vintners and a few breweries.

5-25

~With a track record of non-compliance over the past 11 years, how assured or confident can citizens be assured that the project will be followed and/or enforced?

5-26

~Why aren't the increased impacts (events, traffic, noise) due to changes created by the proposed project analyzed relative to the provisions in the existing WO? What are the new significant impacts that will occur if the proposed project is adopted?

Project Purpose. For over a decade, the original WO (existing) and the 3 to 4 proposed revisions all contained the same stated purpose:

**17.56.330 Wineries. [Existing]**

**A. Purpose.** The purpose of this section is to provide for the orderly development of wineries, within agricultural zoning districts and certain commercial, industrial and residential zoning districts, to encourage the economic development of the local agricultural industry, provide for the sampling and sales of value-added products, and protect the agricultural character and long-term agricultural production of agricultural lands.

There were no changes to the above purpose, even in attempts to amend it, since its adoption in 2008; however the proposed project edited the purpose and added language that was never discussed and reads as follows:

**2.2 Project Purpose and Objectives**

The policy-focus of the proposed Zoning Text Amendment is to preserve and protect farmland while also supporting tenants of agri-tourism. The zoning text amendment is intended to balance the needs of various stakeholder groups and support the core principle that the primary use of the property is for the growing and processing of agriculture in order to make a value-added product.

Suddenly, with no public input, “agri-tourism” was added as a winery/brewery purpose/objective, with “supporting tenants of agri-tourism” added with no justification or analysis of impacts. Ag tourism is a commercial concept and has its place in Placer County, but isolated wineries or breweries, in rural residential communities, do not meet any bonafide definition as a “tourist destination” nor quality as “ag tourism.” However, impacts from such private multiple parcels in rural residential/ag/farm zones setting up as wineries or breweries to generate revenue as agri-tourism, at the expense of neighbors and rural communities, is fraught with environmental impacts. A “tourist destination” is considered a place where there are attractive elements that draw people to the place: activities, scenic views, entertainment, cultural centers. Many of these include an overnight (or longer) stay, and/or nearby walking distance hotels, motels, campgrounds, or other lodgings options). “Agri-tourism” is a self-serving commercial construct that is grasping at tourism coattails to pass an ordinance that will avoid compliance with the Ag Event Center ordinance.

Instead of a “tourist destination” which usually has appropriate boundaries, anyone with 4.6 acres or more, can plant the required acreage, tend the minimal two-acre crop until inspections cease, set the property up as a winery/brewery or agri-tourism participant, and create negative environmental impacts. Neighbors, communities, and ag preservation are the losers in this scenario.

Impacts from “agri-tourism” driving in rural residential areas on unfamiliar narrow winding roads to multiple individual private home/winery/brewery properties, to drink alcoholic beverages, and then try to find their way back, creates serious environmental and public safety impacts.

~Where are the DEIR analyses of all agri-tourism impacts—especially those that would come under CEQA’s Sect 21083(b)(3), [cited above] “...substantial adverse effects on human beings, either directly or indirectly”?

~Why are traffic and associated impacts derived from the change in the ordinance purpose omitted?

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5-30

Private events. The DEIR allows events that are private—again, another loophole. If an ag operation include a private residence of the owner, when the owners decide to be licensed as a brewery or winery, they have crossed the line—all events at the facility should be considered and counted as events.

It is a known fact that to become a “member” of a winery, often it means that any member of the public can either pay a small fee, and/or purchase wine to become a “member.” Merely signing up to be on an email listserv or “liking” Facebook or some other type of private social media (or public) outlet may count as a membership. Thus, when an announcement of any event is sent, it may seem private, but it is sent to all on the lists. Emails are then forwarded to others, and the so-called private or membership element is more public than private.

Also, Groupon, which also requires a “sign up,” and could be considered “private,” is widely used by Placer County wine/brew operations to announce special “events,” such as, “Up to 49% Off Wine and Tapas...”; “Six-Course Wine and Food Pairing.” Other public announcements include Placer Wine Trail’s “Grape Days of Summer” events.

~How will the project’s allowance of “private” events which are not counted toward the total, be enforced?

Ag Resource Preservation. In a time of not just climate change and/or crisis, but also of increasing losses of agricultural (ag) lands due to sprawling development approvals, we believe food security will be, or already is, at risk. International tariff debates may continue to disrupt ag market commodities; ag operations may be jeopardized; food security risks could be exacerbated to unacceptable levels. At what point does CEQA’s preservation of ag resources include the impacts created by ag lands used for produce and/or value-added products that only a few can consume.

~Should this DEIR be analyzing a broader scope of ag resources (harvest, value added, etc.) and impacts to citizens when/if the resource’s benefits to the public are reduced via enactment of the project?

~Are hops edible and nutritious? Can wine or beer be a healthy source of nutrition for children and all adults?

5-31

We recognize ag’s importance to food security and fully support ag operations, especially as they provide a basic necessity for life. However, we are opposed to the proposed project’s increased, liberal, and more flexible “event” allowances, which obviously will exacerbate (if not prioritize) a non-ag activity (commercial events) over actual ag operations. In the DEIR, mention is made that beer or wine may be processed from plants not grown on site, thus demeaning or diminishing Placer County’s ag crop/operation quotient to an even greater subordinate level as well as diminishing its importance. Thus, the proposed ZTA will first create unacceptable negative environmental (enviro) impacts from excessive commercial events and be detrimental to the future of ag’s primary use and core values. Secondly, support of the commercial event aspect of the proposed project creates a decided imbalance in meeting the needs of various stakeholder groups.<sup>5</sup>

~Who are the “various stakeholders” and what are each of their “needs” that are purported to be “balanced” as stated in the IS?

<sup>5</sup> Initial Study, Discussion Item X-8, page 23: “Generally, the text amendment is intended to balance the needs of various stakeholder groups and support the core principle that the primary use of the property is for the growing and processing of grapes or hops.”



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**5-31  
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~Specifically: How are the needs of rural residents (peace, quiet, right to enjoy their properties without daily noise from commercial events) being balanced with those who will hold “unlimited” events and when enforcement is a problem?

Profits over Conservation. Throughout the DEIR, the full potential of negative enviro impacts from incompatible, non-ag land uses—increased event allowances—have not been adequately addressed or mitigated. Most often a “*less than significant*” conclusion is based on an erroneous assumption that the ZTA “would not directly induce the development of additional medium or large wineries/farm breweries, as such facilities already permitted by right in certain zones [and zones are not being expanded], leaving impacts unaddressed.

We submit the opposite is true. The very fact that vintners have repeatedly testified that if they can’t have events, then they can’t “make it.” In other words, regardless of existing “by right” zoning, the ZTA does and will indeed “induce” additional wineries and breweries via an increase in existing allowable events to unacceptably high levels for profit making—not necessarily ag lands conservation. The actual ag operation (growing produce, processing wine-beer) under the existing code (the baseline) allows for two TOE’s of up to **three days each** [a fact that is often omitted] for a total of six days. Also allowed are six promotional events, for a total of 12 days of events per year. That is the baseline, and any additional event allowances created by the proposed ZTA are fraught with significant negative impacts.

**5-32**

Public testimony by vintners and pressures for more events provide ample proof that vintners/brewers consider events to be their more profitable activity—not their ag operations. Their attempts to intimidate or hold decision makers hostage to their demands (“...if we can’t have xyz events, we will sell to developers....”) are meaningless.<sup>6</sup> If the ag operation is not profitable in a competitive market, it is not the role of decision makers to grant more non-ag allowances, fraught with negative impact, to save a failing business.

Competing wineries and breweries aside, by continually dismissing cumulative impacts with the claim that “...facilities are already permitted by-right in certain zones....,” the DEIR misrepresents or misses the point. It does matter whether there are 5, 20, 50, or 100 winery or brewery ag operations “...already permitted by-right...” and competing for profits in rural Placer County. The ag operation itself should be the primary activity, and it is not generating the significant negative impacts. Even if it were creating ag sounds or smells, as mentioned earlier, the “Right to Farm” ordinance protects “customary ag operations.” Thus, the commercial events which are non-ag operations, and are not protected by the Right to Farm ordinance, continue to be the problem. Yet so called ag supporters have stated publicly that they will sell if they can’t have their incompatible, non-conforming commercial event allowances. In our capitalistic market-driven economic system, when businesses cannot compete or make a profit (inadequate skills, inferior products, etc.), it is quite commonplace for them to sell out and move on.

**5-33**

If the proposed project is approved, then it follows that it should apply to all other ag operations—livestock (cow/calf, sheep), plant- or orchard- based operations, etc. Logically, in addition to a TOE (available to all) other ag operations should be

<sup>6</sup> Unless laws have changed, just because a winery or brewery cannot make a profit via revenues from their operation, and decides to quit, that does not automatically change the zoning on their properties. If property is zoned 4.6-, 10-, 20-, 80-acre minimums or more, selling the property does not change the zoning. Only the Board of Supervisors has that authority.



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**5-33  
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allowed to have Promotional Events because bringing a steer, chickens, goats, etc., or a fruit tree to a roadside stand may be as problematic as tasting/selling beer and wine is along a public road. Allowing events only at breweries and wineries while denying all other ag operations equal event activities, may constitute an unfair withholding of the others' "by right" due.

~Has an analysis been conducted to evaluate impacts should non winery/brewery ag operations want the equal commercial event privileges?

**5-34**

Loophole Language. Carefully crafted but meaningless language permeates the DEIR and needs to be addressed; otherwise its claims of insignificant impacts are not supported.

Use of "should" and/or "may" (instead of "shall," for example) throughout both the DEIR and the project carries no mandate and renders critical regulations unenforceable, as negative impacts continue. This may be related to another misguided intention to keep the proposed ordinance "flexible." Members of the public, who live near wineries and/or breweries have never expressed a desire that codes and regulations should be "flexible," especially when they are on the receiving end of noise, traffic, and other impacts. It behooves the lead agency to create incentives for good governance, build public trust, etc., and edit/amend the proposed ZTA with clear and strictly enforceable codes, rather than create loopholes or a perception of "looking the other way" to reward a few insiders. Code compliance staff deals with enough scofflaws trying to work the system—this proposed project needs amending to ensure solid enforcement.

**5-35**

Another example of loophole language, which at first appears to be an attempt to create an impression of an enforceable limitation, relates to "Unlimited events." In allowing "unlimited events," the ordinance language reads "...accommodates 50 people or less **at any one time** (excluding staff)." [bold added] A period at the end of the "...or less" would have made for a more good-faith proposal. By adding the loophole language, "at any one time," the door is opened for all kinds of not only day-long event impacts, but staggered or "rolling" groups of attendees that can bring attendance to over 300 to 600 per day.

**5-36**

In the discussion of IS item IX, Hydrology & Water Quality, on page 19, it states,

Under the proposed Zoning Text Amendment, the "event" definition has been modified...whereby Agricultural Promotional Events of 50 people or less at any one time are not limited in number. As a result of this added flexibility, the number of days throughout the year during which events may be held at existing facilities **could increase.**" [bold added]

A speculative attempt is made to "assume" the rolling 50-person maximum will occur only three times throughout the day for a maximum overall attendance of 150 per day, but "could increase" are the critical words that need CEQA analysis. If "could increase" is true (which it is), then it is a foreseeable impact and must be analyzed.

However, in Chapter 8, Land Use and Planning," on page 16, the reference has a different slant which portends of an enforceable maximum (which it is not):

For Rolling Agricultural Promotional Events, this EIR assumes the 50-person maximum occupancy at one time occurs three times throughout the day, **for a maximum overall attendance of 150 people per day.** [Bold added]

If "for a maximum overall attendance of 150 people per day," is included in the project as an enforceable limit, then such a statement may acceptable. But when this is

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↑ couched in an assumption, worded to lead the public to believe there is a limit, then it's loophole language and a disingenuous attempt to mislead.

Whether these language manipulations are innocent or deliberate may never be known, but either way, it definitely ignores the potential for significant impacts that require analysis.

~What kind of the research was conducted to arrive at the assumption that rolling events will be max out at 150 per day?

**5-37**

~With rolling events, how will the 50 per day **at any one time** maximum be enforced?

**5-38**

Apparently to defend and justify its "assumptions," the DEIR cites a CEQA section (Chpt 3, Proj Description, footnote 6, page 3-12,) which states that forecasts should be based on substantial evidence...but does not include argument, speculation, or unsubstantiated opinion. It goes on to state, "The information gathered from interviews with local winery and farm brewery operators constitutes substantial evidence from which the County could formulate reasonable assumptions." When an industry has a track record of non compliance, with numerous complaints to Code Compliance, its credibility and integrity, especially when it deals with increasing profits, is not necessarily a reliable gauge of factual evidence.

~Before the DEIR assumptions were solidified, were built-in biases of the winery/brewery operators considered?

~Were numerous noise complaints submitted by rural residents to the county in writing and orally at many meetings, considered in terms of a bias or prejudice of those who have a self-serving interests in the way the IS declarations are worded?

**5-39**

If the proposed project had been a good faith effort, then a "maximum per day" would have been included and clearly stated. The fact that no maximum per day was included, and that an arbitrary assumption is made that the maximum will be 150 is simply unsubstantiated and not supportable.

**5-40**

As it stands in the proposed project, any winery or brewery may stagger 50 people (attendee maximum) in any time configuration they choose, from 10 am to 10 pm. Whether it's six or ten rolling events (each with 50 attendees) that is how the code reads. Impacts from project's allowance of "unlimited" commercial events, up to 50 at any one time, with no number of day limits IS what the code will allow if adopted. That is what must be analyzed by the DEIR.

**5-41**

Furthermore, if multiple wineries and breweries hold rolling unlimited events with on multiple successive days, the attendee numbers can skyrocket along with traffic and noise impacts. None of this is addressed in the DEIR. Had the "at any one time" been omitted, and the words "per day" been added, along with a number of days limit (instead of "unlimited" number of events) that would have been clear and enforceable. The current wording is neither.

**5-42**

~What will be the VMT impacts for every W/FB holding unlimited events for multiple successive days? That is what the law will allowed; CEQA's mandate is to properly inform the public and not make assumptions to deflect a truthful analysis.

**5-43**

↓ Holding unlimited events for up to 50 people is too many attendees. A tasting room that is allowed to be open every day of the week, within the hours prescribed, may be limited by fire safety occupancy capacities inside only. This "looseness," touted as

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“flexibility,” has the potential to create significant negative impacts on neighbors which is contrary to the CEQA section 21083(b)(3) cited above.

Finally, related to language issues, the DEIR appears to wrongly discredit citizens and neighbors’ concerns of significant impacts throughout different sections by dismissing them as “unrealistic” and/or “speculative.” The DEIR is often contradictory and/or misleading.<sup>7</sup> It appears to reveal a disdain for rural residents’ right to be fully informed of the impacts—dismissing their concerns as “speculation.”

The DEIR dismissive statements may be indicative of a naiveté as to its own speculations that no winery or brewery will hold many events or have tasting rooms open all day, every day; as long as the right to do is code, then it is a possibility and must be analyzed. Neighbors and citizens are not speculating when the code specifically allows activities with significant impacts of concern. However, it is speculation for the DEIR to claim or assert how a beer or wine business will or will not operate.

**5-44**

In Chapter 3, Framework of EIR Analysis, the DEIR states that the organization/logistics of hosting multiple events over the course of a short period of time are very difficult. A few sentences later, it states that the primary intent is to “grow grapes/hops and produce wine/beer,” and that events are a mechanism to generate income to support their primary business. It then mentions why events have to be outside normal tasting room hours, in part due to insufficient “parking to support normal patronage of the tasting room, in addition to attendees of a promotional event.”

While sympathy may be warranted and extended, this portends of a business operation being in the wrong place at the wrong time, or one with a poor or non-existent business model. Each business must operate within the law and meet challenges of making the ag operation of the business profitable by creating a better product, increasing sales outlets and demand, or revising business plans, etc. However, the prevailing attitude appears to be that profits can be increased at the expense of rural residential neighbors’ rights. If business capacities are inadequate then that is a problem and responsibility of the business. The challenges of unprofitable wine/beer businesses should not be passed on to rural residential neighbors

**5-45**

Wildfire Issues. Although a CEQA analysis of Wildfire risks was not required for CEQA documents released before April 27, 2019, and this DEIR’s release was released eight days before the requirement was mandated (April 19, followed by an Erratum Notice on April 26, 1029), mention of wildfire risks is rightfully included in the DEIR, albeit in a cursory manner. In Section 1, Introduction, of the DEIR, CEQA’s Wildfire section is discussed with references to Section 12, Cumulative Impacts and the Initial Study (IS), Section VIII Hazards (checklist item 7)—with the latter garnering a dismissive response.

The IS relies on the repeated irrelevant statement attributed to CalFire that none of the existing facilities are located in a Very High Fire Hazard Severity Zone (VHFHSZ), and once again dismisses the impacts as less-than-significant. Most importantly, it also misses the point that most, if not all, of the unincorporated area

<sup>7</sup> The current ordinance allows for two three-day events for a total of six days per year. However, when referenced in the DEIR and other documents, it is stated as “two days. This is indicative of the DEIR’s constant misinterpretation or misinformation.

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where wineries, breweries, cideries, etc., may be allowed by-right, are in the State Response Area (SRA)—which now mandates a CEQA analysis.

As explained, CEQA's initial study checklist was amended to address fire hazard impacts for projects located on lands classified as SRA and/or lands classified as VHFHSZ. The DEIR states that all the existing study facilities are located within the SRA—and in "Moderate FHSZs." If the proposed project is rightfully applied to all of Placer County, then there can be no relevance or need to study **only** existing facilities. Instead, the study area for fire hazard impacts must apply to all of Placer County where wineries or breweries will be established, which may include the existing facilities. Fire hazard risk impacts will be increased due to the project's increase in events ("Unlimited" and increased attendees per event). These increase risk impacts, especially to human life, property, and the environmental destructive impacts that result from fires, catastrophic or otherwise, must be analyzed. As more wineries and breweries pop up in the SRA, the risk impacts will also be increased and need to be analyzed.

**5-46**

Contrary to the spirit and intention of the law (SB 1241) which is to protect lives, property, and the environment, the DEIR again makes its hallmark unsupported claim: "Thus, the existing study facilities are not generally subject to substantial fire hazards. In addition, the proposed Zoning Text Amendment would not include any physical development." The erroneous misinterpretation or incorrect application of CEQA Guidelines as to the DEIR's study area focusing only on "existing facilities" has already been discussed in this comment letter. Furthermore, with the additional events and more attendees, there may indeed be physical development at existing facilities (expansion remodeling, etc.).

The DEIR continues with a statement that future wine/beer facilities "could be" located within a SRA and somehow correlates the additional events as not exacerbating fire risks with the same boilerplate language, that the ZTA "...would not directly induce development of new structures within fire-prone areas." Only then does the DEIR seemingly reluctantly and inadequately address the required questions "for projects in or near a SRA...."

~What is the evidence and/or assurances to support the DEIR's contention that with the project's allowance of increased events and attendees that it would not directly induce development of new structures within fire-prone areas?

Simple logic suggests that existing facilities will be expanded and/or new structures constructed due to the project's expanded allowances—thus, the project will induce development of new or expanded structures.

**5-47**

Chapter 1, Introduction, section 1.7, Scope of the EIR, includes some discussion in the DEIR of the Wildfire risk assessment. One statement acknowledges that "...all of the existing study facilities are located within SRAs. Thus, regardless of the classified risk they are in, the DEIR wildfire analysis should include existing facilities as well as the entire County—as all is subject to wildfire. This is important to note because the DEIR further concludes, based on its faulty premise, that "study facilities are not generally subject to substantial fire hazards." However, the wildfire risks not only exist, but as recent catastrophic California fires have shown, even "defensible space" cannot stop fire vortexes or fire tornadoes.

**5-48**

Placer County west of the Sierra divide is not immune to catastrophic wildfires. We submit that in the past 11 years, Placer County areas have had large fires. It may be accurate that WFB "facilities" do not create fire hazards, due to building code, fire

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**5-48  
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agency requirements, etc., but the point is that any and all WFB will hold events with most likely the maximum-allowed attendees. The real “risk” is created by a fire starting anywhere in the vicinity, and spreading “like wildfire,” as the Gladding and Forty Nine(49) Fires did which ran through the very same areas where some of the existing facilities are located. (See Exhibit A). With an unstoppable fire, creating its own wind force and sending embers a mile or more ahead, no existing facility can be assured of its structures not being damaged or destroyed or not being in a “fire-prone area.”

Just a few of Placer County fire facts are submitted as evidence that fire risks are huge in Placer County and that the WFB DEIR’s dismissal of risks is recklessly unacceptable.

9/1/08—Gladding Fire: 960 acres burned; 20 residences and 20 outbuildings threatened, evacuations conducted (partly in the heart of, or very near existing WFBs).

8/30/09---Forty Nine (49) Fire Incident: 343 acres; 63 residences and 3 commercial structures destroyed; 3 residences and 6 commercial properties with major damage (North Auburn area).

1995—Sailor Fire: 150 acres

1992: Fawn Hill Fire: 250 acres; 11 homes destroyed (lawsuit settled in 1996).

[http://www.fire.ca.gov/cdf/incidents/archived\\_incidents](http://www.fire.ca.gov/cdf/incidents/archived_incidents)

In the DEIR Introduction chapter, the following statement is made: “The Zoning Text Amendment would not directly induce development of new structures within fire-prone areas.” However, in the NOP submitted to the CA State Clearinghouse, page 6, under “Modify Event Definition,” this statement is evidence that “induce” was at least a supported intention: “As previously noted, a primary reason for revisiting the ordinance was to relax the requirements to hold events; predominantly the types of events that are an inherent part of the member-based business model that wineries leverage to sell their product.” Allowing more events and relaxing requirements are always going to induce more activity.

**5-49**

A primary risk is when these fires do occur, in an area where unlimited events and many attendees are driving narrow, winding country roads, while residents may be trying to evacuate, there is a huge human life risk that comes into play. When the public gathers at commercial events in rural residential neighborhoods, especially in any High Fire Zone (regardless of severity rating), human life and safety issues can be compromised. The County must error on the side of caution and not play “Russian Roulette” with fires and lives.

Evidence strongly suggests that in this era of increasing catastrophic wildland fires, where lives have been lost and properties destroyed, the very structures being claimed in this DEIR to be “not generally subject to substantial fire hazards” is a seriously flawed conclusion.

~Why, when lives, property, animals, and the environment are at risk, is the lead agency not insisting on a thorough analysis of wildland wildfire risks?

~Would not a proper analysis reveal whether it was prudent, or not, to allow unlimited commercial events in rural residential areas, especially when evacuations are the usual orders when a fire comes through?

~Are impacts from wildland fire risks throughout the County, that will be created or increased because of the project’s expansions (events and attendees), NOT

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being analyzed because there is no way to determine or monitor how many events will be held, or more importantly, how many attendees will be coming and going throughout any day, especially with “rolling” events?

In addition to the fires mentioned above and in Exhibit A, the more recent Camp Fire (Paradise, November 2018, Butte Co and others); Carr Fire (Shasta and Trinity County, July 2018), Tubbs Fire (Santa Rosa, 2017, and in eight counties, aka “Northern California Firestorm”), and the Camp Fire (Paradise) are examples that may be exacerbated by Placer County’s narrow roads during a fire but especially if/when an evacuation alert is in progress.

~Why isn’t the DEIR considering a permanent ban on all commercial events in rural residential areas where roads are two lanes (or less) and have no shoulders or no bike lanes?

Introducing unlimited commercial rolling events in rural residential areas that can potentially bring 600 or more attendees per day to each and every winery and brewery with many, if not most, requiring travel on narrow, winding two-lane country roads with minimal shoulders is certainly a blatant introduction of incompatible, non-conforming uses to area roadways.

On any given summer day, with unknown numbers of events and attendees occurring in the County due to the project’s event expansions, and with unknown numbers of vehicle trips to different wineries and breweries, to ignore potential fire risks is a grave mistake. Just the potential for roads being blocked (evacuees, event attendees, emergency vehicles, etc.) is reason enough that this impact, exacerbated as it is by increased events and attendee allowances, must be addressed and mitigated.

~What are the reasons for not analyzing the project’s wildfire risks when lives, property, and environmental damage is at stake?

Of grave concern is this type of DEIR statement: “Thus, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.” It appears that no one at least minimally field tested the county’s rural roads before coming to this erroneous conclusion. In addition to the narrow, winding roads with blind corners and undulations, a few county roads have one-lane segments (Garden Bar Road, Newcastle trestle) which easily could “substantially” and severely impair both emergency vehicle access and/or evacuations.

Impairment is very much more likely to occur on single lane private roads where wineries and breweries are likely to be located, especially when they want avoid county costs that ingress/egress provisions require. Most/many private roads are single lane that dead-end; they can not only block emergency vehicle access if even only one other vehicle is on the road, but also the emergency vehicles can (and have) blocked residents from evacuating (which was an actual rural Loomis, private road fire experience that fortunately had no injuries or structure damage).

Chpt 1, pg 1-7: (b) The question asked is, *Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?* Instead of answering the question truthfully with an affirmative response, again the DEIR avoids the query with, “With respect to existing and future potential winery and farm brewery projects located in a SRA or lands classified as Very High FHSZs, the proposed project would not include development of new structures on

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**5-50**

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substantial slopes or in areas with strong prevailing winds,” which is irrelevant, misleading and inaccurate.

It is reasonably foreseeable that new wineries and breweries will indeed build more structures that could easily be cited on substantial slopes and/or in the path of prevailing winds which occur almost every day—convection in the morning and Delta breezes in the evening.

~How can the DEIR assume or speculate as to where future winery and brewery project will (or will not) be built in Placer County?

~Does the DEIR assume or speculate that no existing wineries or breweries are on slopes? If so, the DEIR is much more flawed than first thought. Sloping landscapes, some of which are having their fire insurance dropped, are the hallmark of rural Placer County. Many of the areas of existing facilities are coveted for their slopes and/or built on them for the natural favorable drainage patterns they provide.

Very recently Placer County has seen winds so high (June 8 and 9, 2019, prevailing and otherwise, that PGE alerted those in the Sierra Foothills for two days to expect possible power shut offs due to potential fire risks.

~How does the DEIR justify its complete abandonment of the needed fire risk analysis, if not from the CEQA IS list requirements (due to releasing the DEIR a few days before the rule became effective), then from CEQA 21083(b)3 where this proposed project will cause substantial adverse effects on human beings, either directly or indirectly

This section’s question is about wildfire risks and exposing citizens to pollutants or uncontrolled spread of wildfire. The DEIR response asserts that new structures would not be on substantial slopes or in areas with strong prevailing winds. Placer County is not a flat land—part of its charm is its rolling hills. The DEIR dismisses this critical question and goes off into an even more erroneous direction by stating by stating that additional events “would occur within established event areas—not on substantial slopes—and would not exacerbate wildlife risks. Each new winery and brewery will “establish its own event areas which may or may not exacerbate wildlife risks. To cap its misleading approach, the DEIR implies that additional events would occur in established event areas and would not exacerbate wildfire risks. Fire and its spread is an equal-opportunity risk force. It will not bypass some parcels just because they are in “established event areas.”

Cumulative Impacts. An broader DEIR study area that encompasses the entire County is required, and definition must be clarified. Although the project wrongfully focuses on existing wineries and farm breweries located within the unincorporated areas of Placer County, the EIR must factor in the multitude of wineries, breweries (and possibly cideries and distilleries) that may be located within incorporated towns or cities, but are in or adjacent to Res Ag or similar zones and/or are located near the County’s jurisdictional boundaries.

It appears that the DEIR has ignored the cumulative impacts created by wineries and breweries that are in the same appellation or Sierra Foothills district with facilities located near or at the rural edges of incorporated jurisdictions, which create environmental impacts that “migrate” into the County. Not being analyzed for impacts denies the public the right to be fully informed as required by CEQA. Worse, it distorts and underestimates traffic, noise, and other negative impacts that countywide events do and will in the future create.

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**5-51**

**Alternatives.** Below are potential alternatives that would greatly reduce or eliminate negative impacts yet afford some measure of profitable activities to the wine/beer industry.

I. As co-creators of the problems and impacts from winery/brewery issues, the County could take a lead role to right the wrongs and resolve problems now, before they worsen.

Almost every rural winery and brewery is located in a rural residential ag or farm zone that is the primary residence of the owners. Their residential property has become their business property—similar to “home/office” arrangements. Because the rancor between rural residential neighbors and wineries/breweries has occurred in part due to County approvals of commercial alcoholic beverage tasting, consumption on site, commercial events akin to what occurs in event center venues, limited code enforcement of non-permitted activities, subsequent creation of significant noise, traffic, and other community-disturbing, unacceptable impacts, as well as “fragmented zoning” (from decades ago), it behooves the County to step up and take a lead role to resolve problems and controversies now.

5-52

One way to do that might be for the County to establish tasting rooms, as it is now establishing event venues—“@the Grounds” and possibly a “Community/events center” at the DeWitt Center (DWC). The DeWitt Master Plan is being formed and according to the presentation and approval at the April 26, 2019, BOS meeting, the timing is right. In addition to holding events at the DWC, the County could look into creating tasting room in various communities where there may an existing commercial zone or property that would lend itself to winery/brewery activities and take impacts out of/away from incompatible residential areas. Newcastle, or areas near Lincoln might work for starters, but the rural residential ag/farm zones would remain as they were 20 to 30 years ago. In 2005, when we, PIC, first became aware of a winery conflict, all problems and complaints have increased dramatically, along with winery and brewery operations.

The County has the capacity to take the lead to resolve this issue so that wine/beer operations could grow their ingredients, process their value added products, and take the tasting, sales, commercial events, parties, weddings, etc., out of the residential zones.

5-53

II. Wineries and breweries could take their tastings and sales off their residential property operations and have a booth in multiple weekly (usually weekends but not always) fairs (State, County, local), festivals (Eggplant, Auburn Harvest, Mandarin), “fun runs,” local outdoor concerts (summer months in Loomis, Rocklin, Auburn, and elsewhere), farmers’ markets, etc., where vendors are welcome (usually a fee) and receive a great deal of foot traffic. Of interest might be the even more robust markets and selection of vendor tasting and sales booth opportunities throughout the greater Sacramento region.

5-54

II. Partner with nurseries, competitive sporting groups, tournaments, (over age 21) baseball, soccer, pickle ball, tennis, or other competitive events to set up tastings and wine or brew sales.

5-55

III. Establish separate or joint beer and/or wine tasting and sales outlets in Commercial or other compatible zoned areas (non-rural residential areas).

**Wineries.** With or without their association(s), wineries can create winery hubs or co-op facilities in appropriate commercial or industrial zones to hold tastings, sales

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and events as is already being successfully practiced. One example: "Nevada County is fast becoming a mecca for small wineries and downtown Grass Valley wine tasting is leading the way with five tasting rooms representing eight wineries. With its historic charm, premiere shopping, dining and lodging, what better place to plan for your next wine tasting excursion."<sup>8</sup>

Also, in Nevada County, one winery has its own facility "in town" which is open regular business hours and can be "rented" for private events (SZABO's--316 Broad St, Nevada City, CA).

Websites list at least a couple of such Placer County wine tasting/sales outlets, such as Newcastle Wine Shoppe, Sip Auburn, or, out of county but nearby, Alta Sierra Wine Shop, etc.

Breweries. Placer County has numerous craft brewery "outlets" located in appropriately zoned areas (non-rural residential zoned areas). Examples include "tap rooms" and microbrewery facilities—often operating in municipalities. In addition to bar and/or food servings, they also have different sized rooms to accommodate private parties and/or events or to rent out for private parties. There are too many to list all, but here are a few: Knee Keep Brewing, Crooked Lane Brewing, Moonraker, Auburn Alehouse, Boneshaker Community Brewery, Dragas Brewing, Out of Bounds Brewing, Loomis Basin Brewing, Gander Taphouse, Moksa Brewing, Infusion Taproom, The Monk's Cellar, etc. These are true "tourist destinations. They sell local, regional, and other products that would provide an alternative for sales and revenue flows to offset holding unlimited events in rural residential areas.

**5-56**

Circulation Time Too Short. After 13+ years of controversy, to its credit the County finally agreed to circulate a CEQA-required DEIR. However, the length of the comment period was cruelly and unrealistically too short. The County and consultants had two years to prepare this 1,000+ page DEIR. We, the public, had 53 days to review it, with most of us being volunteers. We have jobs, families, and other commitments. As a result, other comments are planned to be submitted—No, they won't make it into the Final EIR, but they will be in the administrative record.

~How can a 53-day comment period be justified for a project that has been 13 years in the making, is loaded with controversy, and is a tome to boot?

~Is there anyone who believes a 1,000+ page document can be read, let alone researched, and then have comments written in 60 days?

Our intention is to submit Addendum as time permits.

Thank you for considering our views,



Marilyn Jasper, Chair

Attachment, Exhibit A

**Exhibit A -- Gladding and Forty Nine Fire Incidents**

[https://cdfdata.fire.ca.gov/incidents/incidents\\_details\\_info?incident\\_id=311](https://cdfdata.fire.ca.gov/incidents/incidents_details_info?incident_id=311)

Gladding Fire -- 9/1/08:

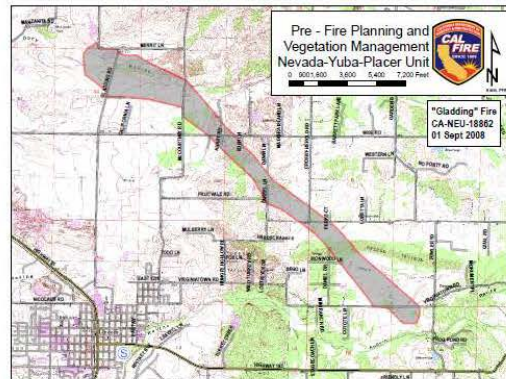
Gladding Fire Incident Information:

<sup>8</sup> <https://downtowngrassvalley.com/c/grass-valley-wine-tasting/>

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Last Updated: September 3, 2008 9:00 am FINAL  
 Date/Time Started: September 1, 2008 12:39 pm  
 Administrative Unit: CAL FIRE Nevada-Yuba-Placer Unit  
 County: Placer County  
 Location: Northeast of Lincoln  
 Acres Burned - Containment: 960  
 Estimated - Containment: 960 acres - 100% contained  
 Structures Destroyed: 20 residences and 20 outbuildings threatened  
 Evacuations: All evacuation have been lifted.  
 Cause: Under Investigation  
 Cooperating Agencies: CAL FIRE, Placer County Fire, City of Lincoln Fire Department, CHP, Placer County Sheriff, OES, CDCR, and multiple agencies from Nevada, Yuba, Placer, El Dorado and Sacramento counties.

Total Fire Personnel: 129      Total Fire Engines: 10; Total Fire crews: 4; Total Dozers: 1



**Forty Nine (49) Fire Incident—8-30-19**

[http://cdfdata.fire.ca.gov/incidents/incidents\\_details\\_info?incident\\_id=380](http://cdfdata.fire.ca.gov/incidents/incidents_details_info?incident_id=380)

Forty Nine (49) Fire Incident Information:

Last Updated: September 2, 2009 6:00 pm FINAL  
 Date/Time Started: August 30, 2009 2:22 pm  
 Administrative Unit: CAL FIRE Nevada-Yuba-Placer Unit  
 County: Placer County  
 Location: Hwy 49 and Rock Creek near Auburn  
 Acres Burned--Containment: 343 acres; Estimated - Containment: 343 acres - 100% contained  
 Structures Threatened: No further threat  
 Structures Destroyed: 63 residences & 3 commercial structures have been destroyed  
 3 residences & 6 commercial properties with major damage

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**LETTER 5: MARILYN JASPER, PUBLIC INTEREST COALITION**

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**Response to Comment 5-1**

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

**Response to Comment 5-2**

The Draft EIR does not make any assertion that events occurring under the Zoning Text Amendment would be protected by, or conflict with, the County's Right-To-Farm ordinance. Furthermore, as discussed on pages 4-16 and 8-21 of the Draft EIR, events occurring under the Zoning Text Amendment are only considered in addition to first meeting minimum agricultural requirements. The allowance for events is supported by and consistent with a number of General Plan policies stated in Table 8-6 on page 8-21 of the Draft EIR. The comment does not address the adequacy of the Draft EIR because Right-to-Farm protections are afforded to crop production, whereas Section 17.56.330 (i.e., County Winery Ordinance) codifies event allowances that are further supported by General Plan policy.

**Response to Comment 5-3**

Issues related to noise and traffic are evaluated in Chapters 9 and 10, respectively, of the Draft EIR, as well as in Chapter 12, Cumulative Impacts and Other CEQA Sections. As noted in Chapter 9, the Zoning Text Amendment could result in potential impacts related to wedding noise. Mitigation Measure 9-3 requires that prior to hosting any weddings under the Special Event allowances set forth in Table 3 of the Winery and Farm Brewery Ordinance, the owner/operator must submit a site plan of the existing facility to the Placer County Community Development Resource Agency, identifying the proposed outdoor location of the wedding reception and distance(s) to nearest residential receptors; the site plan must clearly demonstrate that sufficient setbacks are met to ensure that noise thresholds are not exceeded. Mitigation Measure 12-8 includes similar restrictions for noise-generating uses at future study facilities. In addition, as discussed in Chapter 12, the Draft EIR concluded that the proposed project could result in a cumulatively considerable contribution to the cumulative impact at the SR 49/Cramer Road intersection. While the Draft EIR concluded that this impact would remain significant and unavoidable, Mitigation Measure 12-10 was included to reduce the impact to the maximum extent feasible.

All comment letters received during the NOP comment period, including those of the commenter, are included as Appendix C to the Draft EIR. Concerns expressed in the NOP comment letters are summarized on pages 1-14 and 1-15 of the Draft EIR. All relevant issues raised during the NOP comment period, as summarized on pages 1-14 and 1-15 of the Draft EIR, have been addressed throughout the Draft EIR. Chapters 9 and 10 of the Draft EIR specifically address all concerns brought forth in relation to noise and transportation and circulation.

#### **Response to Comment 5-4**

With regard to noise and traffic issues, see Response to Comment 5-3 above. Regarding traffic safety issues related to rural, winding roads, see the traffic safety analysis included under Impact 10-3 of the Draft EIR, beginning on page 10-40. As noted therein, the proposed Zoning Text Amendment would not cause increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access or access to nearby uses. Thus, the Draft EIR concluded that a less-than-significant impact would occur.

#### **Response to Comment 5-5**

The comment does not address the adequacy of the Draft EIR; rather, it requests changes to the Zoning Text Amendment, which have been forwarded to the decision-makers for their consideration.

#### **Response to Comment 5-6**

The comment does not address the adequacy of the Draft EIR, but has been forwarded to the decision-makers.

#### **Response to Comment 5-7**

The comment incorrectly states that the EIR primarily focuses on “existing facilities”. As is appropriate, Chapters 4 through 11 of the EIR focus on the potential effects on the environment due to implementation of the proposed Zoning Text Amendment at existing wineries and farm breweries that are part of the baseline (set at the time the NOP was released; see below for more discussion). Chapter 12, Cumulative Impacts and Other CEQA Sections, of the Draft EIR, includes a detailed quantitative evaluation of the potential physical environmental effects that could result from by-right events at future facilities. This is consistent with CEQA Guidelines Section 15355, wherein it is stated that the cumulative analysis is the appropriate mechanism for considering the potential environmental effects resulting from reasonably foreseeable probable future projects. Future wineries and farm breweries are considered reasonably foreseeable probable future projects for purposes of this EIR, and are thus appropriately evaluated in the Cumulative Impacts chapter of the EIR.

According to CEQA Guidelines Section 15125, an EIR must include a description of the existing physical environmental conditions in the vicinity of the project to provide the “baseline physical conditions” against which project-related changes could be compared. Normally, the baseline condition is the physical condition that exists when the NOP is published. The NOP for the proposed project was published on October 18, 2017. Therefore, conditions existing at that time are considered to be the baseline against which changes that would result from the proposed project are evaluated.

See Master Response #1.

### **Response to Comment 5-8**

With respect to comments pertaining to code compliance, enforceability is a concern among many stakeholders and community members. Code compliance will be addressed as a policy matter and through the public hearing process by decision makers. For informational purposes, the County's Code Compliance process is described. The Placer County Code Compliance Services provides assistance to other County departments and enforces County Code, investigating potential violations of the Code. Complaints are received via written complaint forms, online complaints submitted via Placer County Connect, and referrals from other agencies. The process for responding to issues related to wineries and farm breweries is the same as other land uses that may be out of compliance with Chapter 17 of the County Code (Zoning). After a complaint is received, the next step in the process is to send a courtesy notice to the property owner and/or tenant. Contact is made to address a possible violation and acknowledge the collaborative manner in which the issue will be resolved. Code Compliance Officers follow up with a field inspection to identify whether a violation of the Code exists. In instances where a violation has not occurred, the complaint is deemed unfounded. If a violation is found, enforcement is pursued in accordance with Article 17.62 (Zoning Enforcement).

Some code compliance issues pertaining to wineries and farm breweries are related to noise. Issues pertaining to noise are enforced under Article 9.36 (Noise). Complaints that pertain to the issue of noise are addressed through a collaborative effort with the Sheriff's Office and Community Development Resource Agency Code Compliance Services. Both agencies have noise meters to collect data to determine if the source of noise is outside the specifications of Article 9.36 of the County Code. A joint policy between the agencies exists and specifies the days, times, and activities that may generate the noise, in addition to the authority required to respond. Generally, the Sheriff's Office will respond to noise issues on weekends and in the evenings when Code Compliance staff are unavailable. The policy specifies that chronic or on-going sources of noise affiliated with a commercial land use will be handled by the Code Compliance Services. A noise violation observed by either agency will begin with issuance of a warning citation followed by a fine that progressively increases if compliance is not reached. Section 9.36.100 (Administrative citations) outlines the citation process specific to noise violations. The joint policy can be found as Appendix A to this Final EIR. The Code Compliance Services handles collection of fines and schedules appeals for the citation process.

The comment is noted, but otherwise does not address the adequacy of the Draft EIR.

### **Response to Comment 5-9**

The current Winery Ordinance does not include a cap on the number of attendees permitted at events. As noted on page 3-9 of the Draft EIR, under the proposed Zoning Text Amendment, maximum attendance at winery and farm brewery special events would be limited based upon parcel size. Thus, contrary to the commenter's assertion, the Zoning Text Amendment would not result in increased attendee allowances. In addition, the proposed project would not result in the direct development of new structures to the extent that it does not directly include physical development of future wineries or farm breweries. See Master Response #1.

Potential impacts related to noise, traffic, and air quality associated with by-right events, using the maximum attendance limits set forth in the Zoning Text Amendment, are analyzed in Chapters 9, 5, and 10 of the Draft EIR, respectively. Potential impacts related to wildfire risk are discussed in Chapter 1, Introduction.

**Response to Comment 5-10**

Contrary to the comment, the western-central portion of the unincorporated County that is the focus of the quantitative analysis within the EIR is illustrated in Figures 3-2 through 3-4 of the Project Description chapter of the EIR. For additional detail, see Master Response #2.

**Response to Comment 5-11**

See Response to Comment 5-7 above. See Master Response #1.

**Response to Comment 5-12**

See Master Response #2.

**Response to Comment 5-13**

Potential impacts associated with implementation of the Zoning Text Amendment at potential future study facilities are evaluated in Chapter 12, Cumulative Impacts and Other CEQA Sections, of the Draft EIR. See Master Response #2.

**Response to Comment 5-14**

See Response to Comment 5-10 above. The use of the terms referenced by the commenter do not require differentiation, as they are similar terms referring to the focus area of the EIR. These descriptors refer to the focus area, which is clearly illustrated on several maps throughout the EIR, especially Figures 3-2 through 3-4.

**Response to Comment 5-15**

The proposed Sehr Winery is located on a property zoned Residential-Agriculture, whereas the Draft EIR analysis of the proposed Zoning Text Amendment focuses on parcels greater than 10 acres that are zoned AE, F, or FOR where by-right events can occur. Thus, the proposed Sehr Winery would require County approval of a MUP under the provisions of the proposed ordinance. Furthermore, as stated on page 3-22 of the EIR:

The County recognizes that this Zoning Text Amendment applies countywide, and thus, one or more new wineries or farm breweries could be developed outside of the above-listed subregions. However, the County recognizes that even if a new facility were to be established outside of these sub-regions, they would most likely occur in relatively remote locations, where additional by-right events allowable at the facility under this Zoning Text Amendment would produce isolated effects.

The proposed Sehr Winery is such an example given its location off of Cavitt Stallman Road in Granite Bay. The site is located within the Granite Bay sub-region, where no wineries currently exist. Thus, the Sehr Winery would not be expected to create impacts related to those generated by the proposed Zoning Text Amendment, such that they would combine to cause a significant cumulative impact. According to CEQA Guidelines Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The roadways accessing the Sehr Winery site are too disparate from the roadways in the winery/farm brewery sub-regions, where future growth is reasonably expected to be concentrated,<sup>4</sup> such that Sehr Winery traffic could combine with traffic from facilities in these sub-regions to create a significant cumulative effect. The same conclusion can be drawn for noise effects.

With respect to the comment about planted vineyards in the West Roseville area, it is emphasized that the EIR evaluates the potential environmental effects of by-right events at existing and potential future wineries and farm breweries. Planted vineyards in the West Roseville area is irrelevant to the analysis, unless these vineyards are co-located with tasting rooms where events could occur. As such is not the case under the baseline setting, nor are any such facilities currently proposed, the EIR is not required to evaluate specific operations in this area.

See Master Response #2.

#### **Response to Comment 5-16**

See Master Response #2.

#### **Response to Comment 5-17**

Contrary to the comment, the Draft EIR does not choose a subordinate CEQA Guideline section. The section cited by the commenter [15003(h)], which states that the lead agency must consider the whole of an action, not simply its constituent parts, is consistent with the approach taken in the Zoning Text Amendment Draft EIR. As discussed in Master Response #2, with an estimated total of 30 new facilities over 20 years, the assumption made states that new facilities would affect only a relatively small portion of the overall unincorporated area of the County. Thus, the most reasonable approach would be to assess the most likely locations of future facilities based upon a variety of relevant factors, so as to minimize, to the extent possible, the amount of speculation involved. This is precisely what the EIR does. Please refer to Master Response #2 for additional discussion.

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<sup>4</sup> Per Table 3-3 of the EIR, these sub-regions consist of North Wise Road, South Wise Road, Newcastle/Ophir, Northwest Auburn, and Horseshoe Bar/Penryn.

### **Response to Comment 5-18**

See Master Response #2. Noise, traffic, and other relevant issue areas associated with implementation of the Zoning Text Amendment are evaluated throughout the Draft EIR. See, for example, Response to Comment 5-3.

### **Response to Comment 5-19**

The objectives of the project include preservation and protection of farmland. Furthermore, as noted on page 4-15 of the Draft EIR, “[...] Per Section 17.08.010 of the Placer County Code, wineries are considered ‘agricultural/resource/open space uses’. Events at winery/farm brewery facilities are considered ‘necessary services’ by the owners/operators in terms of their importance in financially supporting on-site agricultural uses. As such, these events play an important part in the business model by the industry in terms of financially supporting and playing a subordinate role to the agricultural uses. Therefore, Agricultural Promotional Events and Special Events occurring under the Zoning Text Amendment are considered to be supportive of agricultural operations. Furthermore, events are already permitted to occur at existing wineries under the adopted Winery Ordinance. It should be noted that the comment requests analysis of issues related to food security, which is not a direct physical environmental issue but, rather, a social issue. Per CEQA Guidelines Section 15131(a), “Economic or social effects of a project shall not be treated as significant effects on the environment.”

As discussed throughout the Draft EIR, with the exception of Impact 17-16 related to cumulative impacts to study intersections, which was determined to be significant and unavoidable, all potentially significant impacts identified in the Draft EIR can be mitigated to less-than-significant levels. Ultimately, the County Board of Supervisors will determine if the benefits of the project outweigh the adverse environmental effect identified in this EIR.

### **Response to Comment 5-20**

The proposed Zoning Text Amendment requires winery and farm brewery uses to meet a two-acre agricultural minimum. The proposed text states, “at least two acres on-site of planted vineyard, hop yard, or other agriculture related to beverage production is required.” A determination that the facility meets this requirement is made by the Agricultural Commissioner and is necessary for a winery or farm brewery to operate. The operator would be required to maintain the agriculture in order to remain in compliance with the zoning code.

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers.

### **Response to Comment 5-21**

As noted in the response provided for Comment 5-20, an agricultural minimum requirement must be met in order for a facility to operate. As an additional provision, the proposed Zoning Text Amendment states, “A determination by the Agricultural Commissioner may be appealed to the Agricultural Commission whose decision should be final.”



The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers.

### **Response to Comment 5-22**

The commenter appears to suggest that all of the existing wineries and farm breweries need to be accounted for in the Draft EIR analysis, in order for the current Winery Ordinance to represent the baseline for the Draft EIR. However, the comment appears to miss the important distinction that the proposed Zoning Text Amendment affords only those existing facilities on parcels greater than 10 acres with the ability to host more by-right events than afforded under the current Winery Ordinance. Any existing facility on parcels less than 10 acres would now be subject to use permit requirements. As stated on page 3-7 of the Draft EIR,

Under the current Ordinance, existing wineries on parcels 4.6 to less than 10 acres would be allowed to conduct up to six promotional events per year with an ARP. If ARP or other permit has not been obtained that allows the event activity, any proposal for events after the adoption date of the proposed Ordinance would constitute an expansion of operation and require compliance with the new regulation (e.g., the facility would need to obtain a MUP). Given that wine production facilities with tasting rooms on 4.6 to less than 10 acres are already allowed six events under the currently adopted Ordinance (with an ARP), a net change to the operations of these facilities on 4.6- to less than 10-acre parcels would not occur as a result of the Zoning Text Amendment. Thus, wine production facilities, with tasting rooms on 4.6- to less than 10-acre parcels, are not being evaluated in this EIR because further environmental review would be conducted with any future use permit application.

Thus, it can be seen that the current Winery Ordinance was used as the baseline, insofar as the Draft EIR assesses the potential impacts associated with implementation of the Zoning Text Amendment at existing study facilities on parcels greater than 10 acres, where additional by-right events could occur under the proposed ZTA. In addition, it is noted that potential by-right events at future study facilities are evaluated in Chapter 12, Cumulative Impacts and Other CEQA Sections, of the Draft EIR. Regarding the County's decision to focus analysis of future growth within the winery/farm brewery sub-regions, see Master Response #2.

### **Response to Comment 5-23**

The comment does not address the adequacy of the Draft EIR and the comment has been forwarded to the decision-makers for consideration.

### **Response to Comment 5-24**

Physical environmental effects associated with implementation of the Zoning Text Amendment, including all relevant issues raised by the public during the 30-day NOP comment period, summarized in Section 1.12 of the Introduction chapter, are evaluated throughout the technical chapters of the Draft EIR.

### **Response to Comment 5-25**

See Response to Comment 5-8 above.

### **Response to Comment 5-26**

Conditions existing at the time the NOP for the proposed project was published (i.e., implementation of the adopted Winery Ordinance) are considered to be the baseline against which changes that would result from the Zoning Text Amendment are evaluated, pursuant to CEQA Guidelines Section 15125. The effects of the proposed Zoning Text Amendment on existing facilities are evaluated throughout Chapters 4 through 11 of the EIR. Otherwise, it is unclear what additional analysis the commenter is requesting.

### **Response to Comment 5-27**

While the purpose statement for Section 17.56.330 has not changed significantly, the policy-focus of the project remains the same, which is to implement existing General Plan policy as outlined in Table 8-6 on page 8-21 of the Land Use and Planning Chapter. The mitigation and Alternatives identified as part of the Draft EIR are designed to reduce the environmental effects in fulfillment of those policies. Discussion over *how* those policies will be implemented is the critical job of staff and Placer County decision-makers.

The comment does not address the adequacy of the Draft EIR and the comment has been forwarded to the decision-makers for consideration.

### **Response to Comment 5-28**

The comment does not address the adequacy of the Draft EIR, but incorrectly characterizes the proposed Zoning Text Amendment. As shown in Table 3-1 of the Draft EIR, parcels sized between 4.6 acres and 10 acres would require a CUP or MUP, subject to County approval, in order to establish a wine- or beer-tasting facility within residential and agricultural resource zone districts. As discussed in Master Response #1, the proposed Zoning Text Amendment is more restrictive in this sense, given that under the currently adopted Winery Ordinance, the minimum parcel size for establishment of a new production facility with a tasting room without a Use Permit is 4.6 acres in the Agricultural and Resource (AE, F, FOR) zoning districts. Under the proposed project, a minimum parcel size of 10 acres would be required for any new production facility with a tasting room to be established without a use permit in the AE, F, and FOR zoning districts. For existing parcels sized between 4.6 and less than 10 acres, and zoned AE, F, or FOR, an MUP would be required, whereas a production facility with a tasting room is currently allowed by-right on such parcels.

### **Response to Comment 5-29**

Potential impacts related to traffic are analyzed in Chapters 10, Transportation and Circulation, and 12, Cumulative Impacts and Other CEQA Sections, of the Draft EIR. Regarding traffic safety issues related to rural, winding roads, see the traffic safety analysis included under Impact 10-3 of

the Draft EIR, beginning on page 10-40. As noted therein, the proposed Zoning Text Amendment would not cause increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access or access to nearby uses. Thus, the Draft EIR concluded that a less-than-significant impact would occur. Other potential effects to human beings, such as air quality emissions and noise, are evaluated in Chapters 5 and 9, respectively.

#### **Response to Comment 5-30**

The comment questions components of the proposed Zoning Text Amendment, but does not address the adequacy of the Draft EIR.

#### **Response to Comment 5-31**

See Response to Comment 5-19 above.

#### **Response to Comment 5-32**

See Response to Comment 5-19 above and Master Response #1.

#### **Response to Comment 5-33**

The comment does not address the adequacy of the Draft EIR. The EIR is required to analyze the effects of the proposed project; the proposed Zoning Text Amendment is limited to winery and farm brewery uses. Thus, consideration of potential impacts associated with events at non-winery/farm brewery uses within this EIR is not required per CEQA.

#### **Response to Comment 5-34**

The comment does not include any specific examples of “meaningless language” or overly flexible requirements within the Draft EIR. It is unclear which language within the Draft EIR the commenter finds to be inadequate. As such, a specific response is not possible.

#### **Response to Comment 5-35**

Page 3-12 of the Draft EIR states the following:

This EIR recognizes that some Agricultural Promotional Events have different attendance characteristics. While the majority of the events are anticipated to have relatively finite attendance, such as winemaker dinners and membership club parties, a smaller subset would have attendees coming and going over the course of the event, such as wine pick-up and wine release parties. These events have been termed “rolling” events in this EIR, which assumes the 50-person max occupancy at one time turns over three times for a maximum overall attendance of 150 people.

As noted in footnote eight, on page 3-12 of the Draft EIR, the assumption of 150 total maximum attendees for rolling Agricultural Promotional Events is reinforced by event trip generation observed by KD Anderson (see Chapter 10, Transportation and Circulation, for more detail), and input provided by Amador Vintners Association on July 9, 2018. The potential environmental effects of rolling Agricultural Promotional Events is evaluated throughout the EIR. For example, trip generation rates used in the Traffic Impact Analysis prepared for the proposed project assumed that both regular Agricultural Promotional Events and rolling Agricultural Promotional Events would be held throughout operations of all study facilities. Specifically, each medium and large parcel-sized facility was assumed to host up to eight rolling Agricultural Promotional events within the 35-week period analyzed in the Traffic Impact Analysis. Each of the eight rolling Agricultural Promotional Events was assumed to experience a maximum overall attendance of 150 people. The frequency of such rolling Agricultural Promotional Events, as well as the total number of estimated attendees was used as a basis of analysis throughout many of the technical chapters in the EIR, including Air Quality, Noise, and Transportation and Circulation.

Because the commenter does not provide evidence to support the stated estimate of 300 to 600 attendees per day for rolling events, the commenter's assertion is speculative. Whereas, the assumption of 150 people used throughout the EIR for the maximum attendance at a rolling Agricultural Promotional Event is based on observed trip generation and industry research.

#### **Response to Comment 5-36**

See Response to Comment 5-35 above.

#### **Response to Comment 5-37**

See Response to Comment 5-8. As with all code compliance issues, observed data is required in order to pursue issues with the County Code. If an event were observed, it would be possible to count 50 persons at a point in time.

The comment questions the enforceability of the Zoning Text Amendment, but does not address the adequacy of the Draft EIR.

#### **Response to Comment 5-38**

The County considered all relevant input when determining the proper methodology for the EIR, including public testimony and prior complaints. As stated on page 3-11 of the Draft EIR, "While not limited in number, an assumption for this EIR that wineries and farm breweries will host back-to-back events all day, every day is unrealistic. Several factors exist that limit a particular facility's ability to host events, including number of staff, budget, parking capacity, overlap with regular tasting room hours, etc." Thus, while study facilities could theoretically host continuous events during all hours of operations, such an occurrence would be highly unlikely and is not supported by substantial evidence. For the purposes of this analysis, the County has chosen to evaluate a more realistic, albeit conservative, event frequency so as to provide for a meaningful discussion of potential environmental impacts. That is, the Draft EIR assumes that each winery and farm brewery hosts two events per day.

To assume anything more would result in a theoretical worst-case analysis not based on substantial evidence. An analysis of a speculative, theoretical worst-case scenario is not required per CEQA.<sup>5</sup>

### **Response to Comment 5-39**

See Responses to Comments 5-35 and 5-38 above.

### **Response to Comment 5-40**

See Response to Comment 5-38 above.

### **Response to Comment 5-41**

As noted on page 3-13 of the Draft EIR, and as discussed in Response to Comment 5-35, the decision to analyze eight rolling Agricultural Promotional Events per year was based upon personal communications with Amador Vintners Association. This generally assumes one wine release party per quarter and one wine/food pairing event per quarter.

### **Response to Comment 5-42**

Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of vehicle miles traveled (VMT) attributable to a project is the most appropriate measure of transportation impacts. However, the provisions of Section 15064.3 apply only prospectively; determination of impacts based on VMT is not required Statewide until July 1, 2020. Nevertheless, as discussed in Chapters 1 and 3 of this Final EIR, a qualitative discussion of VMT has been added to the EIR in response to recent case law on the subject. The majority of the added text is reproduced below for convenience of the reader.

The *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018) was prepared by the Governor's Office of Planning and Research (OPR) to provide technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. OPR's Technical Advisory identifies that one potential approach for determining whether a project may have a significant VMT impact is to consider whether the project is consistent with the applicable Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). For the SACOG region, this consists of the Metropolitan Transportation Plan/SCS (MTP/SCS).

The majority of the existing winery and farm brewery facilities, as well as the projected growth in these facilities over the next 20 years (see Figure 3-3 and Table 3-3 of the Draft EIR), are located within areas designated "Rural Residential Communities" (includes agricultural areas) in both the 2016 MTP/SCS and recently adopted 2020 MTP/SCS. According to the MTP/SCS (pg. 40), "Rural Residential Communities are typically located outside of urbanized areas and designated in local land use plans for rural residential development. Rural Residential Communities are predominantly residential with some small-scale hobby or commercial farming. Travel occurs almost exclusively by automobile, and transit service is minimal or

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<sup>5</sup> See Stephen L. Kostka and Michael H. Zischke, *Practice Under the California Environmental Quality Act, Second Edition (Continuing Education of the Bar: California)*, March 2019, Section 11.33.

nonexistent.” For unincorporated Placer County, the 2020 MTP/SCS assumes an additional 300 jobs and 1,050 housing units would be developed in Rural Residential Communities by 2040 (see Appendix C of the 2020 MTP/SCS) (note: this represents a reduction in the forecasts provided in the 2016 MTP/SCS for Year 2035 = increase of 793 jobs and 3,783 units).

Other portions of the winery/farm brewery growth sub-regions are considered by the MTP/SCS to be “Natural Resource Lands” (i.e., the far northerly areas shown in Figure 3-3 of the Draft EIR). These areas are also known as “Lands not identified for development in the MTP/SCS”. However, the 2016 MTP/SCS notes (Table 3.10) that existing developed acres in the “Lands not identified for development in the MTP/SCS” Community Type were included in the Rural Residential Community type totals, out of recognition that the farm homes and agricultural-related uses in these areas may increase in intensity.

Figures 3-10 and 3-11 of the 2020 MTP/SCS show the 2016 and projected 2040 vehicle miles traveled per capita for the six-County SACOG region. The winery/farm brewery growth sub-regions are shown as having both now, and in the future, 150% of the regional average VMT per capita.

The above is instructive on more than one level. First, the MTP/SCS does anticipate some increased activity/growth within the majority of the winery/farm brewery sub-regions. Second, these areas are recognized as having high VMT per capita both now and in the future (2040 MTP/SCS Planning Period). The MTP/SCS is aimed at reducing greenhouse gas emissions through VMT reduction, and these efforts are primarily focused on urban areas, where investments in the roadway system and transit, bike, pedestrian infrastructure are built into the MTP/SCS to achieve identified air quality targets.

Thus, it can be concluded that the potential increased activity associated with the proposed Winery and Farm Brewery ZTA would not conflict with the MTP/SCS’ strategy for reducing VMT through investments in roadway and multi-modal infrastructure primarily in urban areas; and a less-than-significant VMT impact would result.

### **Response to Comment 5-43**

As indicated on page 1-7 of the Draft EIR, wineries and farm breweries, including tasting rooms, would be subject to all applicable federal, State, and local regulations, including the California Building Code, which sets certain occupancy limits based on the occupancy classification.

### **Response to Comment 5-44**

The County has duly considered the public’s comments regarding the proposed project and scope of the EIR submitted during the NOP review period. Simply because it is theoretically possible to hold several events every day, does not mean that such a worst-case situation would occur, thereby requiring analysis within the Draft EIR. See Response to Comment 5-38 for further discussion.

### **Response to Comment 5-45**

See Responses to Comment 5-44 and Master Response #2. The Draft EIR's analysis of wildfire risk is not cursory, but consists of three pages of analysis (see pages 1-6 through 1-8). This section of the EIR contains substantial evidence that existing and potential facilities would not exacerbate wildfire risk. The comment alleges that fire hazard risk impacts will be increased due to the project's increase in events. However, just because events will be increased, does not mean that a proportionate increase in wildfire risk would occur. Wildfire risk is not tied to events, but rather, as evidenced by the questions asked in the new Section XX, Wildfire, of the CEQA Guidelines, the conditions inherent to a particular property or its environs. As discussed on pages 1-7 and 1-8 of the Draft EIR:

With respect to existing and future potential winery and farm brewery projects located in a SRA or lands classified as Very High FHSZs, the proposed project would not include development of new structures on substantial slopes or in areas with strong prevailing winds. In addition, the additional events allowable at existing and future facilities under the proposed Zoning Text Amendment would occur within established event areas and would not exacerbate wildfire risks. Therefore, the proposed project would not exacerbate wildfire risks, and thus, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire...With respect to the existing facilities located in a SRA, these study facilities are not located within fire-damaged areas that have created post-fire slope instability issues or drainage changes that could lead to flooding. With respect to future wineries and farm breweries, they could be developed in a SRA or lands classified as Very High FHSZs. The proposed Zoning Text Amendment would result in the ability for future facilities to host a greater number of events, compared to the currently adopted ordinance; thus, potentially bringing a greater number of people to a particular location over the course of the year. However, the locations of future facilities are unknown at this time, and the potential for these areas to be exposed to significant post-fire risks at some future date is inherently speculative at this point.

### **Response to Comment 5-46**

See Master Response #1.

### **Response to Comment 5-47**

See Response to Comment 5-45.

### **Response to Comment 5-48**

The comment provides background on historic wildfires within Placer County, along with a summary of associated wildfire risks posed to development. However, the commenter does not provide evidence that the increased number of events allowable under the Zoning Text Amendment would result in substantially greater fire hazard relative to existing conditions. See also Master Response #1 and Response to Comment 5-45.

### **Response to Comment 5-49**

As shown in Table 10-13 of the Draft EIR, events occurring under the Zoning Text Amendment could generate up to 160 daily trips per event (for Special Events). If all attendees at an event were required to evacuate a facility at the same time due to an emergency, this would result in approximately 80 trips on exit roads. Assuming a worst-case scenario in which each study facility is hosting concurrent Special Events and is required to evacuate simultaneously, this would result in approximately 800 total trips on exit roads.

According to Tables 10-2 and 10-4 in the Draft EIR, the rural roads within the western portion of the County generally have maximum daily traffic volume capacities of between 3,800 and 8,000 vehicles per lane. Thus, the study roadways in the winery/farm brewery sub-regions could accommodate exiting vehicles, even under the worst-case assumption that all existing facilities could host concurrent Special Events, where all attendees are required to exit at the same time. As such, the Zoning Text Amendment would not substantially inhibit emergency response or conflict with evacuation procedures in the event of a wildfire.

### **Response to Comment 5-50**

The County agrees that fire hazards may exist at existing wineries, and future wineries and farm breweries could be developed within areas subject to fire hazards. However, as detailed in Master Response #1, the proposed project would not directly result in the development of new winery or farm brewery facilities. If a future winery or farm brewery application is submitted to the County, the County would conduct a site-specific review as to whether development of such a facility on the property in question would have the potential to exacerbate wildfire risk. Because the proposed project does not directly result in development of future facilities, nor is such development a reasonably foreseeable consequence of the proposed Zoning Text Amendment, as demonstrated in Master Response #1, additional evaluation of wildfire risk is not warranted nor required.

### **Response to Comment 5-51**

See Master Response #2. In addition, contrary to the comment, the “project” does not “wrongfully focus on existing wineries and farm breweries located within the unincorporated areas of Placer County...” Rather, the EIR appropriately evaluates existing facilities within Chapters 4 through 11 of the Draft EIR, as well as up to 30 potential future facilities within Chapter 12 of the Draft EIR.

The comment also suggests that the EIR should evaluate the potential for a multitude of wineries and breweries that may be located within incorporated towns or cities, but are in or adjacent to Residential Agricultural or similar zones and/or are located near the County’s jurisdictional boundaries. In response to this, it is noted that no such wineries or farm breweries are currently proposed. Therefore, to evaluate the effects of such potential facilities is speculative. As described in Master Response #2, the County conducted research to determine the most plausible location for future facilities to develop, and based its cumulative analysis on such research.



### **Response to Comment 5-52**

Per CEQA Guidelines Section 15126.6(a), “An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.” Consistent with CEQA Guidelines, the Draft EIR has analyzed a range of feasible alternatives.

The commenter’s suggested alternative would involve physical development of off-site tasting rooms and event centers, which would likely result in substantially greater environmental impacts compared to the proposed project. As noted on page 13-2 of the Draft EIR, “[...] Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6[c]).” The alternative would generally not be capable of meeting the project objectives. For example, the project objectives include supporting the tenets of agri-tourism, which is a type of tourism that brings visitors directly to a farm or ranch, which the suggested alternative would not meet. Thus, the suggested alternative has been dismissed from further consideration.

The comment does not address the adequacy of the Draft EIR.

### **Response to Comment 5-53**

See Response to Comment 5-52. The comment does not address the adequacy of the Draft EIR.

### **Response to Comment 5-54**

See Response to Comment 5-52. The comment does not address the adequacy of the Draft EIR.

### **Response to Comment 5-55**

See Response to Comment 5-52. The comment does not address the adequacy of the Draft EIR.

### **Response to Comment 5-56**

CEQA Guidelines Section 15105 states the following regarding the required public review period for a Draft EIR:

- (a) The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

Based on the above, the 52-day public review period provided for the Draft EIR is consistent with CEQA Guidelines Section 15105.

**Letter 6**

SHUTE MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

June 10, 2019

**Via Electronic Mail Only**

Ms. Shirlee I. Herrington  
Environmental Coordination Services  
Placer County Community Development  
Resource Agency  
3091 County Center Drive, Suite #190  
Auburn, CA 95603  
E-Mail: [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov)

Re: Winery and Farm Brewery Zoning Text Amendment Project Draft  
Environmental Impact Report, SCH# 2015072019

Dear Ms. Herrington:

**6-1**

This firm represents the Sierra Club - Placer Group ("Sierra Club") in their review of the draft Environmental Impact Report ("DEIR") for the proposed Winery and Farm Brewery Zoning Text Amendment ("ZTA" or "Project"). As you know, Sierra Club's primary concerns regarding events at wineries and breweries include the effects on the character of rural residential areas and preservation of agricultural viability. While the County's stated objectives of preserving farmland and balancing the needs of various stakeholder groups is laudable, Sierra Club urges the County to do more to ensure protection of the County's natural resources and to preserve quality of life for all the County's residents.

The purpose of this letter is to inform Placer County that the DEIR for the Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("Guidelines"). As detailed below, numerous inadequacies and omissions in the DEIR render it insufficient as an environmental review document. First, the DEIR's description of the Project is incomplete, and its limitation of the study area to areas where wineries and breweries are currently located is unsupportable. Second, the DEIR glosses over potentially significant impacts, particularly impacts related to increased traffic and use of private roads, noise,

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↑ water supply, wildfire safety/emergency access and evacuation, and cumulative impacts. Finally, the DEIR's analysis of alternatives to the Project fails to meet the minimum requirements under CEQA.

The DEIR for the Project must be revised and recirculated to adequately describe these impacts to the public and decisionmakers, and to consider feasible mitigation measures and alternatives to lessen such impacts. *See* CEQA Guidelines § 15002(a)(1) (listing as one of the "basic purposes" of CEQA to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities").

**I. The DEIR Fails to Adequately Describe and Analyze the Whole of the Action.**

**6-2**

The CEQA Guidelines define "project" as "the whole of an action" that may result in a direct or reasonably foreseeable indirect change in the environment, and require the lead agency to fully analyze each "project" in a single environmental review document. Guidelines § 15378(a); *see also* Guidelines §§ 15165, 15168. "Project" is given a broad interpretation in order to maximize protection of the environment." *McQueen v. Bd. of Directors* (1988) 202 Cal.App.3d 1136, 1143 (disapproved on other grounds). As the Supreme Court has explained, this rule ensures "that environmental considerations do not become submerged by chopping a large project into many little ones—each with a potential impact on the environment—which cumulatively may have disastrous consequences." *Bozung v. Local Agency Formation Comm.* (1975), 13 Cal.3d at 283-84. Further, "[A]n accurate, stable and finite project description is the sine quo non of an informative and legally sufficient" environmental review. *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 199.

Here, the DEIR's project description is inadequate for three reasons. First, it fails to encompass future actions enabled or permitted by the agency's decision, as CEQA requires. *Christward Ministry v. Superior County* (1986) 184 Cal.App.3d 180, 194. Here, the DEIR limits its environmental review to consider impacts only from wineries and breweries in the western portion of the County where such facilities are currently located. However, the proposed ZTA is neither limited to existing facilities nor the areas where such facilities are located. It would apply to any rural residential and agricultural resource lands larger than 4.6 acres *countywide*. DEIR Appendix A at 5 and 6.

**6-3**

↓ The ZTA involves several countywide changes. For example, it would allow unlimited agricultural promotional events and would remove limits on the allowable number of Temporary Outdoor Events. It would also increase the allowable number of

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↑ Special Events, as well as increase the allowable number of participants at Special Events to 200 at one time (on parcels 20 acres or larger), among other changes. *See, e.g.*, DEIR at 3-11 and Appendix A at 2-6. As the DEIR acknowledges, these proposed changes apply to all unincorporated portions of Placer County. *See, e.g.*, DEIR at 3-2 and 12-2. Therefore, this environmental review must account for all of the potentially significant impacts that could occur countywide as a result of the ZTA. However, the DEIR fails to evaluate potential impacts countywide and instead limits the DEIR's study area to the western portion of the County. *Id.* and at 3-14. This failure to evaluate impacts from the whole of the project is a fatal flaw. Without specific provisions restricting wineries and breweries from locating in other areas of the County, the DEIR must evaluate the impacts of the ZTA countywide.

**6-4**

Second, the Project description is incomplete and unstable. The ZTA would allow restaurant uses in rural residential and agricultural resource zones where they are not currently allowed. DEIR at 3-11. Specifically, the Project proposes that an "Accessory Use - Restaurant" would be allowed in the Agricultural Exclusive, Farm, and Forest zone districts as long as the food preparation and service is subordinate to the primary use on a property as a winery or farm brewery, and subject to a Conditional Use Permit.

However, the DEIR fails to explain how the provision that the events and restaurants need to be "secondary" to the agricultural purpose will be determined and enforced. In the absence of ordinance provisions to address these questions, the requirement that the use be "secondary" to agricultural uses is meaningless. A revised DEIR should address the following questions related to restaurant uses: How will the County determine that a restaurant use is "secondary"? Will it be based on the number of days the facility is open and operating? Will it be based on the amount of revenue generated? Will it be based on the number of labor hours devoted to each use? Without clear criteria for how the County would determine what constitutes "secondary" uses, it is unclear how the County would verify compliance with the code and what consequences will apply for non-compliance.

**6-5**

Finally, the DEIR impermissibly segments review of reasonably foreseeable construction under the ZTA. The DEIR repeatedly states that the "EIR is not required to evaluate the physical environmental effects of construction of new facilities, because the Zoning Text Amendment would not result in the direct development of additional medium or large wineries/farm breweries, as they are already permitted by-right in certain zones, and the project is not expanding the number of zones where by-right development can occur." DEIR at 3-15. This approach violates CEQA. It is well-established that failing to consider the reasonably foreseeable consequences of a project will lead to inadequate environmental review. *See Laurel Heights Improvement Ass'n v.*

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↑ *Regents of the University of California* (1988) 47 Cal.3d 376, 396 (“Laurel Heights I”) (“[A]n EIR must include an analysis of . . . reasonably foreseeable consequence[s] of the initial project” that “change the scope or nature of the initial project or its environmental effects”).

Here, the DEIR clearly contemplates future development related to and springing from the Project. See, e.g., DEIR at 3-4 and Appendix A at 1. The ZTA increases the amount of allowable events at wineries and breweries, which will encourage the development of more facilities countywide. Thus, the proposed subdivision and its additional environmental effects are not merely reasonably foreseeable; they are *intended* consequences of the proposed Project. Failure to analyze them at this stage submerges environmental considerations and violates CEQA. The County cannot avoid analysis and disclosure of potential impacts by artificially limiting the study area.

**6-6**

The DEIR concludes that the Project will not result in any impacts, relying on the assertion that the Project, by itself, does not result in physical development and that the ZTA would not induce development of additional wineries. See, e.g., DEIR at 1-7, 1-9, and 3-15. The County’s planning approach is fundamentally at odds with CEQA. Established CEQA case law holds that the analysis of environmental effects must occur at the earliest discretionary approval, even if later approvals will take place. See, e.g., *Laurel Heights I*, 47 Cal.3d at 396 (EIR must analyze future action that is a “reasonably foreseeable consequence” of the initial action that would “likely change the scope or nature” of the effects of the initial action); *Citizens for Responsible Gov’t v. City of Albany* (1997) 56 Cal.App.4th 1199, 1221-22; *Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29, 34, 39-40; *Christward Ministry* 184 Cal.App.3d at 194. Inasmuch as the ZTA is the first discretionary approval that will ultimately result in development activity countywide, this environmental document must analyze the environmental impacts from these activities in as detailed a manner as possible. *Id.* Unfortunately, the DEIR fails to undertake the analysis required to provide specific recommendations about the Project and its environmental impacts.

As detailed below, these fundamental defects in the DEIR’s project description infect the remainder of the analysis in the DEIR. Only when the project description encompasses the true scope of the Project can significant environmental impacts be adequately evaluated and mitigated. The document must be revised and recirculated with an adequate project description.

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**II. The DEIR Fails to Describe the Project Setting.**

- 6-7 The DEIR fails to describe the Project setting as required by CEQA and the CEQA Guidelines. An environmental document “must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if a notice of preparation is not published, at the time environmental analysis is commenced, from both a local and regional perspective.” CEQA Guidelines § 15125(a). Accurate and complete information pertaining to the setting of the Project and surrounding uses is critical to an evaluation of a Project’s impact on the environment. *San Joaquin Raptor/Wildlife Center v. Stanislaus County*, 27 Cal.App.4th 713, 728 (1994); *see also Friends of the Eel River v. Sonoma County Water Agency*, 108 Cal.App.4th 859, 875 (2003) (incomplete description of the Project’s environmental setting fails to set the stage for a discussion of significant effects).
- Here, the DEIR’s deficiencies in describing the Project’s setting undermine its adequacy as an informational document. This description of the environmental setting constitutes the baseline physical conditions by which a lead agency determines the significance of an impact. CEQA Guidelines § 15125(a). “Knowledge of the regional setting is critical to the assessment of environmental impacts.” CEQA Guidelines § 15125(c). Without such an understanding, any impacts analysis or proposed mitigation becomes meaningless.
- The DEIR fails to provide a setting description aside from a limited description of the setting only of the western part of the County for each topic analyzed. *See, e.g.*, biological resources setting at 6-1 to 6-5 (describing only generally the setting in western Placer County and only those biological communities found at the existing winery and brewery sites); transportation and circulation at Fig 10-1 at 10-2 (shows only roadways and intersections west of Auburn were included in the description of existing conditions); and noise at 9-1 and 9-6 (limits the discussion to ambient noise in the vicinity of existing wineries and breweries).
- 6-8 The rural lands affected by the Project are especially likely to include sensitive resources, such as oak woodlands, native grasslands, and wetlands. Yet, the DEIR fails to identify sensitive resources subject to development countywide as part of this evaluation. The DEIR also fails to address basic setting questions such as: How many parcels that can potentially develop using the revised provisions are located in areas with sensitive resources? What areas of the County that can develop under these provisions include scenic vistas that may be impacted by such an increase in intensity of use?

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**6-9**

In another example, the DEIR fails to describe area roadways east of Auburn likely to be affected by the proposed Project. The DEIR acknowledges three roadways that provide access to wineries outside of the concentration of wineries to the west, (DEIR at 10-4), however, it fails to look at other rural roadways serving rural residential and agricultural lands east of Auburn that could convert to uses allowed by the ZTA. Many rural roadways countywide affected by the ZTA are narrow, often with no shoulders, and were not designed to handle heavy traffic. Yet, the DEIR defers description of the existing roadways and fails to identify roadways where influxes in traffic may result in hazardous conditions to existing and future roadway users.

**6-10**

A description of the existing setting is especially important in this case, where approval of the Project would result in the potential for higher intensity of use on the majority of lands in the County (i.e., all lands zoned RA, RF, AE, F and FOR). *See* Placer County General Plan Land Use and Circulation Element, land use map at Figure 1-2. This omission of the existing setting leaves the public and decision-makers to speculate as to what resources are present on the lands to which the new ZTA would apply and what the impacts to those resources due to the Project may be. The DEIR's approach of deferring data collection and ignoring existing conditions violates CEQA's baseline requirements. *See* CEQA Guidelines § 15125(a). A revised EIR must remedy this flaw.

**III. The DEIR's Analysis of Environmental Impacts is Inadequate.**

**6-11**

As the courts have explained, the environmental review document serves as "an environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Laurel Heights I*, 47 Cal. 3d 392. "The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.'" *Id.*

As described throughout this letter, the DEIR never considers the full impacts of the Project - the impacts of the foreseeable events that the ZTA would allow. In this way, the DEIR fails to disclose the extent and severity of the Project's broad-ranging impacts. This approach violates CEQA's requirement that environmental review encompass all of the activity allowed by the proposed ZTA. The County must analyze all of the aggregated impacts of all of the foreseeable development. Without this analysis, the environmental review will remain incomplete and the ZTA cannot lawfully be approved.

Below, we discuss several examples of impact areas with particular deficiencies. To ensure that both decision-makers and the public have adequate information to consider the effects of the proposed Project, and to comply with CEQA's requirements,

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the County must prepare an EIR that properly describes the Project, analyzes its impacts, and considers meaningful mitigation measures that would help ameliorate those impacts.

As discussed throughout this letter, while the Winery Ordinance applies to all unincorporated portions of Placer County, the geographic study area of this EIR is inappropriately focused only on the areas of western Placer County where wineries and farm breweries are currently concentrated. DEIR at 3-2.

**6-12**

The DEIR reasons that because the western part of the County is the best area for grape growing (DEIR at 3-16 through 3-18) and because all of the existing wineries and current and pending farm breweries are located in the western portion of the County, new wineries and breweries will also locate in the western part of the County. DEIR at 1-3. However, given that promotional and Special Events can be so lucrative, and that the ZTA requires a minimum of only two acres of on-site planted vineyard or hopyard, the ZTA incentivizes agricultural land owners to participate in providing events even though growing conditions may not be optimal. For this reason, and because the ZTA does not include provisions to limit its application to the DEIR's established 'Winery and Farm Brewery Growth Sub-Regions', a revised EIR must describe impacts to potential developable lands countywide.

**A. The DEIR Must Analyze All Potential Direct and Indirect Impacts, Including Wildfire Safety and Emergency Access/Evacuation.**

The DEIR dismisses several potential impact topic areas as less than significant without proper analysis largely based on the rationale that the ZTA would not directly induce development. For example, the DEIR fails to include a thorough analysis of the risk of wildfire to public safety and emergency access/evacuation.

**6-13**

Despite the fact that Placer County has suffered several serious fires in the past twenty years, the DEIR fails to evaluate the potential for the Project to expose people or structures to a significant risk of loss, injury or death involving wildland fires. This is a potentially significant impact inasmuch as the proposed Project would result in more intensive use of rural lands in remote, wildland areas. Studies illustrate the heightened safety risks from development and intensification of land use in areas where fire is a natural part of the ecology and flammable vegetation exists. As development and more intensive land uses encroach on the wildland urban interface, it causes an increase in the number of fires and more loss of life. See generally Foothill Conservancy: Sprawl Increases Sierra Fire Threat, Fall 2007

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[http://www.foothillconservancy.org/pages/focus.cgi?magicatid=&magi\\_detail=407&magid=29](http://www.foothillconservancy.org/pages/focus.cgi?magicatid=&magi_detail=407&magid=29)).

Intensified land uses in remote areas also vastly increase the cost of fighting wildland fires with task forces of urban fire engines needed to protect homes in the urban-wildland interface. At the same time, climate change is making summers hotter and drier, leading to an increase in the frequency and severity of catastrophic wildfire. Moreover, given that many rural parts of the County are accessed by a single two-lane road, increasing the intensity of land uses in areas with limited ingress/egress has the potential to degrade safe evacuation of residents as well as impede access for fire fighters and first responders during a fire.

According to the 2014 Strategic Plan for Placer County Wildfire Protection and Biomass Utilization Program ("2014 Strategic Plan"), much of the County's existing and projected growth will be in communities along the Wildland-Urban Interface (WUI) in both forested and oak woodland environments. 2014 Strategic Plan at 8. Between 2001 and 2014, nine major fires (that burned more than 80,400 acres) and 70 smaller fires occurred countywide. *Id.* at Figure 2 and [http://cdfdata.fire.ca.gov/incidents/incidents\\_statsevents](http://cdfdata.fire.ca.gov/incidents/incidents_statsevents). Since 2014, the Trailhead Fire and the North Fire burned an additional 6,900 acres.

**6-14**

In light of the County's history of severe fires, one would expect a thorough evaluation of fire risks associated with changes to allowed land uses. However, the EIR falls short of such analysis. It fails to include any standards or thresholds for assessing the significance of impacts relating to emergency response and wildfire evacuation. A threshold is a numeric or qualitative level at or below which impacts are normally less than significant. CEQA Guidelines §15064.7(a); see also *Protect the Historic Amador Waterways*, 116 Cal.App.4th at 1107. This flaw leads to a cascade of other failures: without a threshold, the EIR cannot do its job. Thus, for example, while the DEIR asserts that the Project would not interfere with an adopted emergency evacuation plan, it provides no standard by which to evaluate this impact's significance. DEIR at 1-7.

The DEIR also takes the unconventional approach of discussing potential wildfire impacts in the Introduction section of the DEIR rather than in the Environmental Impacts Analysis. The result is a truncated, cursory discussion rife with unsubstantiated statements and an unsupported conclusion that the risk of wildfire impacts would be less than significant. First, the DEIR reiterates the position that because the Zoning Text Amendment would not include any physical development, the impacts would not be significant. *Id.* As explained above, under CEQA, the County is obligated to analyze the

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↑ impacts of implementing the ZTA at the earliest discretionary approval, which is prior to approval of the ZTA. See, *e.g.*, *Laurel Heights I*, 47 Cal.3d at 396.

**6-15**

Second, the DEIR falsely states that “the additional events allowable at existing and future facilities under the proposed Zoning Text Amendment would occur within established event areas and would not exacerbate wildfire risks.” DEIR at 1-7 and 1-8. This statement is incorrect because it is based on the assumption that events would only take place at existing wineries. However, as discussed throughout this letter, the Project does not preclude establishment of new wineries and breweries and does not place any restrictions on where those new facilities may locate. In fact, the ZTA would encourage development of new wineries and breweries by making them more profitable. As the DEIR acknowledges, some wineries are located in more remote areas of the County, and as discussed above, the low bar that wineries and breweries have only to maintain a minimum of two acres of crops means that many rural land owners stand to develop such facilities. DEIR at 10-4.

**6-16**

The DEIR is legally inadequate due to its failure to address the threat posed by an increase in land use intensity and traffic in the wildland urban interface. Until this issue is examined thoroughly in an EIR, the County may not approve the proposed amendments.

**B. Traffic and Use of Private Roads**

**6-17**

The DEIR glosses over issues related to substantial increases in traffic on private roadways providing access to existing wineries and to other agricultural and rural residential lands. As commenters have submitted previously, county residents living along private roads already experience event participants parking alongside narrow private roads, blocking private driveways, and making noise. These impacts are anticipated to worsen with the proliferation of events and larger number of participants allowed under the proposed ZTA.

The DEIR begrudgingly acknowledges these impacts to residents along private roads but then fails to provide a complete analysis. While the County may not have jurisdiction over use of private roadways, it still must disclose and analyze significant impacts related to traffic congestion, unsafe access during events, and noise generated by traffic and participants late into the night as a result of its Project.

Having failed to analyze the impacts to private roadways (both in areas with existing wineries and in areas with parcels subject to development with wineries), the DEIR fails to identify mitigation measures to address the aforementioned impacts. A revised EIR must address these shortcomings.

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**C. Noise**

**6-18**

The DEIR's analysis of project-related noise impacts suffers the same deficiency of limiting its analysis to the "vicinity of the existing medium and large parcel size wineries and farm breweries" in the County. DEIR at 9-1. But, as explained throughout this letter, the ZTA would not apply just to existing facilities. It would apply to any rural residential and agricultural resource lands larger than 4.6 acres countywide. DEIR Appendix A at 5 and 6. Therefore, the DEIR should have evaluated potential impacts from implementation of the ZTA not only at existing facilities, but also on parcels with the applicable size and zoning.

**6-19**

Further, the DEIR acknowledges impacts from events that include music and voice amplification and concludes that these events would result in significant impacts requiring mitigation. DEIR at 9-25. However, the DEIR inexplicably reaches this conclusion only for wedding events. Other events, including agricultural promotional events (e.g., dinners, release parties, and membership club parties) and Special Events (e.g., private parties, fundraisers, concerts) may also include amplified music and voices. For example, the upcoming Grape Days of Summer, an annual 2-day event hosted by Placer County Vintners Association taking place at various wineries includes events advertised as having "music at most locations" See, <https://www.donodalcielo.com/event/grape-days-of-summer-passport-weekend/>. Therefore, the identified mitigation to protect rural residents in the vicinity should apply to *all* allowable events, not just weddings.

**6-20**

Moreover, the mitigation measures proposed to reduce impacts to rural residents from amplified sound at winery and brewery wedding events will necessarily require discretionary review because they require project-specific noise analysis. DEIR at 2-17 to 2-22. Therefore, we submit that: given that *all* events (not just weddings) have the potential to result in non-transportation noise impacts, the mitigation measures should be revised to include: 1) mandatory discretionary review in the form of a Minor Use Permit for all events regardless of size; and 2) analysis of any proposed shielding to ensure no unintended consequences, such as reflecting or channeling the noise to a different area or receptor (see, e.g., <https://sacramento.cbslocal.com/2019/04/12/reduce-noise-gunfire-auburn/> regarding the sound wall at the gun range in North Auburn). Alternatively, section 4 of Mitigation Measure 9-3 should be applied to *all* events regardless of size and location to revise the ZTA to prohibit sound amplification entirely in residential and agriculture resource zones or allow it only if sound amplification equipment and speakers are indoors within a permanent building or structure.

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**D. Cumulative Impacts**

CEQA requires lead agencies to disclose and analyze a project's "cumulative impacts," defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Guidelines § 15355. Cumulative impacts may result from a number of separate projects, and occur when "results from the incremental impact of the project [are] added to other closely related past, present, and reasonably foreseeable probable future projects," even if each project contributes only "individually minor" environmental effects. Guidelines §§ 15355(a)-(b).

**6-21**

Extensive case authority highlights the importance of a thorough cumulative impacts analysis. In *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d at 728-729, for example, the court decided that the EIR's treatment of cumulative impacts on water resources was inadequate where the document contained "no list of the projects considered, no information regarding their expected impacts on groundwater resources and no analysis of the cumulative impacts".

In contravention of the above authorities, the DEIR provides little discussion of the Project's cumulative impacts, and instead relies on the artificially limited study area imposed by the DEIR and the refrain that the Project would not directly induce development to conclude that cumulative impacts are less than significant. *See, e.g.*, DEIR at 12-4, 12-7, 12-12, 12-31. The DEIR thus completely ignores the cumulative effects of all the potential events that may take place pursuant to the new zoning provisions. For example, given that the proposed provisions apply to a majority of lands in the County, any property owner on medium- and large-parcel lands zoned for rural residential or Agriculture and Resource can hold an unlimited number of Agricultural Promotional Events, up to six Special Events a year for parcels 4.6 acres to less than 20 acres, and up to 12 Special Events per year for parcels larger than 20 acres. DEIR at 12-2. The DEIR estimates that this would result in 202 promotional events annually. However, given that the DEIR doesn't consider all potentially developable parcels in the County, this estimate is likely low.

**6-22**

The DEIR also fails to consider the cumulative effects of the County's Temporary Outdoor Events ordinance provisions. In 2008 the County approved an ordinance also allowing temporary outdoor events at wineries. Zoning Ordinance §17.56.300. The proposed ZTA specifies that the events under the proposed provisions authorization of a Temporary Outdoor Event Permit is in addition to any events allowed under the ZTA. DEIR Appendix A at 2. The cumulative effects of the events allowed under this proposed

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Project combined with the effects of the events allowed under the previously approved provisions for wineries must be evaluated in a revised EIR.

**6-23**

In addition, the DEIR largely ignores the cumulative effects of recent development approvals and potential future approvals in the County. For example, the County's list of Active CEQA Projects indicates that the County has approved, or is in the process of approving, several projects that are not considered in the DEIR. *See* Attachment A, Placer County Active CEQA Projects; also available at

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>. The DEIR, however, lists only two projects considered in the cumulative analysis: Hidden Falls Regional Park Expansion and the Sierra College Boulevard/SR 193 Retail Center. DEIR at 12-3. Other projects that should have been considered in a cumulative analysis include projects that have been approved but not yet constructed Sunset Area Plan Update/Placer Ranch Specific Plan EIR, Silver Sage - Riolo Vineyard Specific Plan Phase 3 [270 residential units]; Mill Creek Subdivision [308 residential units]; Brady Vineyard Subdivision [119 residential lots]; Mason Trails Subdivision [170 residential lots]; Regional University Specific Plan Amendment [4,386 residential units]; Placer Retirement Residences [145 units], Sehr Winery, and Stoneridge Westwood Family Cellars [eight residential units and a winery]. Yet the DEIR fails to analyze the cumulative traffic impacts from any of these new projects. Those impacts would in turn

**6-24**

result in significant impacts to air quality and noise. Similarly, the DEIR fails to analyze potential cumulative impacts related to water supply, groundwater recharge, and water quality. This silence does not meet the County's obligations under CEQA and deprives

**6-25**

the IS/MND of substantial evidence to support its mandatory finding that the project will not have impacts that are individually limited, but cumulatively considerable.

**E. The DEIR's Analysis of Growth Inducing Impacts Is Incomplete and Flawed.**

**6-26**

CEQA requires that an EIR include a "detailed statement" setting forth the growth-inducing impacts of a proposed project. CEQA § 21100(b)(5); *City of Antioch v. City Council of Pittsburg* (1986) 187 Cal. App. 3d 1325, 1337. The statement must "[d]iscuss the ways in which the proposed project could foster economic growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Guidelines §15126.2(d). It must also discuss how the project "may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively" or "remove obstacles to population growth." *Id.*

Here, the DEIR's analysis of growth-inducing impacts is legally inadequate. The DEIR acknowledges that the ZTA could lead to economic growth the DEIR once again

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↑ relies on the approach of stating that that the growth would take place within areas where existing wineries and breweries are located and thus that the Project will not induce significant growth. DEIR at 12-62 to 12-64. This conclusion is not supported by any evidence.

**6-27**

Approval of the Project would allow an unlimited number of promotional events and increase the number of Special Events and Temporary Outdoor Events. Contrary to the DEIR's claims that the Project would not induce additional growth, the stated reason for the Project is to induce economic activity in rural areas. DEIR at 1-3. This, in turn, is likely to spur an interest in entering the market of wineries and breweries that stage events, which will create pressure to convert rural residential and agricultural parcels to winery and brewery uses rather than retaining them in rural residential and forestry uses.

The DEIR could easily begin to estimate the number and location of potential new wineries and breweries that could be approved based upon potentially developable parcels and other planning documents, as well as additional development to serve such growth. As the *City of Davis* court directed "the purpose of an EIS/EIR is to evaluate the possibilities in light of current and contemplated plans and to produce an informed estimate of the environmental consequences." *City of Davis v. Coleman*, (9th Cir. 1975) 521 F.2d 661, 676. Accordingly, the DEIR must be revised to identify the extent and location of new development facilitated by the ZTA and to analyze the environmental impacts of the growth.

**IV. The DEIR's Alternatives Analysis is Inadequate.**

**6-28**

↓ A proper analysis of alternatives is essential to comply with CEQA's mandate that, where feasible, significant environmental damage be avoided. Pub. Resources Code § 21002 (projects should not be approved if there are feasible alternatives that would substantially lessen environmental impacts); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(f). The primary purpose of CEQA's alternatives requirement is to explore options that will reduce or avoid adverse impacts on the environment. *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089. Therefore, the discussion of alternatives must focus on project alternatives that are capable of avoiding or substantially lessening the significant effects of the project, even if such alternatives would impede to some degree the attainment of the project objectives or would be more costly. CEQA Guidelines § 15126.6(b); *see also Watsonville Pilots*, 183 Cal.App.4th at 1089 ("[T]he key to the selection of the range of alternatives is to identify

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↑  
alternatives that meet most of the project's objectives but have a reduced level of environmental impacts").

**6-29**

As a preliminary matter, and as discussed above, the DEIR's failure to analyze the impacts of implementing the ZTA countywide, and the failure to disclose the extent and severity of the Project's broad-ranging impacts, necessarily distorts the document's analysis of Project alternatives. As a result, the alternatives are evaluated against an inaccurate representation of the Project's impacts. A proper identification and analysis of alternatives are impossible until Project impacts are fully disclosed. Moreover, as discussed above, what analysis exists in the document is incomplete and/or unsupported so that it is simply not possible to conduct a comparative evaluation of the Project's and the alternatives' impacts.

**6-30**

The alternatives analyzed in the DEIR represent a false choice, because none substantially reduces a majority of the Project's significant environmental impacts. Indeed, the DEIR presents only two alternatives in addition to the legally required "no project" alternative. Of these, the Reduced Intensity Alternative, would allow the same number of Special Events permitted per year as the proposed Project, but would also limit the total number of event days permitted at each facility to 59 events (including both Agricultural Promotional Events and Special Events) per year. The DEIR indicates that this alternative fails to offer substantial environmental advantages over the proposed Project. DEIR at 13-16 and 13-17; *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d at 566.

**6-31**

The Wedding CUP Requirement Alternative would be identical to the proposed ZTA with the exception of requiring wedding events to obtain a CUP, which would require site-specific review. The DEIR concedes that both alternatives "would result in generally similar environmental impacts" and that "neither alternative is clearly environmentally superior to the other." DEIR at 13-16.

**6-32**

↓  
The fact that the two alternatives result in impacts so similar to the Project and to each other, such that the EIR itself could not clearly distinguish which alternative was environmentally superior, is a clear indication that the alternatives do not constitute a reasonable range of alternatives. The DEIR thus requires City decisionmakers to choose between alternatives that, according to the DEIR, largely share the Project's environmental impacts. The County claims that the Wedding CUP Alternative is environmentally superior, but even this option yields similar impacts in most key issue areas. *Id.* CEQA requires that "the discussion of alternatives shall focus on alternatives to the project or its location which *are capable of avoiding or substantially lessening any*

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↑ *significant effects* of the project . . . ” CEQA Guidelines § 15126.6(b) (emphasis added).  
None of the DEIR’s alternatives meet this requirement.

Given that the objective of the Project is to protect and preserve farmland and to balance the needs of all County residents, the DEIR should have included a rigorous, honest assessment of additional, less impactful, alternatives. Without this opportunity, the DEIR asks the public to accept on “blind trust” that the proposed Project is the best alternative. This approach is unlawful “in light of CEQA’s fundamental goal that the public be fully informed as to the consequences of action by their public officials.” *Laurel Heights*, 47 Cal. 3d at 494. Other feasible alternatives are discussed below.

For example, the DEIR should have analyzed an alternative that includes the following:

- Eliminate the distinctions between various types of events and instead allow a maximum of 24 events per year of any type, of 50 or fewer patrons. This provision would allow two events per week for the three month season. This limit would help ensure the event uses would remain secondary to agricultural uses. If the vintners/brewers desire more events, they can apply to operate as an Agricultural Event Center.

**6-33**

- Require that properties interested in hosting promotional and special events maintain a higher amount of land in agricultural production. This would also help ensure the event uses would remain secondary to agricultural uses.

- Agriculture Promotional Events: limited to taking place during tasting room hours, at fairs, festivals, and other events that occur every weekend in Placer County and the region.

- Special Events: limited to 4 events per year up to 200 patrons maximum for parcels larger than 10 acres and require discretionary review for all facilities regardless of size. This would allow the County to prevent several venues within one area from holding large events at the same time, thus reducing impacts related to traffic and noise.

- Maintain current ordinance provisions limiting Temporary Outdoor Events to two per year with a CUP.

- Require discretionary permits (rather than zoning clearance) for all events, including weddings.

- Maintain current ordinance provisions and prohibit restaurant uses in rural Residential zones [Agricultural Residential (RA) and Forest Residential (RF)] and

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↑ Agricultural and Resource [Agriculture Exclusive (AE), Farm (F) and Forestry (FOR)] zones. Existing restaurants (i.e., Grover Lee) in these zones would operate as non-conforming uses.

- Amend the County Noise Ordinance to prohibit outdoor amplified sound systems in Agricultural and Rural Residential zones. Any amplified sound would have to be within a permanent structure. This provision would apply to all rural residents, not just wineries and breweries.

In summary, to ensure that the alternatives analysis complies with CEQA and serves its informational purposes, the DEIR should be revised to include analysis of a substantially reduced intensity alternative, such as is described above.

**V. Conclusion**

**6-34**

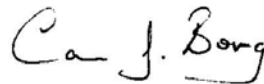
For all of the foregoing reasons, we respectfully submit that the County cannot lawfully approve the proposed zoning text amendment. The Project would result in intensification of use of rural lands countywide. The DEIR is deeply flawed and fails to inform the public of the full impacts of the Project. It therefore cannot support the findings required by CEQA. We urge the County to revise the zoning text amendment to ensure that traffic and noise impacts are minimized and to preserve the character of rural and agricultural areas of the County.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Amy Bricker



Carmen J. Borg, AICP  
Urban Planner

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Attachments:

Attachment A: Placer County Active CEQA Projects

cc: Sierra Club Mother Lode Chapter  
Public Interest Coalition

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& WEINBERGER LLP

**Letter 6  
Cont'd**

# ATTACHMENT A

**Letter 6  
Cont'd**

Environmental Coordination Services



**CEQA Active Projects**

June 2019

Sorted by Project Name - Alphabetical

**NEW PROJECTS SINCE 5/1/2019**

PLN19-00138      GATEWAY COMMONS SUBDIVISION  
PLN19-00131      KINGS BEACH INDUSTRIAL CORE AND SHELL

**BELCARA SUBDIVISION**

**PSUB 20080156**

<b>Lead:</b>	Alex Fisch		
<b>Status:</b>	The Board of Supervisors took action continuing to an open date to allow for modification consideration of subdivision viewshed. No change since last update.		
<b>Project Description:</b>	The Belcara Subdivision is a proposed planned development on a 169.2-acre site in the Foresthill area. The proposed project consists of 39 single-family residential lots ranging from .83 acres to 6.35 acres, though most homes will be on 1 to 1.5 acre lots, with three open space lots. The project will be developed in phases and will require a tentative map, final map(s), grading/improvement plans and building permits. Revisions to the plan may occur in response to public comments or additional analysis.		
<b>Applicant:</b>	King Russell		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Foresthill Divide Community Plan		
<b>MAC Area:</b>	Foresthill Forum Municipal Advisory Council		
<b>Owner:</b>	Dutra Properties, Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
078-191-060-000		RF-B-X 4.6 AC. MIN. PD = 0.44	22.20
078-191-062-000		RF-B-X 4.6 AC. MIN. PD = 0.44	22.70
078-191-064-000	18395 FORESTHILL RD, FORESTHILL	RF-B-X 4.6 AC. MIN. PD = 0.44	124.30
			<u>169.20</u>

**BICKFORD RANCH MARKETPLACE**

**PLN18-00521**

<b>Lead:</b>	Christopher Schmidt		
<b>Status:</b>	Notice of Preparation (NOP) of an Environmental Impact Report (EIR) is being prepared. Release of NOP for public review and comment is forthcoming.		
<b>Project Description:</b>	N/A		
<b>Applicant:</b>	Mark Skreden		
<b>Supervisor District:</b>	District 3		

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	N/A		
<b>Owner:</b>	Mark Skreden		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
031-106-001-000		F-B-X-DR 10 AC. MIN.; F-B-X 10 AC. MIN.	10.00
			10.00

**BRADY VINEYARD SUBDIVISION GPA/RZN**

**PLN18-00234**

<b>Lead:</b>	Patrick Dobbs		
<b>Status:</b>	Notice of Preparation of an Environmental Impact Report (EIR) public review period ended 02/28/2019; Draft EIR being prepared. Release of Draft EIR for public review and comment forthcoming. No change since last update		
<b>Project Description:</b>	The proposed project would include subdivision of the project site to develop a total of 119 single-family lots and various associated improvements, including, but not limited to, parks, trails, landscaping, and utility installation. Circulation system improvements would include a new gated entry at Brady Lane, which would connect to an internal system of private roadways. In addition, the project would include widening of Brady Lane and Vineyard Road along the project frontages. The proposed project would require approval from the County for a General Plan/DCWPCP amendment, a rezone, a Vesting Tentative Map, a Design Exception Request, annexation into the Dry Creek Fire Zone of Benefit (County Service Area 28, Zone of Benefit 165) for provision of fire protection services, and annexation into the Placer County Service Area 28, Zone 173, for sanitary sewer service. A Section 404 Nationwide Permit (or Letter of Permission) from the United States Army Corps of Engineers (USACE) and a Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB) – Central Valley Region – would also be required.		
<b>Applicant:</b>	Dave Cook		
<b>Supervisor District:</b>	District 1		
<b>Community Plan:</b>	Dry Creek West Placer Community Plan		
<b>MAC Area:</b>	West Placer Municipal Advisory Council		
<b>Owner:</b>	Sukhbir Brar, Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
473-020-002-000	0 EAST DR, ROSEVILLE	F-DR 4.6 AC. MIN.; O; RS-AG-B-20	17.90
473-020-013-000		RS-AG-B-20	15.97
			33.87

**BROCKWAY CAMPGROUND**

**PLN15-00294**

<b>Lead:</b>	Stacy Wydra		
<b>Status:</b>	On hold per Applicant. No change since last update.		
<b>Project Description:</b>	The project proposes a wide range of camping options, up to 550 campsites, and associated amenities on 104 acres of a 120.4-acre property near Brockway in the north Lake Tahoe area.		
<b>Applicant:</b>	Crew Tahoe, Llc		



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Supervisor District:	District 5		
Community Plan:	North Tahoe Community Plan		
MAC Area:	North Tahoe Municipal Advisory Council		
Owner:	Sierra Pacific Industries		
APN	Address	Zoning	Acres
110-050-029-000	8512 WELLS CROFT CT, TRUCKEE	TPZ	235.20
110-050-030-000	8512 WELLS CROFT CT, TRUCKEE	TPZ	54.20
110-050-031-000	8512 WELLS CROFT CT, TRUCKEE	TPZ	10.60
110-051-043-000			
110-051-044-000			
110-051-048-000	4699 NORTHSORE BLVD, TRUCKEE		
			300.00

**BROWN MINOR LAND DIVISION**

**PLN19-00076**

<b>Lead:</b>	Bennett Smithhart		
<b>Status:</b>	County comments on the 1st submittal were sent on 05/31/19. Additional information is required before an environmental determination can be made. Applicant's 2nd submittal is forthcoming.		
<b>Project Description:</b>	PROPOSING TO DIVIDE A 1.55 ACRE PARCEL INTO THREE PARCELS OF APPROX 20,000 SQ FT EACH.		
<b>Applicant:</b>	Pat Druding		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Auburn/Bowman Community Plan		
<b>MAC Area:</b>	North Auburn Municipal Advisory Council		
<b>Owner:</b>	Brown Craig S		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
052-043-020-000		RS-B-20-AO PD = 2	1.20
052-043-021-000		RS-B-20-AO PD = 2	0.00
			<u>1.20</u>

**COLWELL MINOR LAND DIVISION**

**PLN18-00272**

<b>Lead:</b>	Bennett Smithhart
<b>Status:</b>	The Parcel Review Committee adopted the Mitigated Negative Declaration and approved the project at its 05/16/19 Hearing; a Notice of Determination was filed 05/16/19.
<b>Project Description:</b>	REQUESTING TO SPLIT THE EXISTING APN 032-191-033-000 OF 21.85 ACRES INTO 4 LOTS
<b>Applicant:</b>	Andregg Psomas

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<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Horseshoe Bar/Penryn CP		
<b>MAC Area:</b>	Horseshoe Bar-Penryn Municipal Advisory Council		
<b>Owner:</b>	Colwell Richard E Tr Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
032-191-033-000		RA-B-100 PD = 1	21.93
			21.93

**DOUBLE S RANCH SUBDIVISION**

**PLN17-00324**

<b>Lead:</b>	Alex Fisch		
<b>Status:</b>	Application deemed complete. Initial Study Checklist is being prepared. No change since last update.		
<b>Project Description:</b>	Develop 37 single-family residential lots on 37.4-acre parcel.		
<b>Applicant:</b>	Fritz Harris-Glad		
<b>Supervisor District:</b>	District 1		
<b>Community Plan:</b>	Dry Creek West Placer Community Plan		
<b>MAC Area:</b>	West Placer Municipal Advisory Council		
<b>Owner:</b>	William Sawtell Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
474-080-001-000	0 VINEYARD RD, ROSEVILLE	RS-AG-B-40 PD = 1	37.28
			37.28

**DUNCAN MINOR LAND DIVISION**

**PLN18-00491**

<b>Lead:</b>	Delanie Farnham		
<b>Status:</b>	County comments on 1st submittal sent 01/10/19. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No change since last update.		
<b>Project Description:</b>	PROPOSAL TO DIVIDE 20 ACRE PARCEL INTO TWO 10 ACRE PARCELS		
<b>Applicant:</b>	Gka Giuliani & Kull		
<b>Supervisor District:</b>	District 2		
<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	Rural Lincoln Municipal Advisory Council		
<b>Owner:</b>	Duncan Jacob R & Duncan Evin		

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APN	Address	Zoning	
020-167-024-000	3600 MCCOURTNEY RD, LINCOLN	F-B-X 10 AC. MIN.	20.00
			20.00

**FORESTHILL RACING COMPANY CAMPGROUND**

**PLN18-00133**

<b>Lead:</b>	Patrick Dobbs
<b>Status:</b>	County comments on 1st submittal sent 05/09/18. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No change since last update.
<b>Project Description:</b>	102 dry campsites on 13 of the 80 acres, at a maximum density of eight campsites per acre, with the remaining 89 acres left undisturbed.
<b>Applicant:</b>	John Peters
<b>Supervisor District:</b>	District 5
<b>Community Plan:</b>	Placer County General Plan
<b>MAC Area:</b>	Foresthill Forum Municipal Advisory Council
<b>Owner:</b>	Grant George K & Geraldine J

APN	Address	Zoning	Acres
063-270-031-000		TPZ	120.00
			120.00

**FOWLER ROAD SUBDIVISION**

**PLN17-00204**

<b>Lead:</b>	Nikki Streegan
<b>Status:</b>	County comments on 1st submittal sent 07/31/17. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No change since last update.
<b>Project Description:</b>	The requested entitlement is for a major subdivision to subdivide the existing 81-acre parcel into eight lots each with a minimum of ten acres.
<b>Applicant:</b>	Andi Panagopoulos
<b>Supervisor District:</b>	District 2
<b>Community Plan:</b>	Placer County General Plan
<b>MAC Area:</b>	Rural Lincoln Municipal Advisory Council
<b>Owner:</b>	Dwayne Nash

APN	Address	Zoning	Acres
031-351-002-000	1275 FOWLER RD, LINCOLN	F-B-X 10 AC. MIN.	80.00
			80.00

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**FOX HILL LANE ESTATES MINOR LAND DIVISION**

**PLN18-00116**

<b>Lead:</b>	Kally Keding-Cecil		
<b>Status:</b>	County comments on 1st submittal sent 05/22/18. Additional information is required before environmental determination can be made. Applicant 3rd submittal due. No change since last update.		
<b>Project Description:</b>	THREE-LOT MINOR LAND DIVISION.		
<b>Applicant:</b>	Swec, Inc. (Dan Wilson And Cynthia Mitchell)		
<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	Newcastle/Ophir Municipal Advisory Council		
<b>Owner:</b>	Mitchell Cynthia A		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
031-161-006-000		F-B-X 4.6 AC. MIN. PD = 0.22	12.20
031-161-007-000		F-B-X 4.6 AC. MIN. PD = 0.22	13.70
031-470-020-000		F-B-X 4.6 AC. MIN. PD = 0.22	9.80
			<u>35.70</u>

**FULFER MINOR LAND DIVISION**

**PLN19-00045**

<b>Lead:</b>	Amy Rossig		
<b>Status:</b>	County comments on the 1st submittal were sent on 04/05/19. Additional information is required before an environmental determination can be made. Applicant's 2nd submittal is forthcoming.		
<b>Project Description:</b>	APPLICANT SUBMITTING FOR A MINOR LAND DIVISION TO DIVIDE AND EXISTING PARCEL INTO A 2.4 ACRE PARCEL & A 4.2 ACRE PARCEL.		
	APPLICANT IS SUBMITTING JUST THE ENVIRONMENTAL QUESTIONNAIRE AND SITE PLAN AT THIS TIME.		
<b>Applicant:</b>	Fulfer Richard S & Kelly		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Weimar/Applegate/Clipper Gap CP		
<b>MAC Area:</b>	Weimar/Applegate/Colfax Municipal Advisory Council		
<b>Owner:</b>	Fulfer Richard S & Kelly		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
073-220-007-000	740 SUNDANCE PL, APPEGATE	RA-B-100	6.68
			<u>6.68</u>

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**GATEWAY COMMONS SUBDIVISION**

**PLN19-00138**

<b>Lead:</b>	Christopher Schmidt		
<b>Status:</b>	Applicant's 1st submittal was received on 05/10/19 and is being reviewed by the Environmental Review Committee (ERC).		
<b>Project Description:</b>	18 UNIT SUBDIVISION		
<b>Applicant:</b>	Larry Farinha		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Auburn/Bowman Community Plan		
<b>MAC Area:</b>	North Auburn Municipal Advisory Council		
<b>Owner:</b>	Haldeman Homes Inc Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
052-043-010-000	0 NO ADDRESS ON FILE, AUBURN	CPD-Dc-AO	2.70
			2.70

**GRANITE BAY CONGREGATE LIVING HEALTH FACILITY**

**PLN18-00314**

<b>Lead:</b>	Christopher Schmidt		
<b>Status:</b>	Applicant 3rd submittal received on 03/27/19 and is being reviewed by the Environmental Review Committee (ERC).		
<b>Project Description:</b>	<p>The project proposes a Rezoning, Conditional Use Permit, and Variance in order to allow the operation of Granite Bay Congregate Living Health Facility, an extended care home with up to 18 residents, located on a 4.11 acre site at 3140 Spahn Ranch Road in Granite Bay. The site contains a 5,800 square foot single-family residence, detached garage/carport (that will be demolished), pool house, and in-ground pool.</p> <p>The property is currently zoned RS-AG-B-40 (Residential Single Family, combining Agriculture, minimum building site of 40,000 square feet). A rezoning to RA-B-40 (Residential Agriculture, minimum building site of 40,000 square feet) is proposed. Medical Services - Hospitals and Extended Care is allowed in the RA zoning district with a CUP.</p> <p>The applicant proposes to convert the existing residence into a congregate living health facility. 2,700 sq.ft. of additions are planned. Also planned is grading for the driveway widening and vehicle turn-around, trenching and digging for underground utilities and infrastructure, landscaping, and widening of the creek crossing. A Variance has been requested to allow a reduction in the required parking from 18 to nine spaces.</p>		
<b>Applicant:</b>	421 San Juan Llc		
<b>Supervisor District:</b>	District 4		
<b>Community Plan:</b>	Granite Bay Community Plan		
<b>MAC Area:</b>	Granite Bay Municipal Advisory Council		
<b>Owner:</b>	421 San Juan Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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467-090-009-000	3140 SPAHN RANCH RD, ROSEVILLE	RS-AG-B-40	4.11
			4.11

**GRANITE BAY MEDICAL OFFICE COMPLEX**

**PLN14-00152**

<b>Lead:</b>	Kally Keding-Cecil		
<b>Status:</b>	On hold per Applicant. No change since last update.		
<b>Project Description:</b>	The Granite Bay Medical Office Complex project includes the construction of two medical office buildings (7,955 SF each), associated parking, and circulation areas on two separate parcels (APN 048-081-056 and 057) that comprise approximately 2.13 acres total. The project site is located on the northwest corner of the intersection of Douglas Boulevard and Berg Street. Currently zoned RS-B-20, this application includes a request to ReZone to Office/Professional (OP) and a General Plan Amendment by the Placer County Board of Supervisors and the Placer County Planning Commission. Within OP Zoning, this type of proposed use requires a Zoning Clearance, also to be part of this application. This application also includes a Minor Boundary Line Adjustment so that each building will be on a separate lot.		
<b>Applicant:</b>	Ron Wood		
<b>Supervisor District:</b>	District 4		
<b>Community Plan:</b>	Granite Bay Community Plan		
<b>MAC Area:</b>	Granite Bay Municipal Advisory Council		
<b>Owner:</b>	Fit Family Development Lp		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
048-081-056-000		RS-B-20	1.00
048-081-057-000		RS-B-20	1.00
			2.00

**HOMEWOOD MOUNTAIN RESORT STABILIZATION DEMONSTRATION PROJECT**

**PLN15-00209**

<b>Lead:</b>	Allen Breuch		
<b>Status:</b>	Mitigated Negative Declaration public review ended 11/28/16; Grading Permit pending approval. No change since last update.		
<b>Project Description:</b>	The project proposes several different approaches to placing and stabilizing native fill in summer 2015 to formalize a protocol and set of criteria for future fill projects in Homewood Mountain Resort.		
<b>Applicant:</b>	Pr Design & Engineering , Inc		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	West Shore Area General Plan		
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council		
<b>Owner:</b>	Jma		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
097-050-058-000		157 HOMEWOOD SKI AREA CONSERVATION	7.30

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>  
Project description subject to change without notice

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7.30

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**HOUIN & PALMER MINOR LAND DIVISION****PLN19-00021**

<b>Lead:</b>	Nick Trifiro		
<b>Status:</b>	County comments on 1st submittal sent 03/05/19. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No change since last update.		
<b>Project Description:</b>	PROPOSAL TO DIVIDE 44 ACRE PARCEL INTO 3 TEN AND 1 FOURTEEN ACRE PARCELS.		
<b>Applicant:</b>	Mathis Land Surveying		
<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Auburn/Bowman Community Plan		
<b>MAC Area:</b>	North Auburn Municipal Advisory Council		
<b>Owner:</b>	Houin Adam & Palmer Jenelle		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
038-290-027-000	1005 COLLINS DR, AUBURN	F 4.6 AC. MIN.; F 4.6 AC. MIN. PD = 0.44; RA-B-1	44.00
			44.00

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**HOUSING STRATEGY & DEVELOPMENT PLAN****PLN18-00320**

<b>Lead:</b>	Shawna Purvines		
<b>Status:</b>	A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) is being prepared. Release of the NOP for public review and comment is forthcoming.		
<b>Project Description:</b>	Zoning Text Amendment.		
<b>Applicant:</b>	N/A		
<b>Supervisor District:</b>	N/A		
<b>Community Plan:</b>	N/A		
<b>MAC Area:</b>	N/A		
<b>Owner:</b>	N/A		

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**HUNTER MINOR LAND DIVISION****PLN16-00021**

<b>Lead:</b>	Amy Rossig		
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Project description subject to change without notice

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<b>Status:</b>	The Parcel Review Committee adopted the Mitigated Negative Declaration and approved the project at its 05/16/19 Hearing; a Notice of Determination was filed 05/17/19.		
<b>Project Description:</b>	The proposed project involves the subdivision (minor land division) of a 22.1-acre parcel into three parcels consisting of 5.75 acres (Parcel 1), 6.06 acres (Parcel 2) and 10.2 acres (Parcel 3).		
<b>Applicant:</b>	Shawn Bowling		
<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Ophir General Plan		
<b>MAC Area:</b>	Newcastle/Ophir Municipal Advisory Council		
<b>Owner:</b>	Hunter Ronald S. Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
031-092-001-000	8600 CRATER HILL RD, NEWCASTLE	F 4.6 AC. MIN.	22.10
			22.10

### KHAN/KABIR MINOR LAND DIVISION

PLN18-00110

<b>Lead:</b>	Patrick Dobbs		
<b>Status:</b>	County comments on 1st submittal sent 05/09/18. Additional information is required before environmental determination can be made. No change since last update.		
<b>Project Description:</b>	Minor Land Division creating 3 parcels ranging from 4.9 TO 5.1 acres.		
<b>Applicant:</b>	Khan Muhammad A Et Al		
<b>Supervisor District:</b>	District 2		
<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	Rural Lincoln Municipal Advisory Council		
<b>Owner:</b>	Khan Muhammad A Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
021-180-043-000	145 WEST WISE RD, LINCOLN	F 4.6 AC. MIN.	14.00
			14.00

### KINGS BEACH CENTER

PLN18-00415

<b>Lead:</b>	Heather Beckman		
<b>Status:</b>	Environmental Impact Report (EIR) required; Contract and scope of work for preparation of an Environmental Impact Report (EIR) is being prepared/finalized. No change since last update.		
<b>Project Description:</b>	Proposed redevelopment of numerous parcels. Propose 120 unit (key) hotel, 20 single family residential condos and retail/mixed use. Pre-Development process determined that this will require an EIR (joint EIS with TRPA).		
<b>Applicant:</b>	Wyatt Ogilvy		



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<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Tahoe Basin Area Plan		
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council		
<b>Owner:</b>	Placer County		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
090-126-021-000	8679 SALMON AVE, KINGS BEACH	Mixed-Use (North Tahoe East)	0.00
			0.00

**KINGS BEACH INDUSTRIAL CORE AND SHELL**

**PLN19-00131**

<b>Lead:</b>	Allen Breuch		
<b>Status:</b>	Applicant's 1st submittal was received on 05/03/19 and is being reviewed by the Environmental Review Committee (ERC).		
<b>Project Description:</b>	NEW 19625 SF INDUSTRIAL BUILDING		
<b>Applicant:</b>	Pr Design & Engineering, Inc.		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Tahoe Basin Area Plan		
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council		
<b>Owner:</b>	Veeder View Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
090-092-042-000		Commercial and Industrial	0.00
			0.00

**LAKESIDE REDEVELOPMENT**

**PLN17-00247**

<b>Lead:</b>	Allen Breuch		
<b>Status:</b>	The public review period to accept comments on the Mitigated Negative Declaration ends on 06/14/19. A Planning Commission public hearing will be scheduled thereafter.		
<b>Project Description:</b>	The proposed redevelopment is a mixed-use commercial project on 1.8 acres (parcels #1-6) of lakefront land located within the Kings Beach Community Plan Area: Special Area #2 in Kings Beach, CA. The proposed project will include a 5,343 SF (approx.) lakefront amenity building (Participant Sports Facility), 1,600 SF (approx.) of street front retail and 10 second home residential units.		
<b>Applicant:</b>	Brian Helm		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Tahoe City Area General Plan		
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council		

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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**Owner:** Laulima Kings Beach, LLC

APN	Address	Zoning	Acres
090-072-006-000	8194 LAKE BLVD, KINGS BEACH	Mixed-Use (North Tahoe East)	0.00
090-072-009-000	8226 LAKE BLVD, KINGS BEACH	Mixed-Use (North Tahoe East)	0.00
090-072-027-000	8200 LAKE BLVD, KINGS BEACH	Mixed-Use (North Tahoe East)	0.26
090-072-028-000	8258 LAKE BLVD, KINGS BEACH	Mixed-Use (North Tahoe East)	0.42
090-073-005-000	8178 BROCKWAY VISTA AVE, KINGS BEACH	Mixed-Use (North Tahoe East)	0.00
090-073-006-000	8200 BROCKWAY VISTA AVE, KINGS BEACH	Mixed-Use (North Tahoe East)	0.21
090-073-007-000	8216 BROCKWAY VISTA AVE, KINGS BEACH	Mixed-Use (North Tahoe East)	0.00
			0.89

### LOCKSLEY LANE INDUSTRIAL PARK

PLN18-00239

**Lead:** Bennett Smithhart

**Status:** County comments on the 3rd submittal were sent on 06/03/19. Additional information is required before an environmental determination can be made. Applicant's 4th submittal is forthcoming.

**Project Description:** Development of five commercial buildings including industrial warehouse, manufacturing, support offices.

**Applicant:** Gary Hall

**Supervisor District:** District 5

**Community Plan:** Auburn/Bowman Community Plan

**MAC Area:** North Auburn Municipal Advisory Council

**Owner:** Carter Pierce

APN	Address	Zoning	Acres
052-020-042-000	12335 LOCKSLEY LN, AUBURN	INP-Dc-AO	2.50
			2.50

### LUCKY'S TRAVEL PLAZA MAINTENANCE PAD AND NEW SHOP

PLN17-00399

**Lead:** Steve Buelna

**Status:** County comments on 1st submittal sent 02/01/18. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No change since last update.

**Project Description:** Upgrade existing maintenance pad and construction of 1,860sf steel building.

**Applicant:** Gary Heinz

**Supervisor District:** District 5

**Community Plan:** Placer County General Plan

**MAC Area:** Donner Summit Municipal Advisory Council

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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<b>Owner:</b>	Rbs Holdings Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
066-070-045-000	100 CISCO RD, EMIGRANT GAP	FOR-AO 160 AC. MIN.; HS-Ds; RF-B-X 2.5 AC. M	93.50
			93.50

### MASON TRAILS SUBDIVISION

PLN19-00077

<b>Lead:</b>	Nick Trifiro		
<b>Status:</b>	County comments on the 1st submittal were sent on 4/23/19. Additional information is required before an environmental determination can be made. Applicant's 2nd submittal is forthcoming. No change since last update.		
<b>Project Description:</b>	The Mason Trails Subdivision is a proposed residential subdivision in the Riolo Vineyards specific plan area that will subdivide 78.41 acres into 170 single family residential lots.		
<b>Applicant:</b>	Steve Greenfield		
<b>Supervisor District:</b>	District 1		
<b>Community Plan:</b>	Dry Creek West Placer Community Plan		
<b>MAC Area:</b>	West Placer Municipal Advisory Council		
<b>Owner:</b>	Walker Elliott Family Partnership		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
023-221-005-000	0 P F E RD, ROSEVILLE	RS-AG-B-20-DR PD = 2	77.00
			77.00

### MILL CREEK

PLN16-00103

<b>Lead:</b>	Christopher Schmidt		
<b>Status:</b>	Draft Environmental Impact Report (EIR) public review ended on 08/01/18. Application on hold. No change since last update.		
<b>Project Description:</b>	Residential community of 308 homes with threeparks, open space and trails on a 110.1 acres site on the south side of PFE Road at Antelope Road in West Placer. Applicant is requesting a GPA, Rezoning, and Variance to lot coverage.		
<b>Applicant:</b>	Rob Wilson		
<b>Supervisor District:</b>	District 1		
<b>Community Plan:</b>	Dry Creek West Placer Community Plan		
<b>MAC Area:</b>	West Placer Municipal Advisory Council		
<b>Owner:</b>	Purett Robert J Jr Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
474-120-017-000	0 NO ADDRESS ON FILE, ROSEVILLE	OP-Dc	44.90
474-130-007-000	9700 ANTELOPE RD, ROSEVILLE	RS-AG-B-20	19.00
474-130-009-000	0 P F E RD, ROSEVILLE	RS-AG-B-20	5.00

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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474-130-010-000	2755 P F E RD, ROSEVILLE	RS-AG-B-20	4.00
474-130-017-000	0 NO ADDRESS ON FILE, ROSEVILLE	RS-AG-B-20	1.50
474-130-018-000		RS-AG-B-20	6.40
474-130-022-000	2751 P F E RD, ROSEVILLE	RS-AG-B-20	2.00
474-130-024-000	2901 P F E RD, ROSEVILLE	RS-AG-B-20	24.70
			107.50

**NEVADA STREET ARCO AM/PM**

**PLN18-00226**

<b>Lead:</b>	Bennett Smithhart		
<b>Status:</b>	County comments on 1st submittal sent 07/12/18. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No change since last update.		
<b>Project Description:</b>	The proposal calls for the demolition of the existing improvements and the construction of a new 3,000-square-foot am/pm convenience store, an 18- by 70-foot automatic car wash facility (1,260 square feet), and a 42- by 116-foot fuel canopy (4,872 square feet) with eight (8) Multi-Product Dispensers (MPDs) that results in a total of sixteen (16) Vehicle Fueling Positions (VFPs). The fueling facility will require the installation of two (2) Underground Storage Tanks (USTs), one 25,000-gallon UST for the storage of regular unleaded fuel, and a second 22,000-gallon UST split between premium unleaded (12,000 gallons) and diesel (10,000 gallons). Additional site improvements will include freestanding and wall signage, asphalt paving and striping, new curb cuts, lot lights, perimeter landscaping, surface parking for 19 vehicles, utility connections, and vacuum stations.		
<b>Applicant:</b>	Marc Strauch		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Auburn/Bowman Community Plan		
<b>MAC Area:</b>	North Auburn Municipal Advisory Council		
<b>Owner:</b>	Csm Ventures Auburn Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
038-124-001-000	895 GRASS VALLEY HWY, AUBURN	C2-Dc	0.95
			0.95

**NORTH SHORE GAS STATION MODIFICATION**

**PLN18-00100**

<b>Lead:</b>	Allen Breuch		
<b>Status:</b>	Applicant's 4th submittal was received on 05/20/19 and is being reviewed by the Environmental Review Committee (ERC).		
<b>Project Description:</b>	MODIFYING BUILDING PROPOSAL BY ADDING TWO DWELLING UNITS ON TOP OF COMMERCIAL GAS STATION. SECOND STORY LEVEL WAS TO BE COFFEE SHOP ORIGINALLY INSTEAD OF RESIDENTIAL.		
<b>Applicant:</b>	Steve Sutton And Leah Kaufman		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Tahoe Basin Area Plan		
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council		

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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<b>Owner:</b>	Grant Wolf Inc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
090-192-061-000	8755 LAKE BLVD, KINGS BEACH	Mixed-Use (North Tahoe East)	0.37
			0.37

### OLSEN MINOR LAND DIVISION

PLN18-00217

<b>Lead:</b>	Alex Fisch		
<b>Status:</b>	County comments on 1st submittal sent 07/20/18. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No changes since last update.		
<b>Project Description:</b>	The applicant is requesting approval of a Minor Land Division to subdivide an approximately 12.07 acres into two parcels consisting of 6.05 acres (Parcel 1) and 6.02 acres (Parcel 2). Each parcel would be served by a well for potable water and by a private septic system with a leach field. Each parcel would take access from Hungry Hollow Road.		
<b>Applicant:</b>	Jaime Costo		
<b>Supervisor District:</b>	District 2		
<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	Rural Lincoln Municipal Advisory Council		
<b>Owner:</b>	Olsen Carl Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
021-250-029-000	1440 HUNGRY HOLLOW RD, LINCOLN	F 4.6 AC. MIN.	11.99
			11.99

### PETRIK MINOR LAND DIVISION

PLN17-00417

<b>Lead:</b>	Amy Rossig		
<b>Status:</b>	Application deemed complete. An Initial Study Checklist is being prepared.		
<b>Project Description:</b>	THE APPLICANT IS REQUESTING APPROVAL OF A MINOR LAND DIVISION TO SUBDIVIDE A 2.43 ACRE PARCEL INTO TWO PARCELS CONSISTING OF 1.12 ACRES AND 1.31 ACRES. THE PROJECT SITE WILL BE ACCESSED VIA EAGLE VIEW LANE AND THE PARCELS WILL BE SERVED BY PUBLIC SEWER AND WATER. THE PROPERTY IS LOCATED IN GRANITE BAY, APPROXIMATELY 450 FEET EAST OF THE INTERSECTION OF EAGLE VIEW LANE AND AUBURN FOLSOM ROAD.		
<b>Applicant:</b>	Anthony Cocchi		
<b>Supervisor District:</b>	District 4		
<b>Community Plan:</b>	Granite Bay Community Plan		
<b>MAC Area:</b>	Granite Bay Municipal Advisory Council		
<b>Owner:</b>	Lina Petrik		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
035-031-041-000	7960 EAGLE VIEW LN, GRANITE BAY	RS-AG-B-40	2.40

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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2.40

**PLACER COUNTY CONSERVATION PLAN (PCCP)**

**PEIR 20050226**

<b>Lead:</b>	Gregg McKenzie
<b>Status:</b>	Draft EIR/EIS being prepared. Release of the DEIR for public review and comments is forthcoming. No change since last update.
<b>Project Description:</b>	The Placer County Conservation Plan (PCCP) is intended to be a wide-ranging program that will meet the requirements of various State and Federal regulatory programs. The permit will span a 50-year time frame, with implementation and land protection measures managed in perpetuity. The intent of the permit is to cover direct and indirect impacts to natural resources resulting from urban growth and infrastructure expansion.
<b>Applicant:</b>	Placer County Planning Department
<b>Supervisor District:</b>	N/A
<b>Community Plan:</b>	N/A
<b>MAC Area:</b>	N/A
<b>Owner:</b>	N/A

**PLACER GOLD INDUSTRIAL PARK CUP AND TM MODIFICATION**

**PLN19-00109**

<b>Lead:</b>	Nick Trifiro
<b>Status:</b>	County comments on the 1st submittal were sent on 05/31/19. Additional information is required before an environmental determination can be made. Applicant's 2nd submittal is forthcoming.
<b>Project Description:</b>	Modification of Conditional Use Permit and Tentative Subdivision Map from 9 lots to 11 lots.
<b>Applicant:</b>	Cp3500 Cincinnati Llc
<b>Supervisor District:</b>	District 2
<b>Community Plan:</b>	Sunset Industrial Area Plan
<b>MAC Area:</b>	N/A
<b>Owner:</b>	Cp3500 Cincinnati Llc

APN	Address	Zoning	Acres
017-063-060-000	0 NO ADDRESS ON FILE, ROCKLIN	INP-Dc	108.40
017-063-062-000	0 NO ADDRESS ON FILE, ROCKLIN	INP-Dc	74.50
017-063-063-000	3500 CINCINNATI AVE, ROCKLIN	INP-Dc	8.90
			191.80



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### PLACER RETIREMENT RESIDENCE

PLN16-00298

<b>Lead:</b>	Kally Keding-Cecil		
<b>Status:</b>	The Board of Supervisors certified the EIR and approved the project at its 05/28/19 Public Hearing; a Notice of Determination was posted on 05/28/19.		
<b>Project Description:</b>	One multi-story building containing 145 congregate care residential suites on an 8.93-acre site.		
<b>Applicant:</b>	Sam Thomas		
<b>Supervisor District:</b>	District 4		
<b>Community Plan:</b>	Granite Bay Community Plan		
<b>MAC Area:</b>	Granite Bay Municipal Advisory Council		
<b>Owner:</b>	Cierra Auburn LLC		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
468-060-038-000		RS-AG-B-100	8.20
468-060-052-000	3905 OLD AUBURN RD, ROSEVILLE		
			8.20

### PLUMPOCK SQUAW VALLEY INN CONDITIONAL USE PERMIT MODIFICATION

PLN18-00205

<b>Lead:</b>	Steve Buelna		
<b>Status:</b>	Project on hold.		
<b>Project Description:</b>	proposing to modify the PlumpJack Squaw Valley Inn Project to reprogram the hotel portion of the project. Rather than the approved 60-room hotel, the reprogramming would include up to 64 for-sale condos containing up to 21 lock-off rooms, which would allow an owner to lock-off a portion of the condo to rent out to guests while still occupying the other portion of the condo. The condominium/hotel building would retain most of the ground floor commercial uses. The exterior design of the hotel building would remain largely unchanged but would include adding more exterior deck/patio spaces. The two previously proposed residential condominium buildings along Squaw Peak Road would not be modified. Whereas the previously approved project would have included 60 hotel rooms and 34 residences, the modified project would include up to 64 residences including up to 21 lock-off rooms.		
<b>Applicant:</b>	Merijack, LLC		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Squaw Valley Community Plan		
<b>MAC Area:</b>	Squaw Valley Municipal Advisory Council		
<b>Owner:</b>	Plumpjack Sport LLC		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
096-020-023-000	1920 SQUAW VALLEY RD, OLYMPIC VALLEY	VC	3.14
			3.14

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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**QUARRY RIDGE PROFESSIONAL OFFICE PARK**

**PLN16-00157**

<b>Lead:</b>	Jennifer Byous		
<b>Status:</b>	On 05/09/19, the Planning Commission recommended that the Board of Supervisors certify the EIR and approve the project. The Board of Supervisors public hearing is scheduled for June 11, 2019.		
<b>Project Description:</b>	General Plan Amendment and Re-Zone from low density residential to commercial and from RS-B-20 to OP-DC. Also, a 4 lot parcel map and a conditional use permit for an office park. The Quarry Ridge Professional Office Park would include one 3,200 SQ. FT. office building, and three one-story medical offices (4,020 - 4,530 - AND 5,510 SQ. FT. respectively for a total of 17,260 SQ. FT.) and 91 parking stalls. The property is located on the northeast corner of the intersection of Douglas Boulevard and Berg Street.		
<b>Applicant:</b>	Neil Doerhoff, Doerhoff Family Trust		
<b>Supervisor District:</b>	District 4		
<b>Community Plan:</b>	Granite Bay Community Plan		
<b>MAC Area:</b>	Granite Bay Municipal Advisory Council		
<b>Owner:</b>	Rose Donald E & Glenda C Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
048-084-030-000	8495 BERG ST, GRANITE BAY	RS-B-20	2.80
			2.80

**RAINBOW LODGE BULK WATER SALES**

**PLN19-00017**

<b>Lead:</b>	Stacy Wydra		
<b>Status:</b>	County comments on the 2nd submittal were sent on 05/31/19. Additional information is required before an environmental determination can be made. Applicant's 3rd submittal is forthcoming.		
<b>Project Description:</b>	Proposal for the commercial collection, storage, and transport of spring water from a natural spring located on the subject property.		
<b>Applicant:</b>	Justin Fike		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	Donner Summit Municipal Advisory Council		
<b>Owner:</b>	Swift Real Estate		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
066-120-035-000	50080 HAMPSHIRE ROCKS RD, EMIGRANT GAP	RES-Ds; RF-B-X 40 AC. MIN.; RS-AG-B-40 PD =	72.00
			72.00

**RED DOG LIFT REPLACEMENT CONDITIONAL USE PERMIT MODIFICATION**

**PLN18-00280**

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>  
Project description subject to change without notice  
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<b>Lead:</b>	Stacy Wydra		
<b>Status:</b>	The Planning Commission approved an Addendum to the previously-adopted Mitigated Negative Declaration and approved the project at its 05/23/19 Hearing; a Notice of Determination was posted on 05/23/19.		
<b>Project Description:</b>	Modification to existing CUP #20120215 to realign ski lift.		
<b>Applicant:</b>	Squaw Valley Llc		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Squaw Valley Community Plan		
<b>MAC Area:</b>	Squaw Valley Municipal Advisory Council		
<b>Owner:</b>	Squaw Valley Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
096-221-012-000	0 NO ADDRESS ON FILE, OLYMPIC VALLEY	VC	0.00
096-221-019-000	0 NO ADDRESS ON FILE, OLYMPIC VALLEY	FR; HC	10.30
096-221-038-000	1733 SQUAW VALLEY RD, OLYMPIC VALLEY	FR; HC	80.70
			91.00

**REGIONAL UNIVERSITY SPECIFIC PLAN AMENDMENT**

**PLN14-00185**

<b>Lead:</b>	Jennifer Byous		
<b>Status:</b>	The Board of Supervisors approved an Addendum to the previously-certified EIR and approved the project at its 05/14/19 Hearing; a Notice of Determination was posted on 05/14/19.		
<b>Project Description:</b>	The applicant requests to amend the approved Regional University Specific Plan ("RUSP") policy, Development Standards and Design Guidelines documents, and the Amended and Restated Development Agreement to reflect proposed revisions to certain residential and commercial land uses (with no increase in the 2008 approved 4,387 residential units), parks and recreational amenities, roadway improvements and timing and obligations for construction of public facilities.		
<b>Applicant:</b>	Kt Communities		
<b>Supervisor District:</b>	District 2		
<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	N/A		
<b>Owner:</b>	Placer 2780		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
017-090-047-000	5205 BREWER RD, PLEASANT GROVE	SPL-RUSP	119.50
017-090-048-000		SPL-RUSP	119.50
017-090-049-000		SPL-RUSP	119.50
017-090-050-000		SPL-RUSP	119.50
017-090-057-000		SPL-RUSP	110.60
017-090-058-000		SPL-RUSP	259.50
017-101-045-000		SPL-RUSP	162.50
017-150-085-000		SPL-RUSP	128.80
017-151-001-000		SPL-RUSP	128.80

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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017-152-001-000

1,268.20

**SCHAFFERS MILL GPA/REZONE/CUP-SUB MOD**

**PLN19-00114**

<b>Lead:</b>	Stacy Wydra		
<b>Status:</b>	County comments on the 1st submittal were sent on 06/03/19. Additional information is required before an environmental determination can be made. Applicant's 2nd submittal is forthcoming.		
<b>Project Description:</b>	N/A		
<b>Applicant:</b>	Lydia Altick		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Martis Valley Community Plan		
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council		
<b>Owner:</b>	New Martis Partners Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
080-061-030-000		O; O-AO; RS-B-X-AO 20 AC. MIN. PD = 1.5; RS-E	98.19
107-040-041-000	9060 HEARTWOOD DR, TRUCKEE	O-AO	18.20
			116.39

**SEHR WINERY**

**PLN18-00469**

<b>Lead:</b>	Nikki Streegan		
<b>Status:</b>	County comments on 1st submittal sent 12/24/18. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No change since last update.		
<b>Project Description:</b>	Winery		
<b>Applicant:</b>	Jim Bob Kaufmann		
<b>Supervisor District:</b>	District 4		
<b>Community Plan:</b>	Granite Bay Community Plan		
<b>MAC Area:</b>	Granite Bay Municipal Advisory Council		
<b>Owner:</b>	Ajs Enterprised, Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
035-050-068-000	6635 CAVITT STALLMAN RD, Granite Bay	RA-B-X 4.6 AC. MIN.	78.70
035-050-073-000	6645 CAVITT STALLMAN RD, GRANITE BAY		
			78.70

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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**SIERRA COLLEGE DOUGLAS DUTCH BROTHERS AND SELF STORAGE**

**PLN18-00354**

<b>Lead:</b>	Christopher Schmidt		
<b>Status:</b>	County comments on the 3rd submittal were sent on 05/31/19. Additional information is required before an environmental determination can be made. Applicant's 4th submittal is forthcoming.		
<b>Project Description:</b>	Dutch Bros Coffee kiosk and Superior Self Storage facility.		
<b>Applicant:</b>	Mckinney & Sones, Lp And Sierra College Doughlas Partners		
<b>Supervisor District:</b>	District 4		
<b>Community Plan:</b>	Granite Bay Community Plan		
<b>MAC Area:</b>	Granite Bay Municipal Advisory Council		
<b>Owner:</b>	Mckinney & Sones, Lp And Sierra College Doughlas Partners		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
048-030-073-000	8455 SIERRA COLLEGE BLVD, GRANITE BAY	CPD-Dc	1.70
048-030-084-000		CPD-Dc	1.10
			<u>2.80</u>

**SIERRA COLLEGE PARTNERS MINOR LAND DIVISION**

**PLN18-00091**

<b>Lead:</b>	Nick Trifiro		
<b>Status:</b>	Applicant's 2nd submittal was received on 05/13/19 and is being reviewed by the Environmental Review Committee (ERC).		
<b>Project Description:</b>	PROPOSAL TO DIVIDE 21 ACRE LOT INTO 4 PARCELS		
<b>Applicant:</b>	Larry King		
<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	N/A		
<b>Owner:</b>	Sierra College Partners Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
032-010-023-000		F 4.6 AC. MIN.	21.00
			<u>21.00</u>

**SILVER SAGE - RIOLO VINEYARD SPECIFIC PLAN PHASE 3**

**PLN18-00333**

<b>Lead:</b>	Nick Trifiro		
<a href="https://www.placer.ca.gov/2479/Environmental-Coordination-Services">https://www.placer.ca.gov/2479/Environmental-Coordination-Services</a>			
project description subject to change without notice			
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<b>Status:</b>	County comments on the 2nd submittal were sent on 05/31/19. Additional information is required before an environmental determination can be made. Applicant's 3rd submittal is forthcoming.		
<b>Project Description:</b>	270 residential lot subdivision located within 113.9 acres of the Riolo Vineyard Specific Plan, including trails and open space.		
<b>Applicant:</b>	N/A		
<b>Supervisor District:</b>	District 1		
<b>Community Plan:</b>	Dry Creek West Placer Community Plan		
<b>MAC Area:</b>	West Placer Municipal Advisory Council		
<b>Owner:</b>	Jen California 8 Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
023-200-031-000	5520 P F E RD, ROSEVILLE	SPL-RVSP	0.00
023-200-055-000		SPL-RVSP	93.90
023-200-072-000		SPL-RVSP	85.70
023-200-089-000			
			179.60

**SIMPSON MINOR LAND DIVISION**

**PLN16-00374**

<b>Lead:</b>	Kally Keding-Cecil		
<b>Status:</b>	County comments on 4th submittal sent 05/22/19. Additional information is required before environmental determination can be made. Applicant 5th submittal due.		
<b>Project Description:</b>	Proposal to divide a 7.6 acre property into three parcels.		
<b>Applicant:</b>	Kim Polesz		
<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Horseshoe Bar/Penryn CP		
<b>MAC Area:</b>	Horseshoe Bar-Penryn Municipal Advisory Council		
<b>Owner:</b>	Simpson Michelle R Et Al		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
042-193-010-000		RA-B-100	7.30
			7.30

**SQUAW VALLEY / ALPINE MEADOWS BASE-TO-BASE GONDOLA**

**PLN15-00398**

<b>Lead:</b>	Heather Beckman		
<b>Status:</b>	On 05/30/19, the Planning Commission recommended that the Board of Supervisors certify the EIR and approve the project. The Board of Supervisors public hearing is tentatively scheduled for July 23, 2019.		

<https://www.placer.ca.gov/2479/Environmental-Coordination-Services>

Project description subject to change without notice

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<b>Project Description:</b>	Squaw Valley Ski Holdings LLC proposes to install, operate, and maintain the Gondola connecting the Squaw and Alpine base areas to improve skier experience and reduce impact on road traffic
<b>Applicant:</b>	Squaw Valley Resort Llc
<b>Supervisor District:</b>	District 5
<b>Community Plan:</b>	West Shore Area General Plan
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council
<b>Owner:</b>	Squaw Valley Resort Llc

APN	Address	Zoning	Acres
095-190-005-000	2600 ALPINE MEADOWS RD, ALPINE MEADOWS	RS PD = 8	640.00
095-280-030-000		RS-B-20 PD = 2	144.50
095-280-033-000	2400 ALPINE MEADOWS RD, ALPINE MEADOWS		
095-290-022-000		O	205.50
095-290-024-000		FR	36.90
095-290-025-000		FR	46.80
095-290-026-000			
095-290-027-000			
095-290-028-000			
095-290-029-000			
096-010-026-000	0 NO ADDRESS ON FILE, OLYMPIC VALLEY	FR	547.20
096-020-027-000	1960 SQUAW VALLEY RD, OLYMPIC VALLEY	VC	7.40
			<u>1,628.30</u>

**SQUAW VALLEY OLYMPIC MUSEUM AND WINTER SPORTS HERITAGE CENTER**

**PLN16-00349**

<b>Lead:</b>	Allen Breuch
<b>Status:</b>	County comments on 2nd submittal sent 04/16/18. Additional information is required before environmental determination can be made. Applicant 3rd submittal due. No change since last update.
<b>Project Description:</b>	Construction of a 10,000 SF Olympic Museum.
<b>Applicant:</b>	Gary Davis
<b>Supervisor District:</b>	District 5
<b>Community Plan:</b>	Squaw Valley Community Plan
<b>MAC Area:</b>	Squaw Valley Municipal Advisory Council
<b>Owner:</b>	Placer County Of

APN	Address	Zoning	Acres
096-290-056-000	101 SQUAW VALLEY RD, OLYMPIC VALLEY	FR	25.80
			<u>25.80</u>

**SQUAW VALLEY TIMBERLINE TWISTER**

**PLN17-00266**

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<b>Lead:</b>	Steve Buelna		
<b>Status:</b>	Application deemed complete. Initial Study Checklist is being prepared. No change since last update.		
<b>Project Description:</b>	Bobsled-like ride mounted on tracks with a 1,370 foot long up-track and a 3,380 foot long down-track, approximately 440 feet in height, serving approximately 350-400 riders per hour from 7am to 10pm, 365 days per year.		
<b>Applicant:</b>	Mike Livak		
<b>Supervisor District:</b>	District 5		
<b>Community Plan:</b>	Squaw Valley Community Plan		
<b>MAC Area:</b>	Squaw Valley Municipal Advisory Council		
<b>Owner:</b>	Squaw Valley Resort, LLC		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
096-221-019-000	0 NO ADDRESS ON FILE, OLYMPIC VALLEY	HC	10.30
096-221-038-000	1733 SQUAW VALLEY RD, OLYMPIC VALLEY	HC	80.70
			91.00

**STARR MINOR LAND DIVISION**

**PLN18-00401**

<b>Lead:</b>	Patrick Dobbs		
<b>Status:</b>	County comments on 1st submittal sent 11/05/18. Additional information is required before environmental determination can be made. Applicant 2nd submittal due. No change since last update.		
<b>Project Description:</b>	PROPOSING TO SPLIT AN EXISTING 5.37 ACRE PROPERTY ZONED RA-B-100 INTO TWO PARCELS (2.87 ACRES AND 2.45 ACRES) IN ORDER TO CONSTRUCT AN ADDITIONAL SINGLE FAMILY DWELLING.		
<b>Applicant:</b>	Starr Donald E		
<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Horseshoe Bar/Penryn CP		
<b>MAC Area:</b>	Horseshoe Bar-Penryn Municipal Advisory Council		
<b>Owner:</b>	Starr Donald E		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
037-093-070-000	3525 HOLLY HILL LN, LOOMIS	RA-B-100	5.30
			5.30

**STONERIDGE AND WESTWOOD FAMILY CELLARS**

**PLN16-00139**

<b>Lead:</b>	Kally Kedinger-Cecil		
<b>Status:</b>	On 05/23/19, the Planning Commission recommended that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the project. The Board of Supervisors public hearing is tentatively scheduled for July 9, 2019.		



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<b>Project Description:</b>	The project proposes a Tentative Subdivision Map to create 8 lots ranging in size from 2.5 to 9.4 acres; a Rezone of proposed parcels 2-8 to RA-B-2.3 Ac. Min. from RA-B-4.6 Ac. Min.; and an Administrative Review Permit to operate a small winery and to host six wine club dinners annually. The proposed project would be phased, with Phase 1 consisting of the subdivision and associated improvements and Phase 2 consisting of a 6,000 square foot winery and associated improvements. Each lot would be planted with a small vineyard within vineyard easements. The site would be accessed by a new 50-foot, two-lane road from Indian Hill Road. A gate is proposed between lots 1 and 2 on the internal roadway. The encroachment onto Indian Hill Road would be improved to a Plate 116 standard. The project would be served by public water from PCWA. Each site would be served by onsite sewage disposal systems. The project would also relocate and encase an existing PCWA canal and relocate the associated pump house. An existing abandoned barn would be demolished as part of the project.		
<b>Applicant:</b>	Mike Anderson		
<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Placer County General Plan		
<b>MAC Area:</b>	Newcastle/Ophir Municipal Advisory Council		
<b>Owner:</b>	Lucille Westood Ltd		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
040-340-008-000		RA-B-X 4.6 AC. MIN.	37.90
			37.90

**SUMAN MINOR LAND DIVISION**

**PLN18-00051**

<b>Lead:</b>	Patrick Dobbs		
<b>Status:</b>	County comments on the 2nd submittal were sent on 05/07/19. Additional information is required before an environmental determination can be made. Applicant's 3rd submittal is forthcoming.		
<b>Project Description:</b>	PROPOSAL TO DIVIDE 22 ACRE PARCEL INTO 4 PARCELS CONSISTING OF 5.17, 5.14, 6.22 & 5.75 ACRES EACH.		
<b>Applicant:</b>	Suman Christian & Felicia & Sherman Just		
<b>Supervisor District:</b>	District 3		
<b>Community Plan:</b>	Ophir General Plan		
<b>MAC Area:</b>	Newcastle/Ophir Municipal Advisory Council		
<b>Owner:</b>	Suman Christian & Felicia & Sherman Just		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
031-081-041-000	9010 WISE RD, AUBURN	F 4.6 AC. MIN.	22.30
			22.30

**SUNDANCE - SELF STORAGE II**

**PLN19-00044**

<b>Lead:</b>	Bennett Smithhart		
<b>Status:</b>	Applicant's 2nd submittal was received on 05/16/19 and is being reviewed by the Environmental Review Committee (ERC).		

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Project description subject to change without notice

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<b>Project Description:</b>	SELF STORAGE FACILITY - 96,250 SF FACILITY WITH MANAGERS UNIT, 7 BOAT AND 6 RV STORAGE SPACES.		
<b>Applicant:</b>	Timoth Alatorre		
<b>Supervisor District:</b>	District 2		
<b>Community Plan:</b>	Sunset Industrial Area Plan		
<b>MAC Area:</b>	N/A		
<b>Owner:</b>	Hwy 65 Self Storage Llc		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
017-064-003-000		BP-Dc; BP-Dc-FH	6.20
			6.20

**SUNSET AREA PLAN UPDATE/PLACER RANCH SPECIFIC PLAN EIR**

**PLN16-00341**

<b>Lead:</b>	Crystal Jacobsen		
<b>Status:</b>	Draft Environmental Impact Report (EIR) public review ended 02/22/19. Final EIR being prepared. No change since last update		
<b>Project Description:</b>	Preparation of an Environmental Impact Report for the Sunset Area Plan (SAP) and the Placer Ranch Specific Plan (PRSP).		
<b>Applicant:</b>	N/A		
<b>Supervisor District:</b>	N/A		
<b>Community Plan:</b>	N/A		
<b>MAC Area:</b>	N/A		
<b>Owner:</b>	N/A		

**TPA WAREHOUSES**

**PLN18-00484**

<b>Lead:</b>	Nick Trifiro		
<b>Status:</b>	County comments on the 2nd submittal were sent on 04/23/19. Additional information is required before an environmental determination can be made. Applicant's 3rd submittal is forthcoming.		
<b>Project Description:</b>	Two new 14,400sf warehouses with parking, landscaping and street improvements.		
<b>Applicant:</b>	Michael Kent Murphy		
<b>Supervisor District:</b>	District 1		
<b>Community Plan:</b>	Dry Creek West Placer Community Plan		

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**MAC Area:** West Placer Municipal Advisory Council

**Owner:** Pavel Tyukeyev

<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
473-040-023-000	1770 BOOTH RD, ROSEVILLE	IN-UP-Dc-SP	2.30
			2.30

**TRUCKEE RIVER CORRIDOR ACCESS PLAN**

**PCPJ 20130206**

<b>Lead:</b>	Public Works
<b>Status:</b>	Environmental Impact Report (EIR) required. Notice of Preparation (NOP) of an Environmental Impact Report (EIR) being prepared. Release of NOP for public review and comment forthcoming. No change since last update.
<b>Project Description:</b>	<p>The proposed Truckee River Access Plan will provide a continuous and coordinated system of preserved lands and habitat, with a connecting corridor of walking, in-line skating, equestrian, bicycle trails, and angling and boating access from Lake Tahoe to the Martis Valley. The project area, consisting of the Truckee River and its major tributaries, including Martis Creek, is located within the Truckee River watershed in eastern Placer and Nevada counties.</p> <p>The Access Plan will respect the natural waterways and protect the wide variety of ecological and cultural resources found throughout the Truckee River floodplain, provide compatible recreational opportunities that do not damage sensitive areas, and provide a continuous and coordinated system of preserved lands and enhanced access with a connecting corridor of trails.</p>
<b>Applicant:</b>	N/A
<b>Supervisor District:</b>	N/A
<b>Community Plan:</b>	N/A
<b>MAC Area:</b>	N/A
<b>Owner:</b>	N/A

**WHITE WOLF SUBDIVISION**

**PLN16-00433**

<b>Lead:</b>	Stacy Wydra
<b>Status:</b>	Notice of Preparation (NOP) of an Environmental Impact Report (EIR) being prepared. Release of NOP for public review and comment forthcoming. No change since last update.
<b>Project Description:</b>	38 single-family residential lots (.5-acre to 1.5-acre in size); 10,360sf clubhouse/lodge, ski resort facilities, warming hut, and ski lift on approximately 74 acres of a 460-acre property owned by applicant.
<b>Applicant:</b>	Troy Caldwell
<b>Supervisor District:</b>	District 5
<b>Community Plan:</b>	Alpine Meadows Community Plan
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council

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**Owner:** Caldwell LLC

APN	Address	Zoning	Acres
095-190-005-000	2600 ALPINE MEADOWS RD, ALPINE MEADOWS	RS PD = 8	640.00
095-190-018-000		O	94.00
095-280-030-000		RS-B-20 PD = 2	158.00
095-290-022-000		O	205.50
			<u>1,097.50</u>

**WHITEHAWK I (GRANITE BAY 17)**

**PLN15-00300**

**Lead:** Christopher Schmidt

**Status:** The Board of Supervisors certified the EIR on 04/23/19. There will be Public Hearings scheduled to consider the project at future dates.

**Project Description:** The applicant is requesting approval of a General Plan and Community Plan Amendment, Rezone, Vesting Tentative Subdivision Map, and a Conditional Use Permit to construct a 24 unit Planned Residential Development on 18.1 acres. The project site is currently vacant.

A General Plan amendment to change the designation of the site from Rural Low Density Residential (.9 to 2.3 acres per dwelling unit) and Rural Residential (2.3 to 4.6 acre minimum) to Low Density Residential (0.4 to .9 acres per dwelling unit). The applicant is also requesting a rezoning of a portion of the site from RA-B-100 PD = 0.5 (Residential Agricultural, minimum Building Site of 100,000 square feet combining Planned Residential Development of 0.5 units per acre) to RA-B-20 PD = 1.4 (Residential Agricultural, minimum Building Site of 20,000 square feet combining Planned Residential Development of 1.4 units per acre) to permit construction of 24 residential dwelling units. A 3.96 acre portion of the site along Douglas Boulevard would be rezoned to O (Open Space).

Detached, single-story residences would be constructed within individual building envelopes of approximately 4,500 to 4,875 square feet each (60' x 75' and 65' x 75'), including garages. A total of 83 off-street parking spaces are proposed, of which, 24 spaces are visitor parking spaces in four parking bays dispersed throughout the site and two or three spaces in each residence's driveway.

The project includes a 300-foot scenic setback along the south side of Douglas Boulevard along the northern edge of the site. The proposal includes 11.79 acres of open space, or 65 percent of the project site, including a .33-acre private park. The open space areas along Strap Ravine and in the scenic setback area will be encumbered by an open space protection easement. Access to the site will be from a private, gated road extending south from Douglas Boulevard, over Strap Ravine, and through the site.

It is anticipated that site development will involve partial clearing and grading of the site, trenching and digging for underground utilities and infrastructure, and ultimately the construction of new roadways, trails/pathways, driveways, buildings, and landscaping.

**Applicant:** Brian Bombeck

**Supervisor District:** District 4

**Community Plan:** Granite Bay Community Plan

**MAC Area:** Granite Bay Municipal Advisory Council

**Owner:** Folsom Oak Tree Ltd

APN	Address	Zoning	Acres
048-151-001-000		RS-AG-B-X-20	17.10
			<u>17.10</u>

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**WILSON PARCEL MAP**

**PLN19-00123**

<b>Lead:</b>	Delanie Farnham		
<b>Status:</b>	Applicant's 1st submittal was received on 05/01/19 and is being reviewed by the Environmental Review Committee (ERC).		
<b>Project Description:</b>	PROPOSAL TO DIVIDE 3.28 ACRE PARCEL INTO THREE 1+ ACRE PARCELS		
<b>Applicant:</b>	Swift Engineering		
<b>Supervisor District:</b>	District 4		
<b>Community Plan:</b>	Granite Bay Community Plan		
<b>MAC Area:</b>	Granite Bay Municipal Advisory Council		
<b>Owner:</b>	Pilling Jeanne		
<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
035-151-011-000	7420 VOGEL VALLEY RD, GRANITE BAY	RS-AG-B-40 PD = 1	3.20
			3.20

**WINERY ORDINANCE ZONING TEXT AMENDMENT**

**PCPJ 20130151**

<b>Lead:</b>	Nikki Streegan		
<b>Status:</b>	The Draft EIR was released for public review and comment on 4/19/19. The Planning Commission accepted comments on the DEIR at its meeting on 5/23/19. The Public Review Period ends on 6/10/19. No change since last update.		
<b>Project Description:</b>	The Placer County Winery Ordinance was adopted by the Board of Supervisors on August 26, 2008. Since the existing Winery Ordinance was adopted in 2008, additional concerns have been raised pertaining to issues associated with events and tasting activities that take place at wineries/breweries. Some of these issues were addressed through an update of the Event Center Ordinance, adopted on August 26, 2014. The two primary goals of the currently proposed Ordinance are to clarify what activities would be allowed in conjunction with winery/brewery uses and to streamline the permit process. To that end, the proposed Winery/Brewery Ordinance will address events and tasting activities associated with these land uses.		
<b>Applicant:</b>	N/A		
<b>Supervisor District:</b>	N/A		
<b>Community Plan:</b>	N/A		
<b>MAC Area:</b>	N/A		
<b>Owner:</b>	N/A		

**LETTER 6: SHUTE MIHALY & WEINBERGER**

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**Response to Comment 6-1**

The comment is an introductory statement and presents an overview of concerns that are expanded upon in detail in the remainder of the letter. Please see the responses below regarding specific issues raised by the commenter.

**Response to Comment 6-2**

See Master Response #2.

**Response to Comment 6-3**

The Zoning Text Amendment would not remove limits on the allowable number of Temporary Outdoor Events (TOEs). Rather, the Zoning Text Amendment would continue to refer to Section 17.56.300(B)(1)(b) of the Placer County Code, which limits TOEs to two events per year, not to exceed three days in a row, per facility. Agricultural Promotional Events allowed by the Zoning Text Amendment would not be limited in number. However, as noted on page 3-7 of the Draft EIR, each event would not be permitted to exceed 50 attendees at any given time.

Regarding the limits of the study area evaluated in this EIR, see Master Response #2.

**Response to Comment 6-4**

This comment does not address the adequacy of the Draft EIR; however, the comment will be further discussed in the staff report and provided to decision-makers for their consideration. The following is provided for further explanation of the proposed provision for an “Accessory Use – Restaurant.”

As noted in the Land Use and Planning Chapter of the Draft EIR, General Plan policy encourages crop production, value-added production, tasting and other activities that support the agricultural industry as outlined in Table 8-6 on page 8-21. Increasingly, the service of wine or craft beer with food is seen as an important component of marketing that helps support other locally-grown agricultural products and diversifies the agricultural sector. As an example, General Plan Policy 7.C.3 provides support and reads as follows,

“The County shall permit a wide variety of promotional and marketing activities for County-grown products in all zone districts where agricultural uses are authorized.”

The commenter questions how an Accessory Use – Restaurant would be determined as secondary to the primary use of the property as a winery or farm brewery. A winery or farm brewery can be established based on the definitions for these facilities and by meeting specific development standards as outlined in the proposed ordinance. Those standards outline how to establish a winery or farm brewery and are determined based on zoning, minimum parcel size, vineyard or hopyard

acreage, parking, access, hours of operation, and more. In order to recognize accessory and subordinate food preparation and service, a regulatory provision for “Accessory Use – Restaurant” has been added to the proposed Winery and Farm Brewery Ordinance. As outlined in the proposed ordinance, an “Accessory Use – Restaurant” would be allowed with approval of a Conditional Use Permit. The very purpose of a Conditional Use Permit is to allow for consideration of a use which may not otherwise be allowed as a matter of right within a zoning district. The size and scale of food preparation and service would be evaluated and conditioned through a use permit, including a determination that the use was accessory and subordinate to a permitted winery or farm brewery. First and foremost, meeting the definition and establishing a winery or farm brewery would be a requirement for Conditional Use Permit approval to ensure that a bonafide winery or farm brewery is in operation. As an example, hours of operation are stated in the proposed ordinance from 10-6pm and support for a Conditional Use Permit should be predicated on this statement of hours as a development standard in order to prevent a facility from operating as a dinner establishment.

The comment identifies lack of clarity in how an “Accessory Use – Restaurant” will be determined as incidental or accessory through the use permit process, and requests that further parameters be standardized to clarify the basis for determination. Section 17.04.030 – Definitions of the Zoning Ordinance, outlines a definition for an “Accessory Use” that sets a three-part evaluation for any winery or farm brewery proposing an “Accessory Use – Restaurant.” While crop production and the winery or farm brewery maintain the principal or main use of the property, an “Accessory Use” is defined as follows,

““Accessory Use”” means a use accessory to any principal use and customarily a part thereof, which is clearly incidental and secondary to a principal use, is significantly smaller in area than the principle use and does not change the character of the principal use.”

As such, any facility proposing the use would need to meet this definition by demonstrating that it is 1) clearly incidental or secondary to crop production or the wine/beer production, 2) smaller in area as compared to the principal use, and 3) would not change the character of the principal use. This reasoning would be outlined as part of the analysis and findings under a Conditional Use Permit for all wineries or farm breweries that propose accessory restaurant uses.

The commenter also questions verification of compliance with the Code and consequences of non-compliance. Section 17.62 of the Placer County Code outlines compliance and enforcement and Response to Comment 5-8 outlines the Code compliance process. In instances where a compliance issue may be in question, an operator is subject to a review and examination of the issue and issuance of citations, fines, and revocation of use permit as a result of a code compliance violation.

#### **Response to Comment 6-5**

See Master Response #1.

#### **Response to Comment 6-6**

See Master Response #1.



### **Response to Comment 6-7**

As noted previously, the exact locations of future wineries and farm breweries that may be developed within Placer County are not known at this time. As such, the physical setting of such facilities cannot be described in exact terms. Rather, given the broad geographic area that would be covered by the Zoning Text Amendment, the Draft EIR focuses descriptions of the existing environmental setting on existing study facilities, as well as the winery/farm brewery sub-regions in which future facilities are most likely to be developed based on established trends. Additional discussion of the County's decision to focus the analysis within the EIR on the winery/farm brewery sub-regions within Western Placer County is provided Master Response #2.

### **Response to Comment 6-8**

As discussed in Master Response #1, the Draft EIR is not required to evaluate the effects countywide of development of wineries and farm breweries; thus, the Draft EIR does not fail to conduct such an analysis. To the limited extent that sensitive resources might be impacted by ground disturbance induced by the proposed Zoning Text Amendment, such as temporary and/or permanent parking, these effects are evaluated in Chapters 6 (Biological Resources) and 12 (Cumulative Impacts) of the Draft EIR.

### **Response to Comment 6-9**

Existing wineries are not currently located along any of the roadways generally referenced by the commenter. While future wineries/farm breweries could potentially be developed along such rural roadways, additional by-right events allowable at the future facilities under the Zoning Text Amendment would produce isolated effects, as discussed on page 3-22 of the EIR. The roadways east of Auburn are too disparate from the roadways in the winery/farm brewery sub-regions, where future growth is reasonably expected to be concentrated,<sup>6</sup> such that traffic east of Auburn could combine with traffic from facilities in these sub-regions to create a significant cumulative effect.

It should also be noted, as discussed in Master Response #2, existing population centers within the unincorporated County have very few parcels with the proper zoning to accommodate by-right development and operation of future facilities. The population centers and immediate environs are dominated by Residential-Agriculture zoning, wherein any winery or farm brewery would require a MUP and site-specific environmental review by the County.

### **Response to Comment 6-10**

Approval of the proposed Zoning Text Amendment would not result in the potential for higher intensity of use on all lands zoned RA and RF. The Draft EIR clearly states (see footnote 5 on page 3-8) that wineries in RA and RF zones are currently subject to an ARP; and under the proposed Zoning Text Amendment, wineries and farm breweries in these residential zones would be subject to a MUP. As wineries in these two residential zones would continue not to be permitted by right;

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<sup>6</sup> Per Table 3-3 of the EIR, these sub-regions consist of North Wise Road, South Wise Road, Newcastle/Ophir, Northwest Auburn, and Horseshoe Bar/Penryn.

they are not discussed further in the DEIR given that they would be subject to site-specific environmental review by the County during its review of each MUP application.

With respect to AE, F, and FOR-zoned properties, the existing setting sections throughout the Draft EIR are not required to describe all of the properties zoned as such throughout the County, for the following reason. If the proposed Zoning Text Amendment is approved by the Placer County Board of Supervisors, the potential immediate/near-term effects upon the existing environment would be restricted to changes in operations at existing wineries and farm breweries where events would be permitted by-right (i.e., on parcels over 10 acres in AE, F, and FOR zones). There would be no immediate effect upon other lands zoned AE, F, and FOR throughout the unincorporated areas of the County, for reasons set forth in Master Response #1 – i.e., the proposed Zoning Text Amendment would not induce development of new facilities.

#### **Response to Comment 6-11**

See Master Response #1.

#### **Response to Comment 6-12**

See Master Response #2.

#### **Response to Comment 6-13**

Contrary to the comment, the Draft EIR does not fail to evaluate the potential for the proposed project to expose people or structures to a significant risk of loss, injury, or death involving wildland fires. See Responses to Comments 5-45 and 5-49.

#### **Response to Comment 6-14**

Specific standards and thresholds for assessing the significance of impacts related to emergency response and wildfire evacuation are provided on pages 1-6 through 1-8 of the Draft EIR, and are consistent with Appendix G of the CEQA Guidelines, which are industry standard thresholds used by jurisdictions to evaluate wildfire risk. For example, page 1-6 states the following:

The new Wildfire section (XX) of the updated CEQA Guidelines Appendix G has been added in response to Senate Bill 1241. The Wildfire section includes the following checklist questions:

If located in or near state responsibility areas (SRAs) or lands classified as very high fire hazard severity zones (FHSZ), would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan;
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other

- utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

See Response to Comment 5-45 for additional detail regarding the Draft EIR's wildfire analysis. Furthermore, as discussed in Master Response #1, the Draft EIR is not required to analyze the physical environmental impacts associated with future development of wineries/farm breweries. Rather, the EIR focuses on the potential physical environmental impacts associated with the ability to conduct additional by-right events under the Zoning Text Amendment.

### **Response to Comment 6-15**

As discussed in Master Response #1, the Zoning Text Amendment does not contain any changes that would induce development of new wineries or farm breweries within the unincorporated portions of the County. Thus, the Draft EIR is not required to evaluate development of future facilities. At time of submittal of any future development applications for wineries and farm breweries, the County would review the building plans to ensure that the proposed event spaces are not located in areas where wildfire risk could be exacerbated.

### **Response to Comment 6-16**

See Responses to Comments 6-13 through 6-15.

### **Response to Comment 6-17**

All the development standards of the proposed Zoning Text Amendment, including access standards, minimum parking requirements, and compliance with Placer County Code Article 9.36 (Noise Ordinance), apply to facilities proposed throughout the county.

Access standards for noncounty-maintained roads, per Section 17.56.330 (2)(b)(i) of the proposed Zoning Text Amendment, read as follows,

An encroachment permit shall be required to address County Land Development Manual ingress, egress, and sight-distance engineering design standards and serving Fire District requirements where the non-County maintained road connects to a County Maintained road, and if the applicable standards are not already met.

This development standard is identical to the one proposed for access off of a county-maintained road. As such, the requirements for safe ingress, egress, etc. per the County Land Development Manual are equally imposed.

Regarding the comment about traffic congestion on private roadways, it is important to note that Placer County traffic operational analysis requirements and methodologies of assessment apply to the intersections of public roads. The LOS occurring at private driveways are not considered to be

an impact significance criterion. Thus, information regarding the operation of private access drives has not normally been included in traffic studies prepared for projects in Placer County.

With respect to the comment about traffic noise on private roadways associated with wineries/farm breweries, this is addressed in Impact 9-2 of the EIR, and was determined to be less than significant.

### **Response to Comment 6-18**

The commenter's statement that the analysis of noise impacts is limited to the vicinity of existing wineries and farm breweries is incorrect. As noted in the second paragraph of Section 9.1 of the Draft EIR (Introduction), "Potential cumulative noise effects associated with future wineries and farm breweries that would be subject to the proposed Zoning Text Amendment are addressed in Chapter 12, Cumulative Impacts and Other CEQA Sections, of this EIR." The future/cumulative noise analysis contained in Chapter 12 assesses the potential environmental effects of by-right events at existing facilities plus up to 30 future facilities within the western region of the County, as discussed in detail in Master Response #2. In addition, Impact 9-1 specifically evaluates impacts related to off-site traffic noise on roadways located throughout the project study region, not just in the immediate vicinity of existing wineries and farm breweries.

It should be noted that as shown in Table 3-1 of the Draft EIR, facilities within residential and agriculture and resource zone districts (RA, RF, AE, F, and FOR) would require a CUP or MUP on parcel sizes between 4.6 and 10 acres. The County would conduct additional environmental review, including analysis of potential noise issues, prior to approval of future use permits. Thus, this EIR does not include analysis of potential environmental impacts at such facilities.

### **Response to Comment 6-19**

The purpose of the Draft EIR is to evaluate impacts related to the proposed Zoning Text Amendment. Page 9-25 of the Draft EIR specifically states the following with respect to events held at Placer County wineries and farm breweries:

"The proposed Zoning Text Amendment does not affect the protection provided to the nearby residences by continuing to require that all events maintain compliance with the Noise Ordinance or more restrictive Auburn/Bowman Community Plan standards.

However, while increases in the allowable noise generation of events is not included in the proposed Zoning Text Amendment, the addition of "weddings" as a type of Special Event would introduce a new type of noise source which could potentially generate more noise than other types of Special Events."

Because of the addition of weddings as a special event within the proposed Zoning Text Amendment, additional analysis and discussion of the potential impacts related to weddings in the Draft EIR was warranted. Because other events currently occurring at wineries and farm breweries are already allowable under the existing Winery Ordinance and required to fully comply with the Placer County Noise Ordinance or Auburn Bowman Community Plan noise standards, analysis of

such events at a similar level of detail as weddings was not warranted. Nonetheless, all events occurring at wineries or farm breweries are required to comply with the applicable County noise standards, including Agricultural Promotional Events (fewer than 50 people), and Special Events, including weddings, (greater than 50 people). It should be noted that the “Grape Days of Summer” event referenced by the commenter is not considered a Special Event, as defined in the Zoning Text Amendment (see page 3-6 of the Draft EIR) and, thus, is not evaluated in this EIR. Grape Days of Summer is permitted separately with a TOE Permit; and the proposed Zoning Text Amendment does not change the requirements for TOEs.

### **Response to Comment 6-20**

As noted in Response to Comment 6-19 above, all events are required to comply with the applicable noise standards of Placer County. However, not all events generate equal levels of noise. Table 9-10 of the Draft EIR indicates the range of sound levels which can generally be expected to result from various activities occurring during events. For example, 50 persons engaged in conversations using raised voices would generate a typical sound level of 57 A-weighted decibels (dBA) at a distance of 50 feet from those conversations, whereas amplified speech and music at a 200-person wedding reception can be expected to generate levels of approximately 75 dBA at that same distance. The 18 dB difference in sound levels between the sources represents a 63-fold increase in acoustical energy. Because the smaller Agricultural Promotional Events generate far lower sound levels than the typical wedding, and because measurements of typical Special Events (not including weddings), indicated such events were within compliance with County regulations, requirement for special permits for Agricultural Promotional Events and typical Special Events is not warranted. However, because weddings represent a new type of event which could be held at wineries and farm breweries, such events would trigger the requirement for an acoustical analysis to ensure appropriate noise mitigation measures are included during the wedding events to maintain satisfaction with County noise standards.

As noted previously, all events must comply with the County’s noise standards. If an event is within compliance with such standards, a legal mechanism for requiring sound amplification equipment and speakers to be located indoors within a permanent building or structure does not exist.

### **Response to Comment 6-21**

Chapter 12 of the Draft EIR is dedicated to evaluation of potential cumulative impacts associated with the Zoning Text Amendment, including cumulative effects associated with an increased number of events at both existing and up to 30 future wineries and farm breweries. As stated on page 3-13 of the Draft EIR, the EIR reasonably assumes that 210 events would occur annually at *each* existing and future winery/farm brewery (rather than a total of 202 events for all facilities, as the commenter appears to believe). These assumptions are clearly described in the Draft EIR, along with the supporting data and research (e.g., see Framework of EIR Analysis section on pages 3-11 through 3-22).

It should be noted that the commenter incorrectly states that medium- and large-sized parcels zoned rural residential (RA and RF) would be able to hold an unlimited number of Agricultural

Promotional Events and up to 12 Special Events under the Zoning Text Amendment. As shown on Table 3-1 of the Draft EIR, wineries and farm breweries on such parcels would require County approval of a CUP or MUP, thereby necessitating future environmental review.

### **Response to Comment 6-22**

TOEs are not a new event type under the Zoning Text Amendment and, thus, are not evaluated in this EIR. Furthermore, TOEs are not permitted by-right under the current Winery Ordinance or the proposed Zoning Text Amendment; rather, in order to host such events, the winery/farm brewery owner/operator would be required to obtain a separate TOE Permit from the County.

### **Response to Comment 6-23**

Page 12-44 of the Draft EIR states the following regarding cumulative growth assumptions:

In the case of the winery/farm brewery sub-regions, the study area is generally addressed by the original Placer County regional travel demand forecasting model, as well as subsequent models derived from the Placer County model and created for the North Auburn area, the City of Lincoln, and the Town of Loomis. Such models account for the regional effects of development throughout the SACOG multi-county region. Each model includes known development projects in the County and reflects development that is consistent with adopted General Plans.

Because the winery/farm brewery sub-regions are rural with relatively limited development prospects, Placer County staff reviewed model results and the configuration of each model with regard to the level of detail provided and the reliability of forecasts to determine the best approach for this analysis. Placer County staff also reviewed available traffic studies and Caltrans planning documents and compared traffic model results to historic traffic volume counts on study area roads. Based on the results of the aforementioned review process, Placer County staff determined that the best approach yielding conservative results, while incorporating the effects of growth in all jurisdictions, would assume a uniform annual growth rate of 2.0 percent on each roadway segment. The resulting 20-year growth factor (i.e., 1.49) has been applied to the traffic volume on each roadway and at study intersections.

As further stated on pages 12-44 and 12-45, traffic associated with development in the City of Lincoln, the City of Rocklin, and projects south of State Route (SR) 193, such as Bickford Ranch, the Village at Loomis, and Loomis Costco, are reflected in the background growth rate discussed above. Traffic associated with the Hidden Falls Regional Park Expansion and the Sierra College Boulevard/SR 193 Retail Center was considered in addition to the background growth rate. Based upon the above, it can be concluded that the background growth rate formulated for the cumulative traffic analysis, based upon available data, adequately accounts for reasonably foreseeable traffic, including traffic from those projects on the “Placer County Active CEQA Projects” list, included as Attachment A to Letter 6, that have the potential to contribute traffic to the study area roadways.

### **Response to Comment 6-24**

Potential cumulative impacts related to air quality and noise are evaluated in Impacts 12-2 and 12-7, respectively, of the Draft EIR. The cumulative traffic noise analysis is based upon the cumulative traffic volumes developed for the Zoning Text Amendment Traffic Impact Analysis; thus, as discussed above, the volumes accounts for reasonably foreseeable traffic attributable to known projects in the vicinity of study roadways. For air quality, cumulative operational emissions were based on mobile-source emissions associated with cumulative winery growth through 2040. The emissions modeling accounted for the vehicle trip generation assumptions presented in Chapter 10, Transportation and Circulation, of the Draft EIR.

### **Response to Comment 6-25**

Cumulative impacts related to water supply and groundwater are evaluated in Impact 12-11 of the Draft EIR. As discussed on page 1-9 of the Draft EIR, the types of events anticipated to occur at existing and future study facilities would not be expected to result in the degradation of surface water quality, including the watershed of important surface water resources, nor increase the rate or amount of surface runoff. With regard to impacts to groundwater quality, see Responses to Comments 2-13 and 13-8.

Therefore, the Initial Study prepared for the Zoning Text Amendment concluded that a less-than-significant impact related to stormwater runoff and flooding issues would occur. It is noted that the comment erroneously refers to an IS/MND. The Initial Study checklist prepared for the project, and included as Appendix C to the Draft EIR, was used to focus the content of the EIR onto those issues where the project may have a significant effect.

### **Response to Comment 6-26**

See Master Response #1. Contrary to the comment, the analysis of growth-inducing impacts provided in the Draft EIR, beginning on page 12-62, does more than rely on the approach that growth would occur within areas where existing wineries and farm breweries are located. As stated on page 12-63 of the Draft EIR:

The proposed Zoning Text Amendment would not require or result in the extension of major public infrastructure. As noted in Chapter 11, Utilities and Service Systems, of this EIR, study facilities within the County could be required to install new public water well systems in order to accommodate the increased number of Agricultural Promotional Events and Special Events allowable by right under the proposed Zoning Text Amendment; however, such wells would be sized to serve individual facilities, and would be financed by each facility owner. Consequently, the construction of on-site water infrastructure would not be anticipated to result in elimination of obstacles to population growth, and a less-than-significant impact would occur.

As further discussed on page 12-64:

As discussed in the Initial Study prepared for the proposed project (see Appendix D), physical improvements to existing fire and police facilities or construction of new facilities



would not be required in order to accommodate the increased number of Agricultural Promotional Events and Special Events that would be allowable by right under the proposed changes to the Winery Ordinance. Furthermore, the proposed Zoning Text Amendment would not increase demand on schools, parks, or other governmental facilities to the extent that additional facilities would be required, the construction of which could cause physical environmental effects. In addition, as discussed in Chapter 11, Utilities and Service Systems, of this EIR, only one of the existing study facilities, Casque at Flower Farm, currently receives public water and sewer service; all other study facilities are served by on-site wells and septic systems. As noted in Chapter 11, the additional events occurring under the proposed Zoning Text Amendment would not result in the construction of new or expanded water and wastewater infrastructure.

Therefore, growth associated with the proposed Zoning Text Amendment would not adversely affect service levels, facility capacity, or infrastructure demand such that significant environmental impacts would occur.

Therefore, the growth-inducement discussion presented in the Draft EIR is consistent with the requirements of Section 15126.2[d]) of the CEQA Guidelines.

#### **Response to Comment 6-27**

See Master Response #1, and Response to Comment 6-15 above. Also, as a point of correction, the proposed Zoning Text Amendment would not increase the number of TOEs. The proposed Zoning Text Amendment would not change the regulations for TOEs, which are addressed in a separate ordinance. Furthermore, TOEs are not permitted by-right under the current Winery Ordinance or the proposed Zoning Text Amendment; rather, in order to host such events, the winery/farm brewery owner/operator would be required to obtain a TOE Permit from the County.

#### **Response to Comment 6-28**

The comment summarizes the requirements for alternative analysis per CEQA, but does not specifically address the adequacy of the Draft EIR.

#### **Response to Comment 6-29**

See Master Response #2 regarding the County's decision to evaluate concentrated growth of future study facilities within the winery/farm brewery sub-regions. Specific issues raised by the commenter related to the selection of alternatives is provided in the responses below.

#### **Response to Comment 6-30**

While none of the alternatives analyzed in the Draft EIR would substantially reduce a majority of the significant environmental impacts identified for the proposed project, the CEQA Guidelines do not require such an analysis. Rather, as stated in CEQA Guidelines Section 15126.6(a), "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project [...]"

The Reduced Intensity Alternative would allow for a total of only 59 event days, versus an assumed total of 105 event days under the proposed Zoning Text Amendment. As summarized in Table 13-4 of the Draft EIR, the Reduced Intensity Alternative would result in fewer overall environmental impacts compared to the proposed project. For example, as shown in Table 13-2, the Reduced Intensity Alternative would reduce overall water demand at existing and future study facilities by 2.07 million gallons per year (mgy) compared to the proposed Zoning Text Amendment.

### **Response to Comment 6-31**

Similar to the Reduced Intensity Alternative, the Wedding CUP Alternative would also result in fewer overall environmental impacts compared to the proposed project. Thus, both alternatives evaluated in the EIR are capable of substantially lessening significant effects of the project, consistent with the requirements of CEQA Guidelines Section 15126.6(b).

As stated on page 13-6 of the Draft EIR, due to the fact that the Wedding CUP Alternative would result in fewer impacts, such that mitigation measures identified for the proposed project related to noise would not be necessary, whereas the Reduced Intensity Alternative would still require all the same mitigation measures as the proposed project, the Wedding CUP Alternative would be considered the environmentally superior alternative.

### **Response to Comment 6-32**

See Response to Comment 6-31. In addition, since release of the Draft EIR for public review, an inadvertent typographical error has been detected in Section 13.4, Environmentally Superior Alternative, of the Draft EIR, the correction of which will demonstrate the adequacy of the Draft EIR's discussion regarding the environmentally superior alternative. On Page 13-16 of the Draft EIR "one" is changed to "none" as shown below:

With regard to selection of an environmentally superior alternative, Practice Under the California Environmental Quality Act, Second Edition, Vol. 1, states the following:<sup>7</sup>

On the basis of the rule that an EIR should include sufficient information to allow a "meaningful evaluation, analysis, and comparison" with the project (15126.6(d)), when none of the alternatives is clearly environmentally superior to the project, it should be sufficient for the EIR to explain the environmental advantages and disadvantages of each alternative in comparison with the project.

Given that the Wedding CUP Alternative and the Reduced Intensity Alternative would result in generally similar environmental impacts, neither alternative is clearly environmentally superior to the other. However, due to the fact that the Wedding CUP Alternative would result in fewer impacts such that mitigation measures identified for the proposed project related to noise would not be necessary, whereas the Reduced Intensity Alternative would still require all the same mitigation measures as the proposed project,

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<sup>7</sup> Kostka, Stephen L. and Zischke, Michael H. *Practice Under the California Environmental Quality Act, Second Edition, Vol. 1* [pg. 15 to 43]. Updated March 2018.

the Wedding CUP Alternative would be considered the environmentally superior alternative.

This section of the EIR, then, acknowledges that there is not always a clear environmentally superior alternative to a proposed project, as is the case with the proposed Zoning Text Amendment. Furthermore, while there is no clear environmentally superior alternative to the proposed project, it does not follow that this means the two alternatives result in impacts so similar to the project. The requirement under CEQA is for an alternative to avoid or substantially lessen one or more of the significant effects. The alternatives selected for the proposed project accomplish this requirement.

### **Response to Comment 6-33**

Per CEQA Guidelines Section 15126.6(a), “An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.” Section 15126.6(c) further states that “The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” As described on page 13-1 of the Draft EIR, the alternatives evaluated in an EIR must be able to feasibly attain most of the basic objectives of the project. Per CEQA Guidelines Section 15126.6(c), an EIR may dismiss consideration of alternatives due to (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts. Page 13-6 of the Draft EIR states the following:

Regarding item (ii), infeasibility, among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

As stated on page 3-4 of the Draft EIR, “[...] the policy focus of the proposed Zoning Text Amendment is to preserve and protect farmland while also enhancing the economic viability of Placer County’s agricultural operations and supporting the tenets of agri-tourism, which is a type of tourism that brings visitors directly to a farm or ranch. The Zoning Text Amendment is intended to balance the needs of various stakeholder groups and support the core principle that the primary use of the property is to cultivate and process agriculture in order to make a locally grown and value-added product.”

Many of the alternatives proposed by the commenter would restrict the ability of local wineries and farm breweries to host events that are considered an important part of the business model by the industry and important for the economic viability of the facilities. For example, requiring discretionary permits for all events at existing and future study facilities, would limit the ability of

such facilities to conduct activities that are considered a component of the marketing program for value-added agricultural products and regular operations.

While the commenter suggests that properties interested in hosting Agricultural Promotional Events and Special Events maintain a higher amount of land in agricultural production, the commenter does not sufficiently justify why the existing one-acre minimum requirement for existing facilities is insufficient. Furthermore, the Zoning Text Amendment would already increase the minimum required acreage of planted crops to two acres for future wineries and farm breweries. Consideration of such an alternative would not avoid any of the significant environmental impacts of the proposed project and, thus, would not provide meaningful analysis.

In addition, the commenter again implies that the Zoning Text Amendment would increase the number of TOEs permitted at each facility. As discussed under Response to Comment 6-3 above, the Zoning Text Amendment would not remove limits on the allowable number of TOEs. Such events would continue to be limited to two per year, not to exceed three days in a row, per facility, as permitted under the current Winery Ordinance. With regard to limitations on outdoor amplified sound systems, all events must comply with the County's noise standards. If an event is compliant with such standards, a legal mechanism for requiring sound amplification equipment and speakers to be located indoors within a permanent building or structure does not exist.

#### **Response to Comment 6-34**

The comment is a concluding statement. As described in the responses above, the Draft EIR sufficiently analyzes implementation of the Zoning Text Amendment, consistent with CEQA Guidelines. Suggestions to revise the Zoning Text Amendment do not directly address the adequacy of the Draft EIR and, thus, are not addressed herein.

#### **Letter 6, Attachment A**

Attachment A is a list of active projects in Placer County, which is addressed in Response to Comment 6-23.

**Letter 7**

**Shirlee Herrington**

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**From:** Cheryl Berkema <cheryl.berkema@gmail.com>  
**Sent:** Monday, June 10, 2019 5:00 PM  
**To:** Shirlee Herrington  
**Subject:** Winery ordinance

Hello Shirlee,

Please accept my comments on the Winery Ordinance.

The DEIR has multiple deficiencies.

- 7-1 1. The scope of the document does not include current proposed wineries such as the Sehr Winery in Granite Bay.
- 7-2 2. Mitigations such as code enforcement have not been identified as feasible nor funded
- 7-3 3. The definition of events has not clearly been established by the DEIR.
- 7-4 4. The economic need, revenue for the count, jobs produced and costs to the county have not been established in the DEIR.
- 7-5 5. The traffic impacts, costs for road improvements, availability of emergency services have not been established by the DEIR
- 7-6 6. The impact to Sewer, impacts to septic, have not been established
- 7-7 7. The project definition has not been properly established- what map delineates the wineries?
- 7-8 8. The event ordinance was established 2 years ago. The reasons for needing an update and not following the ordinance have not been justified.
- 7-9 9. Water supply has not been established as sufficient
- 7-10 10. Public input is needed for impacts to rural residents. More time and redistribution is needed

thank you,  
Chery Berkema

**LETTER 7: CHERYL BERKEMA**

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**Response to Comment 7-1**

The proposed Sehr Winery is located on a property zoned Residential-Agriculture. Thus, the proposed winery would require County approval of a MUP under the provisions of the proposed ordinance. Given that separate environmental review would be conducted prior to approval of the MUP, future events occurring at Sehr Winery do not require analysis in this EIR. See Response to Comment 5-15.

**Response to Comment 7-2**

Please see Response to Comment 5-8 regarding code compliance. Code compliance and enforcement is already a requirement governed by Article 17.62 of the Placer County Government Code and therefore is not required as a mitigation measure.

**Response to Comment 7-3**

Chapter 3, Project Description, of the Draft EIR on pages 3-6 and 3-7, provides a discussion of the definition of “event” under the proposed Winery and Farm Brewery Zoning Text Amendment. The commenter’s opinion that the definition has not been clearly established is otherwise not a comment on the adequacy of the Draft EIR because physical effects from the number of attendees, quantity, and type of event were taken into consideration as it relates to a number of resource areas including biological, cultural, noise, traffic and more. The comment has been forwarded to the decision-makers regarding the request for more clarity.

**Response to Comment 7-4**

The comment addresses economic and social effects, which shall not be treated as significant effects on the environment, pursuant to CEQA Guidelines Section 15131 (see also Section 15382).

**Response to Comment 7-5**

Chapter 10, Transportation and Circulation, of the Draft EIR discusses the existing transportation network, and analyzes the potential for additional by-right events enabled by the proposed Zoning Text Amendment to generate additional vehicle trips on area roadways. As analyzed, the proposed Zoning Text Amendment would not result in any significant impacts to area roadways or intersections under Existing Plus Project conditions. In addition, as analyzed in Impact 10-3, the proposed Zoning Text Amendment would not result in inadequate emergency access to nearby uses. The only significant and unavoidable impact identified in the Draft EIR is Impact 12-10, Study intersections under Cumulative Plus Project Conditions, specifically related to the SR 49/Cramer Road intersection.

Furthermore, the Initial Study prepared for the proposed project analyzed the results of the proposed Zoning Text Amendment on the availability of public services such as Police and Fire Protection. The CEQA question specifically addressed in the Initial Study is whether the project

would “result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.” The analysis within the Initial Study determined that any future increase in events resulting from the proposed Zoning Text Amendment would not result in increased demand on fire service providers or the Placer County Sheriff’s Office such that construction of new facilities would be required. As such, impacts related to traffic, emergency access, and emergency services would not be considered significant.

### **Response to Comment 7-6**

Chapter 11, Utilities and Service Systems, of the Draft EIR, provides a detailed discussion of the impacts related to wastewater treatment of the proposed Zoning Text Amendment, including septic systems. As discussed on page 11-15 of the Draft EIR, of the nine existing study facilities which are not connected to a public sewer system, five include septic tanks greater than or equal to 1,250 gallons, and thus, could accommodate the peak wastewater flows generated by a maximum attendance event that could occur under the Zoning Text Amendment. The remaining four facilities that do not have septic systems capable of accommodating the maximum attendance event allowable under the proposed Zoning Text Amendment would either limit attendance based on the capacity of the existing septic system or provide portable toilets on-site during events. The determination of Impact 11-1, on page 11-16, is as follows:

#### Conclusion

Based on the above, the additional wastewater generation that could occur at the existing study facilities as a result of the proposed Zoning Text Amendment would either be accommodated by existing wastewater treatment systems or, for facilities which do not include sufficiently-sized septic systems, be managed in accordance with the facilities’ existing limitations. As noted previously, it is in the best interest of the owners of such facilities to manage events proportional to the limitations of their wastewater systems; if a commercial septic system fails, the public is prohibited from entering the site until adequate repairs are made and safety of the site is restored. Therefore, the proposed project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments, and a *less-than-significant* impact would result.

### **Response to Comment 7-7**

A detailed project overview, including definitions of terminology and descriptions of project components, is contained in Chapter 3, Project Description, of the Draft EIR. In addition, Figure 3-2 illustrates the future anticipated winery and farm brewery growth sub-regions.

### **Response to Comment 7-8**

This comment does not address the adequacy of the Draft EIR, but it is noted that pages 3-1 and 3-2 of Chapter 3, Project Description, of the Draft EIR, provide the background information related to the previous Ordinance and the rationale behind the proposed Zoning Text Amendment.



### **Response to Comment 7-9**

Impact 11-3 in Chapter 11, Utilities and Service Systems, of the Draft EIR, as well as Impact 12-11 in Chapter 12, provide an analysis of the total net increase in water usage anticipated with the proposed Zoning Text Amendment. As determined in the Draft EIR, sufficient water supplies would be available to serve the additional by-right events that could occur at existing and future study facilities with implementation of the proposed Zoning Text Amendment.

### **Response to Comment 7-10**

CEQA Guidelines Section 15105 states the following regarding the required public review period for a Draft EIR:

- (a) The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

Based on the above, the 52-day public review period provided for the Draft EIR is consistent with CEQA Guidelines Section 15105.

## Letter 8

**Shirlee Herrington**

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**From:** Larissa Berry <lzberry@peoplepc.com>  
**Sent:** Monday, June 10, 2019 12:30 PM  
**To:** Placer County Environmental Coordination Services; Nikki Streegan  
**Cc:** Marilyn Jasper; defendgb@gmail.com; GBCA; AEL-Leslie Warren  
**Subject:** Comments on Winery and Farm Brewery Zoning Text Amendment (PCPJ 20130151)

Ms. Streegan,

Please accept my comments on Winery and Farm Brewery Zoning Text Amendment (PCPJ 20130151)

8-1

- 1) 1) The DEIR is deficient since cumulative analysis of impacts are focused only on existing facilities. The DEIR must include all proposed projects (ie, Sehr Winery in Granite Bay) as well as potential growth when analyzing cumulative impacts including but not exclusive of traffic, noise, loss of biological resources, land use, health and safety issues, hydrology, sewer, water and aesthetics.

8-2

- 2) 2) The DEIR lacks clarity and has internal conflicts regarding the Project Location (3.2).

- a. The DEIR states the project applies to the "unincorporated portions" of Placer County and contradicts this statement by identifying/analyzing a restricted portion of the County "All of the existing wineries and current and pending farm breweries are located in the western-central portion of the County." This statement of fact is substantiated with contradictory evidence since there are proposed wineries in the eastern portion of Placer County (i.e. Sehr Winery, Granite Bay)

8-3

- b. The DEIR fails to adequately analyze impacts of future growth in the Eastern portion of the County since a reasonable person can make the argument that rural areas to be significantly impacted run along traffic corridors with unacceptable traffic LOS: Sierra College, Cavitt Stallman, Douglas Blvd.

- i. Key roads such as King Road and Barton must be included since it is fair argument to state that these corridors have the potential to handle significantly larger volumes of traffic due to increased number of facilities and events.

8-4

- c. The DEIR fails to delineate consistently the "western-central portion" either verbally or graphically.

8-5

- d. The DEIR fails to address environmental impacts for ALL of unincorporated Placer County since "...the geographic study area of this EIR is appropriately focused on the areas of western Placer County". Does this limit the Ordinance to ONLY Western Placer County or is it to be utilized across all of Placer County? If the ordinance is Unincorporated Placer County wide, then it is a fair argument to state that impacts across all portions of the County must be taken into consideration, specifically, areas outside of Western Placer County to determine that Significant impacts can be mitigated to a less that significant level. Therefore a analysis county wide must be completed and recirculated.

**Letter 8  
Cont'd**

**8-6**

i. CEQA Guidelines Section 15126.2(a) states that the projects impacts must be analyzed across the entire project not a subset such as the Western portions of the county. "(h) The lead agency must consider the **whole of an action, not simply its constituent parts**, when determining whether it will have a significant environmental effect. (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151)" The DEIR has failed to analyze ALL of the unincorporated areas within PC.

**8-7**

3) <sup>3)</sup> The DEIR fails to explain how the conversion of Agriculture land to commercial not agricultural uses impacts the County Goal of promoting Agriculture and farming. The DEIR must address how an "EVENT" is by definition an agricultural use.

**8-8**

4) <sup>4)</sup> The DEIR fails to provide substantial evidence that Rural Placer county is a "tourist" destination. Without substantial evidence and economic analysis of hotels and restaurants to support and promote this Agri-tourism, the statement is speculative and lacks required CEQA definition.

**8-9**

5) <sup>5)</sup> The DEIR statement that impacts are less than significant and "would not directly induce the development of additional medium or large wineries/farm breweries, as such facilities area already permitted by right in certain zones [and zones are not being expanded]" is not substantiated with evidence only statement of fact. This needs to be addressed as well as the cumulative impacts on unrestricted events with 50 people or less at any one time.

**8-10**

a. The DEIR fails to address the "expanded" **usage** (emphasis added) of "events" which accommodate 50 people or less **at any one time**". The original proposal was to allow Agricultural promotional events a certain number of times per year. The DEIR must further clarify if these include weddings, parties, corporate events or if these are truly agricultural promotional events.

**8-11**

i. Are wine tasting rooms considered agricultural promotion events or a commercial enterprise? If considered promotion, are there restrictions on serving food and constructing on-site commercial kitchens?

**8-12**

ii. A reasonable person can draw the conclusion that without a maximum number of events allowed per parcel, per center, per day, per week or some upper threshold, it is impossible to calculate the full impacts since the upper limit is not defined. Mitigation measures must be re-calculated based on a "known value" not "infinite". As such, the DEIR has not fully determined that all impacts for traffic, noise, health and safety, emergency response, Greenhouse Gas and others can be mitigated to a less than significant level.

iii. The DEIR has failed to disclose in a transparent fashion to the public the true impacts of this ordinance. The rights of the adjacent parcels may be permanently harmed financially and personal usage with little recourse for enforcement since the DEIR has failed to provide a mechanism of code enforcement.

Respectfully,

Larissa Berry

**LETTER 8: LARISSA BERRY**

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**Response to Comment 8-1**

See Master Response #1 and Responses to Comments 5-7 and 7-1.

**Response to Comment 8-2**

See Master Response #2.

**Response to Comment 8-3**

See Master Response #2. In addition, as shown in Figure 3-3 of the Draft EIR, the area in and around the locations/roadways referenced by the commenter are zoned Residential-Agriculture, wherein any winery or farm brewery would require a MUP and separate site-specific environmental review by the County.

**Response to Comment 8-4**

See Response to Comment 5-14.

**Response to Comment 8-5**

See Master Response #2.

**Response to Comment 8-6**

See Master Response #2.

**Response to Comment 8-7**

Page 8-22 of the Draft EIR states the following regarding consistency with General Plan Policy 7.A.10:

The proposed Zoning Text Amendment would continue to promote cultivation of grapes and hops, as well as production of wine and beer, as the primary use associated with winery/farm brewery operations within the County. Per Section 17.10.010 of the Placer County Code, the ‘F’ zone district, within which eight of the ten study facilities are located, is intended to “provide areas for the conduct of commercial agricultural operations that can also accommodate necessary services to support agricultural uses...”. Per Section 17.08.010 of the Placer County Code, wineries are considered ‘agricultural/resource/open space uses’. Furthermore, per Section 17.04.030 of the Placer County Code, wineries and associated uses are considered ‘agricultural processing’ uses. Events at winery/farm brewery facilities are considered ‘necessary services’ by the owners/operators in terms of their importance in financially supporting on-site agricultural uses. It is noted that the proposed project would amend the County’s definition of agricultural processing to include farm breweries. Thus, the additional events enabled by the proposed Zoning Text

Amendment would help to increase the financial viability of winery/farm brewery agricultural operations and, thus, consistent with the intended uses of the F zone district, would support local agricultural production.

As such, these events play an important part in the business model by the industry in terms of financially supporting and playing a subordinate role to the agricultural uses. Based on the above, events occurring under the Zoning Text Amendment may be considered subordinate and allowable agricultural uses.

### **Response to Comment 8-8**

The comment does not address the adequacy of the Draft EIR, and has been forwarded to the decision-makers for their consideration.

### **Response to Comment 8-9**

See Master Response #1 regarding induced development of future wineries/farm breweries. Regarding cumulative impacts on unrestricted events with 50 people or less at one time, this analysis is provided in Chapter 12, Cumulative Impacts and Other CEQA Sections, of the Draft EIR.

### **Response to Comment 8-10**

The Zoning Text Amendment differentiates between two types of allowable events: Agricultural Promotional Events and Special Events. As defined on page 3-6 of the Draft EIR:

*An “Agricultural Promotional Event” is directly related to the education and marketing of wine and craft beer to consumers including but not limited to winemaker/brewmaster dinners, pick-up parties, release parties, and membership club parties. An Agricultural Promotional Event accommodates 50 people or less at one time (excluding staff). If greater than 50 people are in attendance at one time, those events shall be regulated in the same manner as a Special Event. See Table 1.*

*A “Special Event” is an event of greater than 50 people where the agricultural-related component is subordinate to the primary purpose of the event. Included in this definition are events such as private parties, fundraisers, social or educational gatherings where outside alcohol may be allowed, and events where the property owner is compensated in exchange for the use of the site and facility (referred to as a facility rental). Special Events do not include industry-wide events, the normal patronage of a tasting room, and private gatherings of the owner where the general public does not attend.*

Considering the definitions provided above in the Zoning Text Amendment and the Draft EIR, Agricultural Promotional Events are strictly limited to activities related to the education and marketing of wine and craft beer. Therefore, under the proposed Zoning Text Amendment, Agricultural Promotional Events could not be used for weddings. If a party or corporate event was related to the promotion of wine or beer, and attendance was less than 50 people at any one time, such activities could be hosted as an Agricultural Promotional Event. Furthermore, even if an event

is related to the promotion of wine or beer, but the overall number of attendees would exceed 50 people at any one time, such events would be considered Special Events, and subject to all relevant requirements in the Zoning Text Amendment. However, if the event was not related to the promotion of wine or beer, such as a wedding or social party, regardless of the number of attendees, such events would fall under the category of Special Events and would be subject to the requirements for Special Events included within the Zoning Text Amendment.

Based on the definitions presented above, the Framework of EIR Analysis Section, on pages 3-11 through 3-22 of the Draft EIR, describes in detail how the uses and events allowed under the Zoning Text Amendment are analyzed throughout the Draft EIR. The consideration of events such as weddings is clearly defined on pages 3-11 and 3-12 of the Draft EIR, as shown below:

- b. Special Events. The EIR will evaluate the potential environmental effects that could result from a maximum of 12 Special Events or Agricultural Promotional Events with attendance >50, at facilities on large parcels (>20 acres). While the Ordinance currently allows six Special Events, and thus the net increase for facilities on large parcels is only six events, this Ordinance amendment would enable facilities to host a new type of use under the Special Event category, namely weddings. Thus, the determination was made that the EIR analysis should evaluate effects, such as traffic, from all 12 potential Special Events on large parcels. The maximum attendance for a Special Event on large parcels is 200 people. While wineries and farm breweries on medium parcels would not be afforded additional Special Events, as compared to their current allowance, they would be able to host a new type of use under the Special Event category, namely weddings and similar events having amplified music. Per Table 3-2, on medium parcels, Special Events have a maximum attendance of 100 people. In order to evaluate the potential impacts of weddings and like events for medium parcels, the determination was made that the traffic analysis should also evaluate traffic from Special Events on medium parcels.

In general, the Draft EIR assumed that study facilities would hold up to two events per day, three days a week. The two events per day were assumed to represent a mix of event types including Agricultural Promotional Events, rolling Agricultural Promotional Events, and Special Events as allowed under the Zoning Text Amendment. Accordingly, the Draft EIR clearly considered the potential for increased Agricultural Promotional Events and Special Events, which included consideration of events such as weddings, parties, and corporate events.

### **Response to Comment 8-11**

The comment does not address the adequacy of the Draft EIR; however, for clarification it is noted that normal patronage of wine tasting rooms is not considered an agricultural promotional event.

### **Response to Comment 8-12**

See Response to Comment 5-38.

## Letter 9

### Shirlee Herrington

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**From:** Justin Black <blackandcompanyls@gmail.com>  
**Sent:** Monday, June 10, 2019 1:42 PM  
**To:** Placer County Environmental Coordination Services  
**Subject:** Farm winery ordinance comment letter attn shirlee Herrington

I am Justin Black local, part time / small farmer and winemaker for Dora Dain Farm Winery, Lincoln CA.

- 9-1 The draft EIR specifically fails in providing a path for small farms to build into winery's and brewery's without substantial capital and improvements. On page 7 of 12, first paragraph under notable changes-this section specifically references not having verbiage for boutique wineries. This is unacceptable as current ordinances allow a small farm to have farmstand rights and to sell wine from this farmstand. I would argue that the intent of that verbiage included tasting when it was written since wine purchasing almost always included a tasting. As someone going through the winery business license process currently, I have found that staff is unable to apply the terms of the ordinance in a scale that allows local agriculture to diversify into these value added products. I have been told by staff that tasting is a black-and-white issue. Meaning that you either taste or you don't and if you do, you comply with 100% of the regulations. This makes it impossible for small farms and wineries, like myself, to build a business based on cash flow and capital from the farm. The majority of farms these days are second jobs especially for those in Placer County and with smaller acreages, as typical in Placer County. I feel that purposely leaving out boutique winery verbiage caters to only large money, out of town capital and allows large agriculture to move into our area because they have the ability to meet these requirements quite easily.
- 9-2 Specifically, the section about updated access standards concerns me. It does not spell out the design templates required and as time goes on those restrictions could be increased and the cost could go up exponentially in order to comply. Currently the plate being asked for at my property requires dual 150 foot acceleration and deceleration taper for what is nearly incidental tasting on an extremely small scale. Not only am I appointment only by choice but my total production consist of about five barrels per year. The primary sales are offsite through through events, wine club and restaurants. I feel that requiring two of my neighbors / private landowners to give up a portion of property is an invasion on their rights as well as an invasion on my right to agriculture. I'm able to have hundreds customers a day to my property in order to buy agricultural products such as citrus, hay, or even wine without any encroachments whatsoever. So why should I have to incur the expense and land easements needed to comply with these tapers? Even the county roads don't provide such ample acceleration and deceleration, they are used to serve all the people in the area-tourists and homeowners alike. This requirement is far out of scale. This requirement alone is probably the number one issue for all current and future wineries.
- 9-3 I have many other concerns about portions of the EIR and the proposed ordinance including the sections that require neighbor notification for changes. This is already covered with the state ABC posting that is required and in my experience working on an architectural review committee at a local HOA, neighbor notification causes huge feuds. Even though neighbors have no control over the private land use, it gives them the feeling of control and subsequent lawsuits and fighting seem to occur.
- 9-4 I also believe that existing wineries should be allowed to stay grandfathered in going forward and not forced to change operations based on the new EIR going forward. In some cases it is simply not feasible to comply, and the verbiage does not allow for that.



**Letter 9  
Cont'd**

**9-5**

Placer County is very lucky to have the boom of small wineries and breweries that they do. The predominate farm district in Western Placer County near Lincoln is a big departure from the old way of agriculture in our area. Agriculture has been on the decline in Placer County due to home and land prices. Agriculture is predicted to continue declining in production acres over the coming years due to encroaching urban sprawl and urbanization. We have a unique opportunity with a population dense area 15 to 30 minutes from the predominant farm zone filled with customers who want to experience the rural way of life. None of the other local wine areas or AVA's have their customer basis located so close. The wineries and breweries should not be considered a nuisance that needs regulation with an ordinance but they should be nourished so that they can flourish and they can continue to promote agricultural sales, land being planted and jobs in the agriculture industry.

Don't miss this opportunity to grow agriculture at a time when some people believe chocolate milk comes from brown cows.

Justin Black

**LETTER 9: JUSTIN BLACK**

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**Response to Comment 9-1**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 9-2**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 9-3**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 9-4**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 9-5**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Letter 10**

RECEIVED  
JUN 03 2019  
CDRA

June 2, 2019

Placer County Community Development Resource Agency  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn, CA 95603

RE: EIR Comments for Winery and Farm Brewery Zoning Text Amendment

To Whom It May Concern:

**10-1** I have read through the "Notice of Availability of a Draft EIR for Public Review", and as Newcastle property owner and resident, I have a very real concern for the negative impacts residents currently face with the current operations in place, and the compounded impacts and nuisance the amendment proposes.

**10-2** ALL of the wineries and breweries operating today all have had, and most currently have, unresolved zoning enforcement violations against them. There has been a complete lack of immediate enforcement available to neighbors who have been forced to endure loud, amplified events and overflow parking onto the streets, many of which go into the night – long after most country folk would like to be either winding down from a hard days work, or going to sleep, if they could.

We do not live in this area to have what amounts to bars, operating in our community. We are not Napa Valley, and don't want to be modeled after it. The Napa area is ruined for the people who have to live there, putting up with the traffic and the many other problems the area now faces.

List of Concerns:

**10-3** 1) Temporary Outdoor Events: There should be a very limited number of events allowed a year, with no amplified sound or music. This would allow for intimate, informational events and small wedding ceremonies of no more than 50 persons per event.

**10-4** 2) Minimum Agricultural Requirement: Any winery or brewery that does not currently meet this proposed requirement should not be allowed to operate under any of the less stringent restrictions proposed with the Winery/Brewery Zoning Text Amendment.

**10-5** 3) Special Events-Special overflow parking: This is completely out of control and one of the most abused and aggravating violations that occurs. Special events should require the establishment to have two parking employees – one in the parking area directing vehicles and the other at the entrance stopping people from entering once the lot is full, and not allowing people to park along the roadways. It is dangerous, and if the event is at capacity, no further vehicles should be allowed in. Currently, there doesn't appear to be any monitoring, or enforcement of this by the operators.

**Letter 10  
Cont'd**

**10-6**

4) Noise Regulations – This has been a problem for neighbors surrounding these businesses since they began operating, and again, enforcement is non-existent. The sound from some of the louder events travels over a mile away - and to report a problem is difficult. It becomes a “your word against theirs” situation, which burdens the surrounding property owners with trying to report problems and gather “evidence” to support their complaints and get the County to address them. Calling and having to leave a message at the County is frustrating, and just delays the hope of any response to the problem and makes you feel like the County doesn’t care about the problems it is helping create. There has to be a better enforcement plan, with live bodies available during operation hours.

**10-7**

5) Land Use: “Restaurants and Bars” - This is not what we want in our quiet rural neighborhood, let alone be living next to. It is not compatible with our area’s zoning. This is a residential and agricultural area. Grow the grapes and hops, etc. here in our zoning area, but place your “Restaurant, Wine Tasting Room, or Bar” in a commercial or freeway zoning area. Keep the problems associated with the alcohol use, noise and traffic in areas able to handle the traffic that are zoned for restaurants and bars. It only makes sense.

**10-8**

6) Traffic – What is the County’s plan to mitigate the increase in traffic to our existing narrow country roads? It is my understanding that there isn’t a proposed solution even on the table to discuss. This is completely unacceptable. Whose responsibility is it to require measures to be taken to mitigate the negative affects of the Zoning Text Amendment, if not the County?

**10-9**

Please keep our community Residential – Agricultural in nature, and respect the property owners who live here for the rural feel and ambiance of quiet country living-which is an endangered way of life, that in and of itself, deserves protection.

Sincerely,



Diana Boswell  
7405 Chili Hill Road  
Newcastle, CA 95658  
(530) 885-8550

**LETTER 10: DIANA BOSWELL**

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**Response to Comment 10-1**

The comment is an introductory statement and does not specifically address the adequacy of the Draft EIR. It is noted that the Draft EIR accounts for operations at existing wineries as well as the additional by-right events that could occur as a result of the proposed Zoning Text Amendment.

**Response to Comment 10-2**

Please see Response to Comment 5-8.

**Response to Comment 10-3**

The comment does not address the adequacy of the Draft EIR. However, for clarification, TOEs are regulated separately under Placer County Code Section 17.56.300; and the existing regulations for TOEs would not change as a result of the proposed Zoning Text Amendment. Historically, no limitation has been set on the number of people who can attend an event as long as analysis of the project description and accompanying site plan demonstrates capacity to accommodate people, parking, and other public health and safety requirements. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 10-4**

Please see Response to Comment 5-20 for more information about how minimum agricultural requirements must be met in order for facilities to remain in compliance. There is a proposed provision for existing facilities to retain operation under the existing one-acre requirement. The provision is afforded with support from the Agricultural Commissioner.

The comment does not otherwise address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 10-5**

The proposed ordinance requires operators to provide permanent parking on-site for day-to-day operations as well as Agricultural Promotional Events. Temporary overflow parking may be utilized for Special Events and shall be accommodated on-site and shall meet fire district requirements. The comment does not address the adequacy of the Draft EIR and has been forwarded to decision-makers for their consideration.

**Response to Comment 10-6**

See Response to Comment 5-8 regarding code enforcement. With respect to the commenter's concerns with the existing code enforcement process, these concerns have been forwarded to the decision-makers for their consideration.

### **Response to Comment 10-7**

The comment does not address the adequacy of the Draft EIR; however, for clarification purposes, “restaurants and bars” are not allowed under the proposed project. An accessory use – restaurant is allowed; however, this must be clearly subordinate to the primary use on a property as a winery or farm brewery. Please see Response to Comment 6-4 for further discussion. The comment has been forwarded to decision-makers for their consideration.

### **Response to Comment 10-8**

As shown on page 12-55 of the Draft EIR, Mitigation Measure 12-10 would require future wineries and farm breweries to be subject to the payment of traffic impact fees in effect at the time of development. Such fees would be used to fund planned improvements to regional roadway facilities. With payment of such fees, future study facilities allowed additional events under the Zoning Text Amendment would provide a fair-share contribution to offset increases in traffic on local roads.

### **Response to Comment 10-9**

The comment is a closing statement that references the need to create compatibility between residential uses and the uses proposed in the Zoning Text Amendment. The comment does not address the adequacy of the Draft EIR and has been forwarded to decision-makers for their consideration.

**Letter 11**

**Shirlee Herrington**

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**From:** Mary Ann King <maryannking38@gmail.com>  
**Sent:** Tuesday, June 04, 2019 12:34 PM  
**To:** Shirlee Herrington  
**Subject:** Proposed Wineries on Cavitt Stallman, Granite Bay

**11-1**

The idea of having several wineries/event facilities on Cavitt Stallman road would not be in the best interest of public safety. The road is not all that wide and really is not capable of handling the traffic that such facilities would bring. I drive down that road a few times a week to get to Sierra College and believe me, it simply is not the best road to service busy wineries and/or event facilities. Recently, a new owner, Angela Sehr (also Angela Allen) of the property that is under consideration by the county for such a facility to be built, just shot and killed several docile heritage pigs that had escaped from their pasture across the road. These types of hogs are not a threat to anyone, nor do much rooting. The Ms Sehr should have contacted their owner and neighbor across the street instead of taking it on herself to shoot them. One of the hogs she shot was heading back to its own pasture. I, for one, do not like the idea of anyone shooting off a gun in our area, as could end up hitting someone instead of the hogs. Would like to know if Ms Sehr even has a gun permit.

Mary Ann King  
8360 Friar Tuck Court  
Granite Bay, CA



**LETTER 11: MARY ANN KING**

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**Response to Comment 11-1**

The properties along Cavitt-Stallman Road are zoned Residential-Agriculture, and thus, property owners would need to obtain a use permit from the County in order to build a new winery or farm brewery. As a result, site-specific environmental review would be required, during which time the County could consider potential traffic impacts. This Draft EIR focuses on by-right events that could occur as a result of the proposed project, and is not required to evaluate potential effects of future facilities that would be subject to separate, site-specific environmental review.

The remainder of the comment does not address the adequacy of the Draft EIR.

**Letter 12**

Hand Delivered By Lorrie Lewis

May 13, 2019

Placer County Community Development Resource Agency  
3091 County Center Drive, suite 190  
Auburn, California 95603

RECEIVED

MAY 23 2019

CDRA

RE: Comments to the Draft of DEIR/Winery and Farm Brewery Ordinance

**Facts:** The current 2008 Winery Ordinance was developed and designed by the Vintners of Placer County. It was the rules they thought they could follow... the beginning of **their "FLEXIBILITY"**. The current Ordinance states that wineries are allowed 6 Temporary Outdoor Permits and 6 Promotional events per year. In order to hold such events the Vintners were required to apply for Administrative Review Permit. Since 2008 there was only 1 winery who applied for one event. I have documentation that the vintners' agreement was **"if one winery applies for these events, then we will all to perform"**

**12-1**

There have been **2 Grand Jury investigations** into the 2008 Winery Ordinance and 1 **Grand jury investigation into the lack of enforcement** from the County on this ordinance, even though numerous complaints were filed of amplified outside music, and public nuisances. **The County has allowed the Vintners to have total control flexibility of this Ordinance.**

The County has not been lawfully operating nor any legal conformity to the current ordinance. **Because of that, the County lacks creditably.**

**Public agencies are charged with the duty to avoid or minimize environmental damage where feasible. Environmental damage includes noise abatement. Placer County was negligent at enforcing the 2008 Winery Ordinance. Not requiring any filing of Temporary Outdoor Permits or Promotional Event Permits.**

**CEQA: 2.4 Summary of Project Alternatives**

1. No project Alternatives
2. Wedding Conditional Use Requirement
3. Reduced Intensity Alternative

**12-2**

**1. Comments to the "No Project" Environmentally Superior Alternative**

In this case, the "No Project" alternative would be considered the **ENVIROMENTAL SUPERIOR ALTERNATIVE** – All impacts resulting from the proposed Zoning Text Amendment would be fewer under the "No Project". In addition, the significant and unavoidable cumulative traffic impacts identified for the proposed ZTA would be avoided. Because the County has been complicate with enforcing the current winery ordinance this should be the first step in getting

**Letter 12  
Cont'd**

**12-2  
Cont'd**

↑ the Vintner's and brew masters into compliance. **Until both the County and the Vintner's show "good faith" in operating currently within the 2008 Ordinance no additional FLEXIBILITY should be allowed.**

A public agency has an obligation to balance a variety of public objectives, including environmental and social issues... such as a public nuisance. Placer County has shown no such obligation when it comes to enforcing the 2008 Winery Ordinance. **Placer County has been aggressive in enforcement of the Marijuana Ordinance and in fact holds monthly hearings for that purpose.**

**5.24.040 Right-to-Farm Ordinance:**

Nowhere in this ordinance states a right-to-change zoning. Nor does it state a "Events-by-right"

**12-3**

A. It is the declared policy of the County of Placer to preserve, protect and encourage the development and improvement of its agriculture land for the production of food and other agriculture products. When non-agriculture land uses extend into the agriculture areas, agriculture operations often become the subject of nuisance suits. As a result, agriculture operations sometimes are forced to cease or are substantially curtailed. Others may be discouraged from making investments in agriculture improvements.

B. No agriculture activity, operation or facility or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted custom and standards, as established and followed by similar agriculture operations, **shall be or become a nuisance, private or public due to any changed condition in or about the locality, after the same has been** in operation for more than one year if it was not a nuisance at the time it began.

I filed complaints as soon as the winery began holding outdoor live music events, as the vintner had not filed for the required Temporary Outdoor permits. And still refused to do so. I have filed over 1/2 dozen complaints with no compliance from the County. When I requested under the Public Records Act for all the wineries that had filed for **either Temporary Outdoor Permits or Promotional Events. None** was provided to me. It appears that if ONE vintner followed the 2008 Winery Ordinance then the rest would have to follow.

**Right-to-Farm DOES NOT INCLUDE (accessory) RESTAURANTS nor does it give the right- to events. (see attached copy of the Ordinance)**

**Letter 12**  
**Cont'd**

12-4

Allowing this use in the proposed Winery-farm brewery ordinance changes the zoning from **Residential-Agriculture** to **Residential-Commercial** without the legal process. The proposal for the Special Events is inconsistent with the Right – to Farm Ordinance **AT NO TIME IS AGRICULTURE EVER SECONDARY TO THE PRIMARY PURPOSE OF THE EVENT**. Events where the property owners are compensated for the exchange for the use of the site rental becomes commercial in use, and actually changes from a Winery/Brewery to AN EVENT CENTER. **Conflict between neighboring residential land use and commercial events have the potential to negatively affect adjacent land uses.**

(see attached press release on Napa County's decision on weddings at wineries)

12-5

(h)

The Health and Safety Code (116275) of CA states the following:

**A public water system is required if a facility serves more than 24 people daily, 60 days or more per year. This includes Restaurants, campgrounds, small wineries and non-residential facilities.**

Placer County has not monitored or enforced the 2008 winery ordinance because of that **County is in violation of this state mandate**. Because the vintners were **not required to obtain** the proper permits for Temporary Outdoor Events or Promotional Events the County has no official numbers on the people attending the current 16 wineries and Farm breweries or the number of events.

Western Placer County is predominately well water and septic systems. This proposal states that if someone has 20 acres they can have unlimited events/wedding etc of 200 guests, **59** times a year, because **this proposal lacks ONE day** of the state requirement the wineries/breweries will not be required to install a public water system. Yet they could host 53 weddings, that is a wedding every Saturday of the year.

12-6

Placer County has **16 current Wineries/Breweries** that are hosting an unknown amount of events, with unknown amount of guests. Normally occurring on Saturday and Sunday. With this proposal each one of these venues could hold events with up to 200 guests (20 acres or more). That is going to be a direct drain on the domestic wells. Living next door to an event center/winery/brewery will have a direct effect (200 guests at 16 venues all flushing toilets) on the aquifer.

Is the County willing to take the liability for drilling a new Well on my property?  
(see attached Placer Co. Wine and Ale Trail).

12-7

**Traffic Study:** Table 9-2 weekday/ 9-3 Weekend study

On the roads that either wineries or breweries are located it appears that there is an increase traffic flow on the weekends:



**Letter 12  
Cont'd**

**12-7  
Cont'd**

- Ayres Holmes to Mt. Vernon to Wise Rd. **Paza winery** an increase of **73 vehicles**
- Crosby Herold Rd to Meadow Creek Rd **Coitti/Rancho Roble wineries** an increase of **57**
- Virginiatown Rd to Coyote Ln to Fowler Rd **Farmhouse brewery** an increase of **vehicles of 221**
- Fowler Rd to Virginiatown to SR 193 **Farmhouse brewery** (virginiatown rd) an increase of **28 vehicles**
- Gold Hill Road to Virginiatown Rd to SR 193 **Farmhouse Brewery** an increase of **295 vehicles !**
- Wise Rd to McCourtney to Crosby Herold Rd **Wise Villa restaurant, Rancho Roble winery** an increase of **139 vehicles**
- Wise Rd to Crosby Herold to Garden Bar **Wise villa restaurant, two breweries** an increase of **121 vehicles**
- Wise Rd to Garden Bar to Wally Allen Rd, **Wise villa restaurant** an increase of **90 vehicles**

**This is an increase of 1,024 vehicles in my neighborhood in the “off season” study. Weekend drivers sampling alcohol on county roads. California Highway Patrol is the lead agency that monitors traffic in the county. CHP has two officers that are dedicated to working Highway 80, 65 and 49. There is virtually no DUI enforcement in my neighborhood.**

**12-8**

**This costly EIR report stated:**

Existing Community Noise levels: “Although events held at the study facilities currently occur more frequently during the spring, summer and fall periods, because of the focus of the Community (ambient) surveys **was to AVOID periods when events were occurring, the time of year when the surveys were conducted is considered appropriate for the purpose of this analysis**”

**This means this EIR is inaccurate in the noise study and traffic study, because of the time of year that the study was completed. This EIR should be considered as manipulated for the purposes of the applicants.**

**12-9**

Additionally the County lacks the credibility and has been negligent when enforcing the current 2008 Winery Ordinance. The Vintners lack the integrity to follow any rules. To trust the County to enforce this proposed Winery/farm brewery ordinance would be naïve. Placer County makes Ordinances and chooses which ones they will enforce.

**Letter 12  
Cont'd**

**5.24.040 Right-to-Farm**

A. It is the declared policy of the County of Placer to preserve, protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. When non-agricultural land uses extend into the agricultural areas, agricultural operations often become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease or are substantially curtailed. Others may be discouraged from making investments in agricultural improvements. It is the purpose of this section to reduce the loss to the County of its commercial agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance.

B. No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than one year if it was not a nuisance at the time it began.

C. For the purpose of this section, the term "agricultural activity, operation, or facility, or appurtenances thereof" shall include, but not be limited to, the cultivation and tillage of soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including timber, Christmas trees, viticulture, apiculture, nursery stock, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and game birds, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage, or to market, or to carriers for transportation to market.

D. For the purpose of this section, commercial "agriculture" means those agricultural lands in designated areas, or those lands that are within the California Land Conservation Act or within a Timber Preserve zone or those lands that produce a gross annual income of four thousand five hundred dollars (\$4,500.00) from the sale of agricultural products.

E. Each prospective buyer of property in unincorporated Placer County shall be informed by the seller or his/her authorized agent of the Right-to-Farm Ordinance. The seller or his/her authorized agent will keep on file a disclosure statement signed by the buyer with the escrow process.


F. Whenever a building designated for residential occupancy is to be located on property in the unincorporated area of Placer County, the owners of the property, or their authorized agent, shall acknowledge receipt of the Right-to-Farm Ordinance. (Ord. 4983-B, 1999: prior code § 5.715)

Letter 12  
Cont'd





Letter 12  
Cont'd



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## County grappling with law on winery weddings

By JAY GOETTING  
Register Staff Writer Sep 2, 2005

99¢ YOUR FIRST MONTH!

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V. Sattui is one of four wineries that "can accommodate weddings" according to the Web site of the Napa Valley Vintners. The list also includes Charles Krug, Monticello and Peju Province. Moss Creek was removed from that list within the past two months.

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In an Aug. 10 letter from Lederer to Sattui, the planner states, "In order for the certificate of legal non-conformity to be approved, the activity in question must have been legal at the time it commenced."

Meibeyer said, "V. Sattui Winery believes weddings were legal before the Winery Definition Ordinance" was passed in 1990.

The county contends winery weddings were not legal before passage of the ordinance and never have been legal, even though Sattui admits to holding such events over the years.

Lederer also rejects the contention that weddings are a component of a marketing event or an accessory use.

"Even a liberal interpretation of these terms leads to the conclusion that conducting up to 80 weddings a year is more akin to a separate commercial use," the county opinion states.

The 1990 ordinance includes the wording, "The board finds that wineries that were established after July 13, 1974, after securing the required use permit, whose activities were lawful when established, are an integral part of the Napa Valley economy."

Planning staff has notified various wineries established prior to the ordinance that weddings and receptions are not allowed.

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County grappling with law on winery weddings/article... 5/8/2019

FIG. 1. Early Church House

# Placer County Winery Ordinance Enforcement Review



**Letter 12  
Cont'd**

2012-2013 Placer County Grand Jury

## **Placer County Winery Ordinance Enforcement Review**

### **Summary**

The Placer County Winery Ordinance (Placer County Code 17.56.330 Wineries) was enacted in 2008. Citizens have raised concerns regarding the enforcement of the provisions of this ordinance. The Grand Jury found many factors that have led to confusion, misinterpretation, and have left the ordinance unenforceable. The factors are:

1. Vague and confusing definitions of terms such as "Promotional Events", "Temporary Outdoor Events", and "Tasting Rooms".
2. The Grand Jury identified two categories of Placer County Wineries. First, are Pre-Ordinance wineries that existed prior to the adoption of Placer County Code 17.56.330 on wineries. These wineries are allowed to operate under their existing Multiple Use Permits (MUP) until such time they want to add additional uses which must conform to the Winery Ordinance. Second are the Post-Ordinance wineries which must conform to this code. The vagueness which concerns the Grand Jury is the terminology of paragraph D of the ordinance, which states:

"Development and Operational Standards. The following development and operational standards shall apply to all wineries. These standards will be applied with flexibility to encourage wine grape growing, consistent with the agricultural use of the property. For wineries on commercially and industrially-zoned parcels, commercial standards will apply. Wineries established prior to the adoption date of this ordinance will be afforded maximum flexibility in establishing reasonable standards when adding new uses."

How does CDRA quantify, for enforcement purposes, the phrases "applied with flexibility" and "will be afforded maximum flexibility"?

3. Noise and traffic standards are not addressed directly in the Wineries Ordinance. The ordinance refers to other standards in the Placer County Code therefore these are not violations of the Wineries Ordinance.

**Letter 12  
Cont'd**

2012-2013 Placer County Grand Jury

The Grand Jury found indicators that Placer County wants to establish and nourish a winery industry in Placer County. This report identifies our findings and makes recommendations to support this objective.

### **Background**

The 2012-13 Grand Jury received a complaint from a Placer County citizen alleging that provisions of the Placer County Winery Ordinance were not being enforced. Specifically, the complaint concerned both outdoor and special events that either exceeded the number of events allowed on an annual basis or were not permitted by specific statute.

### **Investigation Methods**

Interviews were conducted with:

- A citizen that authored the complaint.
- County officials in the Code Enforcement Division of the Placer County Community Development Resource Agency (CDRA).

Documents reviewed include:

- Placer County Code 17.56.330 Wineries
- Placer County Code 17.58.120 Minor Use Permits
- The CDRA Code Enforcement Services Procedure Manual (2012)
- County Winery Ordinances for El Dorado County, San Joaquin County, San Luis Obispo County and Santa Barbara County.

### **Facts:**

- The investigation of code violation complaints filed by Placer County citizens are handled by the Community Development Resource Agency (CDRA). The complaints must be in written format and presented to the CDRA receptionist. This office is open Monday through Friday 8:00am to 4:00pm.

**Letter 12  
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2012-2013 Placer County Grand Jury

- The Code Enforcement Services Procedure Manual details the process for complaint investigation.
- All Code Enforcement actions are reviewed by the Supervisor of the Code Enforcement team as well as the Chief Building Official.
- The Code Enforcement Division tracks all open complaints until closure on the County's land use system computer program.
- The Wineries Ordinance paragraph D states that wineries established prior to the adoption of the wineries ordinance will be afforded maximum flexibility in establishing reasonable standards when adding new uses. Among these uses are retail sales and tasting rooms.
- The Wineries Ordinance paragraph E addresses the "Continuing Applicability of Minor Use Permits" states that the conditions of the minor use permit shall continue to apply in full force and effect. Any proposed new or additional use shall be subject to compliance with the provisions of this zoning ordinance in accordance with 17.01.030 of the Placer County Code.
- County CDRA staff is in the process of updating their recommendations to the Planning Commission to rewrite the existing Wineries Ordinance to better reflect the requirements for wineries.

## **Findings**

- F1 The existing winery ordinance contains vague definitions which make enforcement difficult.
- F2 The current position of the County is to promote the establishment of a wine related industry in Placer County.
- F3 CDRA's Code Enforcement has no mandated timelines for follow through of Code Enforcement complaints. The goal is to work with the violator to gain voluntary compliance
- F4. One winery has been approved to operate as a "Community Center".

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Cont'd**

2012-2013 Placer County Grand Jury

- F5: Most winery events occur on the weekends or evenings.
- F6: Many complaints refer to excessive noise and traffic. These conditions exist only at the time of the event. After the fact investigations by CDRA do not reflect the conditions at the time of the complaint.
- F7: Written complaints after the fact for non-permanent violations such as noise, traffic, and special events have no residual evidence other than accusations.

**Recommendations**

The Grand Jury recommends

- R1: The County rewrites the Wineries Ordinance eliminating the vague terminology and conflicting standards. It is recommended that the new ordinance be applicable to all wineries in Placer County and eliminate the distinction between pre and post ordinance wineries. This allows for consistent application of the ordinance and eases enforcement.
- R2: The Planning Commission and the CDRA staff review ordinances of other counties that have an established wine related industry in their efforts to update ordinances. This may identify best practices.
- R3: A process be established by CDRA code enforcement in partnership with the Placer County Sheriff to receive and investigate complaints as they occur.

**Letter 12  
Cont'd**

2012-2013 Placer County Grand Jury

**Request for Responses**

Michael Johnson      R1, R2, R3  
Agency Director  
Community Development Resource Agency  
3091 County Center Drive, Suite 280  
Auburn, CA 95603

**Due by August 20, 2013**

Board of Supervisors      R1, R2, R3  
County of Placer  
175 Fulweiler Ave.  
Auburn, CA 95603

**Due by August 20, 2013**

**Copies sent to:**

Planning Commission  
County of Placer  
3091 County Center Drive  
Auburn, CA 95603

Edward Bonner Sheriff  
County of Placer  
2929 Richardson Blvd  
Auburn, CA 95603

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2012-2013 Placer County Grand Jury

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John V. Friesack, Presiding Judge  
2012-13 Grand Jury Final Report – Winery Ordinance Enforcement Review  
August 20, 2013  
Page 2

5. Most winery events occur on the weekends or evenings.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

6. Many complaints refer to excessive noise and traffic. These conditions exist only at the time of the event. After-the-fact investigations by Code Enforcement staff do not reflect the conditions at the time of the complaint.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

7. Written complaints after-the-fact for non-permanent violations such as noise, traffic and special events have no residential evidence other than accusations.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

**Recommendations of the Grand Jury**

1. The County re-writes the Wineries Ordinance to eliminate the vague terminology and conflicting standards. It is recommended that the new ordinance be applicable to all wineries in Placer County and eliminate the distinction between pre- and post-ordinance wineries. This allows for consistent application of the ordinance and eases enforcement.

**Board of Supervisors Response:** This recommendation requires further analysis. The public review process is currently underway for modifications to the Wineries Ordinance. The Board of Supervisors will continue to work with CDRA in order to develop recommendations to the existing language.

2. The Planning Commission and Agency staff should review ordinances of other counties that have an established wine-related industry in their efforts to update ordinances. This may identify best practices.

**Board of Supervisors Response:** This recommendation requires further analysis. CDRA is currently reviewing winery ordinances from other counties including Amador, El Dorado, Monterey, Sacramento, San Diego, Santa Barbara and Sonoma County. The Board of Supervisors will continue to work with CDRA to review best practices to identify and incorporate what has worked well in other counties.

3. A process should be established by Agency Code Enforcement in partnership with the Placer County Sheriff to receive and investigate complaints as they occur.

**Board of Supervisors Response:** This recommendation requires further analysis. A partnership between the Agency Code Enforcement and the Placer County Sheriff was proposed at initial public workshops conducted by the Planning Commission. This proposal will be considered as the update process continues.

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Mr. V. Pineda, Presiding Judge  
2012-13 Grand Jury Final Report – Winery Ordinance Enforcement Review  
March 30, 2013  
Page 3

The Board of Supervisors appreciates the work of the 2012-13 Placer County Grand Jury in their report regarding the Winery Ordinance Enforcement Review.

Sincerely,

COUNTY OF PLACER

Jim Holmes, Chairman (District 3)  
Placer County Board of Supervisors

cc: Albert Erkel, Grand Jury Foreman  
David Boesch, Placer County Executive Officer  
Michael Johnson, Agency Director of Placer County Community Development/Resource Agency

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Cont'd**

For those new to this issue I would like to provide some background as I have been dealing with this issue since 2010, when a winery and an Event Center was allowed by the County to hold public outdoor parties with outside amplified music. I have been filing complaints with Code Enforcement since that time and speaking before the Board of Supervisors.

The History:

- In 2008 the Vintners' Association along with Placer County wrote the current winery Ordinance, which allows the wineries to have 6 promotional events and 6 temporary outdoor permits per year. The Vintners are to submit Administration Review Permit to the County each event for the purposes monitoring and regulation. This ordinance was adopted by the Placer County Board of Supervisors.
- Since 2010 Placer County has failed to enforce this Ordinance, the County has failed to act on any of my half dozen written complaints. The County has taken NO ACTION at all against the violations. But yet holds monthly hearings for the enforcement of the Marijuana Ordinance.
- On April 8, 2015 Placer County set up weekend phone in complaint line, stating in the Press Release that a Code Enforcement Officer will respond to any complaints filed occurring on the weekend. I had once officer, one time respond out to hear the loud, amplified outside music. And there is no follow up to the complaints filed.
- There have been two Grand Jury reports filed regarding the Winery Ordinance and the Code Enforcement or lack thereof and yet the County has not taken their recommendations and the rumor is that the County is putting an end to the phone in complaint line.
- This neglect from Placer County to enforce a County Ordinance has created a Public Nuisance in my neighborhood.
- **CA Civil Code 3480 states the following: A public nuisance is one which affects at the same time an entire community or neighborhood, or**

**Letter 12  
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any considerable number of person, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

**In summary: In my opinion a Special Relationship exists where local Government singles out a particular party (Vintners) from the general public and affords that person or group special treatment.**

**Until the County enforces the current 2008 Winery Ordinance there should be no changes.**

I would like to take the remainder of my 3 minutes to play for you what I hear almost everything weekend since 2010.

And ask yourself if this is Agriculture.

June 17 8:27 pm  
6:03

**Letter 12  
Cont'd**

**County of Placer  
Board of Supervisors**

175 FULWEILER AVENUE  
AUBURN, CALIFORNIA 95603  
530/889-4010 • FAX: 530/889-4009  
PLACER CO. TOLL FREE # 800-488-4308

JACK DURAN  
District 1

ROBERT M. WEYGANDT  
District 2

JIM HOLMES  
District 3

KIRK UHLER  
District 4

JENNIFER MONTGOMERY  
District 5



August 20, 2013

Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661

**Re: 2012-13 Grand Jury Final Report – Winery Ordinance Enforcement Review**

Dear Judge Pineschi,

This letter is in response to the 2012-13 Grand Jury's Findings & Recommendations from the report titled *Placer County Wine Ordinance Enforcement Review*. The Placer County Board of Supervisors would like to thank the members of the 2012-13 Grand Jury for their efforts associated with the Placer County Winery Ordinance review.

**Findings of the Grand Jury**

1. The existing wine ordinance contains vague definitions which make enforcement difficult.

**Board of Supervisors Response:** The Board of Supervisors partially agrees with this finding. Several definitions are very clear, and easy to understand and implement. However, the definitions of other terms such as promotional events are less clear and could be further clarified.

2. The current position of the County is to promote the establishment of a wine-related industry in Placer County.

**Board of Supervisors Response:** The Board of Supervisors partially agrees with this finding. In addition to wineries, Placer County promotes all of the County's agricultural industries. The County's General Plan provides language that specifically addresses Placer County's role in furthering agricultural and economic development along with preserving the County's agricultural resources.

3. The Agency's Code Enforcement has no mandated timelines for follow through of Code Enforcement complaints. The goal is to work with the violator to gain voluntary compliance.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

4. One winery has been approved to operate as a "Community Center."

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

E-mail: [bos@placer.ca.gov](mailto:bos@placer.ca.gov) — Web: [www.placer.ca.gov/bos](http://www.placer.ca.gov/bos)

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**Letter 12  
Cont'd**

Placer County Gr  
2015-2016 Final Report



**PLACER COUNTY GRAND JURY**

**Placer County Code Enforcement  
Complaint Feedback and Tracking**

**Inconsistency and Confusion**

**June 23, 2016**

- 1 -

**Letter 12  
Cont'd**

Placer County Grand Jury  
2015-2016 Final Report

## **Placer County Code Enforcement Complaint Feedback and Tracking**

### **Inconsistency and Confusion**

#### **Summary**

Placer County Code Enforcement does not consistently respond back to the originator of a citizen complaint. Citizens are concerned that their complaints are not being addressed. The Grand Jury undertook an investigation into Placer County Code Enforcement Division's policy for supplying responses to citizens complaints and whether or not they have a process for tracking complaints and resolutions.

The Grand Jury found the Placer County Code Enforcement unit has been neglected by its parent department, the Placer County Community Development Resources Agency. The Code Enforcement unit is understaffed and deprived of important case management software training. This has resulted in a burgeoning complaint load for each Code Enforcement Officer, slow response times to complaints and a lack of data to properly review the efficiency and effectiveness of the department's operation.

The Grand Jury recommends that the Code Enforcement unit be brought up to full staffing levels to include a Code Enforcement Technician and a clerical staff position. In addition, the department must develop a process for tracking complaints until the Accela program is adapted to completely handle the Code Enforcement unit's daily tasks. Finally, the Board of Supervisors should ensure that the Code Enforcement department of the Community Development Resources Agency is adequately funded. These funds are necessary to hire critical staff and utilize the basic Code Enforcement software in Accela.

#### **Background**

The Grand Jury investigated whether Placer County Code Enforcement Division has a policy in regards to supplying responses to customer complaints. If such a policy exists, how effectively is it being implemented? Finally, do they have a process for tracking complaints and resolutions?



**Letter 12  
Cont'd**

Placer County Grand Jury  
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Code Enforcement is a department within the Placer County Community Development Resource Agency that also regulates land use and development in the unincorporated areas of Placer County. Code Enforcement's primary mission is to ensure compliance with the County Code and nuisance abatement ordinances. Code Enforcement Officers will respond to health and safety violations they may witness. Otherwise, their investigations are primarily initiated by complaints that residents (reporting party) submit directly to them.

Placer County residents can be frustrated when they do not know the status or outcome of a complaint which they have filed with the County Code Enforcement Division. The reporting party is not notified if the complaint has been received, nor are they advised if the complaint has been referred to another department for review. It is up to the reporting party to take the initiative to learn the status of their complaint.

Placer County Community Development Resource Agency uses a data management software package called Accela. Accela is an enterprise software solution with numerous preconfigured packages for private business and government organizations to manage core applications such as land management, licensing, asset management, and public health and safety data. Accela can be modified and tailored for the specific requirements of the agency and allows for public access to some functions. Other county governments utilize the Accela platform to track and resolve code enforcement complaints.

### **Investigation Methods**

---

- Interviewed staff of the Placer County Code Enforcement department
- Reviewed Placer County Code Enforcement website
- Interviewed managers of the Community Development Resource Agency
- Reviewed data provided

Two members of the Grand Jury were recused to avoid any conflict of interest and the appearance of bias.

### **Facts**

- There are three funded Code Enforcement Officer positions.
- Code Enforcement has a funded, permanent, full-time clerical position that is not filled.
- Code Enforcement contracts with a temporary staffing agency to provide a temporary part-time clerical position.



**Letter 12  
Cont'd**

Placer County Grand Jury  
2015-2016 Final Report

- Code Enforcement division is overseen by a supervisor who splits time with grading inspection.
- Code Enforcement receives 60 to 80 new complaints per month.
- Current staffing levels require Code Enforcement Officers to carry 80 to 100 open complaints at any given time.
- Historically there was a Code Enforcement Technician position to provide office support but this position is currently unfunded.
- Code Enforcement used to send the reporting party a notification that their complaint had been received. However, they no longer notify the reporting party that they have received a complaint, will investigate it, or the final disposition of the complaint.
- Complaints are assigned to Code Enforcement Officers based on an Assessor's Parcel Number corresponding to the geographical area covered by each of the Code Enforcement Officers
- Complaints are prioritized based on the nature of the complaint. For example, health and safety violations take top priority while complaints regarding sign compliance receive the lowest priority.
- The temporary clerical staff person in consultation with one of the Code Enforcement Officers makes the determination of the priority and assignment.
- Complaints are entered into a database, known as Accela, which assigns a complaint number.
- There has been limited or no training for the Code Enforcement Officers on the use of the Accela database.
- Rather than manage their caseload with Accela, Code Enforcement Officers rely on written notes in paper files.
- There is no tracking of complaints assigned to individual Code Enforcement Officers.
- Data was requested from 2015 Code Enforcement complaints but the Grand Jury was advised it would take several months to compile a list of all complaints, their disposition and any final resolution of the complaint.
- One Code Enforcement Officer is assigned on a rotating basis to be on-call each weekend for event complaints.
- The Code Enforcement office is sometimes left unattended during regular business hours.

**Letter 12  
Cont'd**

Placer County Grand Jury  
2015-2016 Final Report

## **Findings**

The Grand Jury found:

- F1. Substantiated complaints within Code Enforcement's jurisdiction can take six to twelve months to bring to resolution.
- F2. The Accela database is not being used to its full potential to track the status, age, or resolution of a complaint.
- F3. There is no mechanism in place to determine how many complaints are open or closed.
- F4. The public may find that there is no staff from Code Enforcement available at the office during business hours to answer their questions.
- F5. Code Enforcement Officers must spend part of their time helping and training the temporary part-time clerical worker to research and identify complaints for processing.
- F6. The Code Enforcement department is understaffed for the volume of complaints that are received.
- F7. The Code Enforcement department does not have a full-time supervisor.
- F8. The Code Enforcement department has abandoned any attempt to communicate with the reporting party about the status of their complaint. The reporting party is not informed if the complaint has been received, if the complaint has been dismissed, has been directed to a different department or is currently under investigation.
- F9. Lack of a comprehensive tracking program for complaints severely limits management's ability to evaluate the effectiveness and efficiency of the department's operation.
- F10. Because there is no Code Enforcement Technician and a permanent full-time clerical support staff position has not been filled, Code Enforcement Officers spend more time managing operations and less time resolving complaints.

## **Conclusion**

While the Code Enforcement department is comprised of dedicated and hardworking staff members, the operations and management seem to be dysfunctional. There is no central coordination or tracking of complaints. Management does not know how many complaints are open, the disposition of those complaints, nor the manner in which they were resolved. Without meaningful data regarding the productivity of the department, it is doubtful that management can make any assessments about the efficiency and effectiveness of the Code Enforcement department. Without operational data, funding and staffing levels cannot be properly assessed and/or addressed.

**Letter 12**

Placer County Gri  
2015-2016 Final Report **Cont'd**

The process of investigating and resolving code violations can be complicated. It can take several months for a Code Enforcement Officer working with a property owner to satisfactorily resolve a violation. However, the complicated nature of resolving verifiable code violations does not absolve either the Code Enforcement department or the Community Resource Development Agency from their responsibility to communicate with the reporting party and to track complaints. Placer County should make a commitment to its citizens to provide an efficient and consistent Code Enforcement department.

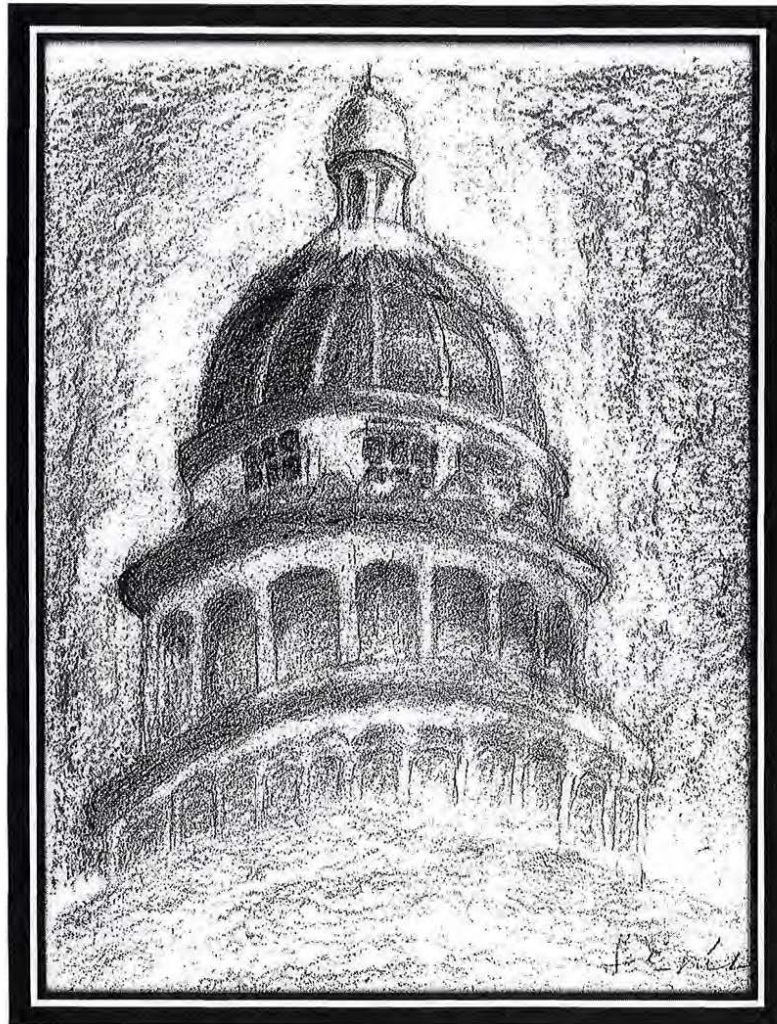
### **Recommendations**

The Grand Jury recommends that the department:

- R1. Have the Code Enforcement Supervisor's sole responsibility be to manage this department.
- R2. Implement a standard procedure to issue a Letter of Receipt to the complainant, within 10 days of complaint receipt. The letter should indicate if the complaint:
  - Will be actively investigated
  - Is outside the scope of Code Enforcement
  - Has been forwarded to another departmentInclude general information regarding the code enforcement process with the letter.
- R3. Staff the full-time positions of Code Enforcement Technician and permanent clerical support.
- R4. Develop and integrate a complaint tracking system in the Community Development Resources Agency's Accela software program.
- R5. Implement training of Code Enforcement staff to use the Accela complaint tracking system.
- R6. While R4 and R5 are in the process of being implemented, create an independent tracking system, such as a simple spreadsheet, for management to review, which lists all incoming complaints, dispositions and final resolutions.

**Letter 12  
Cont'd**

## **PLACER COUNTY GRAND JURY 2017-2018 FINAL REPORT**



**STATE OF CALIFORNIA  
PLACER COUNTY SUPERIOR COURT GRAND JURY  
June 20, 2018**

## Placer County Winery Ordinance Code Enforcement

### Summary

Placer County's 2008 Winery Ordinance requires wineries to obtain permits before hosting promotional or temporary outdoor events. Enforcement of this ordinance is the responsibility of Placer County Community Development Resource Agency (CDRA) and Code Enforcement Department (Code Enforcement). In addition to enforcing the Winery Ordinance, Code Enforcement is responsible for regulating a variety of building, planning/land use, and engineering and surveying requirements for the county. Code Enforcement's *Procedure Manual*, states its enforcement policy as, "Gain voluntary compliance at the lowest enforcement level as possible." In implementing this policy, Code Enforcement's practices and procedures appear to have led to ineffective and untimely enforcement of the Winery Ordinance and unresponsiveness to citizen complaints.

The Grand Jury believes enforcement policy of the Winery Ordinance is reactive rather than proactive. Code Enforcement requires citizen complaints to be made in writing and signed by the complainant. Most of the events subject to permitting requirements occur on weekends when Code Enforcement is closed. This complicates the public's ability to lodge a complaint and prevents Code Enforcement from conducting an immediate investigation. An after-the-fact investigation prevents Code Enforcement from witnessing the event. Consequently, complaints involving weekend events are infrequently investigated.

Code Enforcement uses a software program to track complaints and issuance of permits. A review of data contained in the tracking system provides insight into the manner in which Code Enforcement manages complaints. For example:

- One entry related to a citizen complaint states, "Unfounded – cannot locate complaint form."
- One entry referring to multiple complaints lodged against one winery, stated, "Other complaints for this property dated 3/1/2017 were never processed or assigned case numbers..."
- Other entries inaccurately reflect the status of complaints. For example, the status of one complaint was stated as "Case still open" even though it had been adjudicated and closed at least four months prior.



Code Enforcement's *Procedure Manual* requires complaints to be assigned a priority from 1 to 5 (high to low). Complaints of the type most frequently related to wineries, *i.e.*, failure to obtain a permit, are assigned a Priority 3. Priority 3 complaints are "...scheduled and pursued as time permits." The *Procedure Manual* contains a target for completion of corrective actions to resolve Priority 3 violations within thirty days. This procedure does not appear to be followed. According to the tracking system, one complaint remained unresolved and in an "open" state for as long as six months following the date of the complaint.

Review of the county's permit tracking system shows that only two permits have been issued since 2016. Code Enforcement has not cited a winery for failure to obtain a promotional or temporary outdoor event permit in the past two years in spite of complaints. CDRA officials have stated their belief that wineries are, in fact, holding events without obtaining the required permit. The potential fine for failing to obtain the proper permit is far less than the cost of a permit. This does not encourage voluntary compliance.

Entries in the tracking system intended to chronicle the actions of Code Enforcement appear to show that the 2008 Winery Ordinance is not effectively being enforced. These entries also seem to reflect a general indifference and disregard for citizen complaints.

Personnel changes have been made within CDRA during the past twelve months. The Grand Jury's interview of CDRA officials indicates a desire to take a more proactive approach to code enforcement. The Code Enforcement supervisor has planned some positive and community-focused initiatives. The department is planning to move toward a problem-oriented strategy to resolve code compliance issues between the wineries and adjacent landowners. Placer County has also proposed changes to the existing Winery Ordinance that are intended to clarify definitions of the types of permits required.

Unless CDRA strengthens the enforcement policy, the above efforts will have little positive impact on the public's ability to be heard and change effected. The approaches being planned are encouraging, but will need to be monitored closely to ensure equitable treatment of the public and the regulated industry.

## Background

In 2008, the Placer County Board of Supervisors adopted the current winery ordinance after extensive public comments. The ordinance requires wineries to obtain permits before hosting certain public events. During the ensuing years, wineries expressed concerns about the restrictive nature of the ordinance, such as the definition of promotional events. The county and Grand Jury have received complaints from the public that wineries hold events without obtaining required permits.

## Methodology

The 2017-2018 Placer County Grand Jury:

- Interviewed multiple staff members within CDRA, including Planning and Code Enforcement Departments.
- Reviewed:
  - 2008 Winery Ordinance (Placer Code 17.56.330);
  - Placer County Noise Ordinance (Placer Code 9.36);
  - Placer County Sheriff's Office's Noise Ordinance Policy;
  - Code Enforcement's *Procedure Manual*;
  - Placer County Planning Department website;
  - Permits issued in 2016 and 2017;
  - Public complaints made during 2016 and 2017; and
  - Code violation citations issued in 2016 and 2017.

## Facts

- Placer County Code 17.56.330, Planning and Zoning, Wineries, governs the permit process that county wineries must follow for promotional and special events on their property.
- The county's enforcement philosophy is voluntary compliance.
- Promotional events are sponsored by wineries to promote sale of wine.
- The minimum fine for failure to obtain an event permit is \$100.
- Placer County's current wine ordinance was approved in August 2008.
- The county uses a software program, called Accela, which is intended to track winery permits that have been issued and related citizen complaints.



- Entries in the county's tracking system for complaints and permits for 2016-2017 include only the following:
  - Complaint - "Unfounded – cannot locate complaint form";
  - Complaint - filed August 2017; "case still open";
  - Complaint - other complaints filed in March 2017 "were never processed or assigned case numbers";
  - Complaint – Complaint number with note that "case still open." However, the case has been adjudicated and closed.
- Data in the county's tracking system for 2016-2017 reveal event permits issued were as follows:
  - One permit was issued covering 16 different wineries for an event on August 5-6, 2017; and
  - One permit was issued to one winery for a single event.
- Placer County Code Enforcement Office maintains a published *Procedure Manual* that outlines procedures for all permit, compliance and enforcement requirements.
- Code Enforcement's "Weekend On-Call Duty Officer Program" was initiated in 2015 and terminated in 2017.
- The county has proposed to make substantive changes to the current ordinance for the purpose of clarifying the definitions and increasing the allowed number of temporary outdoor events per year.
- The CDRA has undergone new management and personnel changes over the last twelve months.

## Findings

The Grand Jury found that:

- F1. The county's voluntary enforcement philosophy has resulted in relaxed enforcement of the Winery Ordinance permit requirements.
- F2. The requirement that suspected violations be reported in writing discourages citizens to file complaints.

- F3. Minimal financial penalties for violation of the winery ordinance relative to permit fees discourage voluntary compliance.
- F4. The termination of the “Weekend On-Call Duty Officer” prevents the immediate investigation by Code Enforcement and prevents investigation of conditions at the time of the complaint.
- F5. Tracking system is not being used effectively.

### **Conclusion**

Placer County is not effectively enforcing the provisions of the 2008 Winery Ordinance. The foundation of its enforcement efforts is a voluntary compliance philosophy that is reactionary, relying upon citizen complaints before acting. However, the complaint process has created obstacles that discourage the public from reporting incidents. The lack of weekend staff results in the inability to immediately investigate. The tracking system is still not being used effectively. Also, the permit costs versus the violation fine may encourage wineries to avoid obtaining required permits.

Placer County Grand Jury commends the CDRA for selecting and hiring new management who have a positive approach to resolving citizen complaints.

### **Recommendations**

The Grand Jury recommends that Placer County Community Development Resource Agency:

- R1. Develop a winery code enforcement program that balances the interests of wineries and those of the public.
- R2. Facilitate the public’s ability to lodge complaints.
- R3. Provide staff to conduct timely complaint investigations.
- R4. Ensure effective resolution of citizen complaints and confirmed violations.
- R5. Update the county tracking system for complaints and permits to reflect accurate status.
- R6. Mediate conflicts between wineries and citizens when appropriate.
- R7. Review the fines for permit fees and code violations to facilitate compliance with the codes.

Placer County Grand ,  
2017-2018 Final Re

**Letter 12**  
**Cont'd**

## Request for Responses

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
<b>Mr. Steve Pedretti</b> Director, Placer County Community Development Resource Agency 3091 County Center Drive Suite 140 Auburn, CA 95603	<b>R1 thru R7</b>	<b>August 31, 2018</b>

### Copies sent to:

**Placer County Board of  
Supervisors**  
175 Fulweiler Avenue  
Auburn, CA 95603

**Mr. Todd Leopold**  
County Executive Officer  
175 Fulweiler Avenue  
Auburn, CA 95603

**LETTER 12: LORRIE LEWIS**

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**Response to Comment 12-1**

The comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers for their consideration. For clarification, the current TOE ordinance is guided by Section 17.56.300(B)(1)(b) and affords two events per year to a maximum of three days in a row. No change is being proposed to Section 17.56.300(B)(1)(b).

**Response to Comment 12-2**

Please see Response to Comment 5-8 regarding code compliance. The comment is noted, but otherwise does not address the adequacy of the Draft EIR. Comments pertaining to code compliance and enforceability is a concern among many stakeholders and community members. Code compliance will be addressed as a policy matter and through the public hearing process by decision makers.

**Response to Comment 12-3**

Please see Response to Comment 5-2 regarding the intent of the Right-to-Farm Ordinance. For clarification, events are not a provision allowed under the Right-to-Farm Ordinance; rather, they are allowed under Section 17.56.330 of the Placer County Code, which is proposed for certain amendments as part of this project. The proposed amendments specifying event allowances are detailed on pages 3-6 through 3-9 of the Project Description chapter of the Draft EIR. With respect to accessory restaurants, as stated on page 3-11 of the Draft EIR, these uses would require discretionary approval of a Conditional Use Permit by the County. See Response to Comment 6-4 for further discussion regarding accessory restaurants.

**Response to Comment 12-4**

Please see Response to Comment 12-3. The proposed project would not result in any zone changes; however, does afford additional allowances for events as specified in Chapter 3 Project Description of the Draft EIR. Please see also Response to Comment 8-7 above. The comment does not address the adequacy of the Draft EIR and has been forward to decision makers for review.

**Response to Comment 12-5**

The commenter's assertion that the current Wineries and Farm Breweries of 20 acres or more would be able to host special events with 200 guests, including weddings, 59 times per year is incorrect. As shown in Table 3-2 of Chapter 3, Project Description, of the Draft EIR, under the proposed Zoning Text Amendment, parcel sizes of 20+ acres would be allowed a maximum of 12 special events (inclusive of weddings) per year.

For clarification, Health and Safety Code Section 116275(h) requires a public water system if a facility serves more than 24 people daily, 60 days or more out of the year. A public well differs from a residential well because it is initially tested for more contaminants than a residential well,

requires continuous monitoring (on monthly basis), and the construction standards are more stringent. The Environmental Health Department oversees the permitting for these wells consistent with state requirements and does so in order to hold facilities operating with more frequency and people to a higher public health standard. The commenter's rationale linking this requirement to events is unclear; however, the Draft EIR does clearly use this threshold to limit Agricultural Promotional Events under the Reduced Intensity Alternative outlined further beginning on page 13-12 of the Draft EIR.

### **Response to Comment 12-6**

Impact 11-3 in Chapter 11, Utilities and Service Systems, and Impact 12-11 in Chapter 12, Cumulative Impacts and Other CEQA Sections, of the Draft EIR, provide an analysis of the total net increase in water usage anticipated with the proposed Zoning Text Amendment. As noted on page 12-56, the net increase in water demand occurring at existing and future study facilities as a result of the proposed Zoning Text Amendment would be relatively modest (approximately 7.364 mgd). Furthermore, future study facilities would likely rely on groundwater from either the North American Sub-basin of the Sacramento Valley Groundwater Basin or fractured groundwater systems within the Sierra Nevada Regional Study Unit. Both groundwater systems are capable of providing a stable, reliable water supply source. Therefore, as determined in the Draft EIR, sufficient water supplies would be available to serve the existing and future study facilities with implementation of the proposed Zoning Text Amendment.

### **Response to Comment 12-7**

Potential impacts related to traffic are analyzed in Chapters 10, Transportation and Circulation, and 12, Cumulative Impacts and Other CEQA Sections, of the Draft EIR. The commenter's concern about sampling of alcohol has been forwarded to the decision-makers.

### **Response to Comment 12-8**

Ambient noise surveys and event noise surveys were conducted during the months of September/October/December 2017 and March 2018. The Draft EIR specifically identifies that the purpose of data collection during non-event days was because ambient noise is a reference level noise that is assessed in order to study a new sound source. As such, data collected during the days when events were not occurring was used to define only ambient conditions.

On Draft EIR page 9-6, the following explanation is provided:

“It should be noted that the ambient noise surveys were intentionally conducted on days when events were not occurring at the study facilities, in order to document background noise conditions at representative locations near the existing study facilities to establish a baseline for comparison against noise generated by events held at such locations. Although events held at the study facilities currently occur more frequently during spring, summer, and fall periods, because the focus of the ambient surveys was to avoid periods when events were occurring, the time of year when the surveys were conducted is considered appropriate for the purpose of this analysis.”

Event sound measurement also occurred during that time, specifically during times when events (e.g. Lone Buffalo 10<sup>th</sup> Anniversary celebration: Sunday September 10<sup>th</sup>, 2017; Wise Villa Harvest Moon Party: Saturday October 7<sup>th</sup>, 2017; Rancho Roble Wine Club Pickup Event: Saturday March 10<sup>th</sup>, 2018) were occurring. The data expressing sound levels from events, shown in Table 9-10.

On Draft EIR page 9-19, the following explanation is provided:

“Noise levels generated during special events occurring at three existing Placer County wineries were monitored in September and October of 2017, and March of 2018. Although the numbers of attendees at the events varied throughout the course of each event, event attendance reportedly exceeded 50 people and amplified music was present during each of the events. The measured average noise level during the events was 55 dB Leq at the reference measurement distance of 200 feet from the approximate acoustic center of the event areas.”

The next paragraph goes on to explain,

“The measured special event noise levels, which were all within compliance with the County Noise Ordinance standards at the nearest noise-sensitive property lines, correspond to approximately 67 dB Leq at a reference distance of 50 feet.”

As such, potential impacts related to noise are analyzed in Chapter 9 of the Draft EIR, Noise.

### **Response to Comment 12-9**

The comment does not address the adequacy of the Draft EIR, but please see Response to Comment 5-8 regarding code enforcement.

### **Letter 12 Attachments**

The comment letter contains several attachments which include excerpts from the County ordinances, wine trail brochures, information related to the processing of the winery ordinance, staff reports, newspaper articles, etc. The attachments are not specifically referenced in the comment letter, nor do they directly address the adequacy of the Draft EIR. However, they have been forwarded to the decision-makers for review.

## Letter 13

### Shirlee Herrington

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**From:** Carol Prince <kissafrog418@gmail.com>  
**Sent:** Monday, June 03, 2019 11:58 AM  
**To:** Placer County Environmental Coordination Services; Carol Prince  
**Subject:** Comments on the wine and brewery ordinance

Thank you for the opportunity to review and comment on the subject proposed ordinance. The following are my comments for considerations.

- 13-1** 3 Project Description  
3.4 Project Components  
Page 3-5  
Add Definition of "Farm Brewery"  
Fifth line of the first paragraph: "may host promotion events to sell their product"  
Comment...this is totally appropriate just as agricultural operations sell their fruit products.
- 13-2** Page 3-6  
Modify "event" definition  
Sixth paragraph  
Special event is NOT an agricultural operation. This paragraph allows for parties outside the perimeters of agricultural uses. You are creating an avenue for outside venues to be held for weddings, parties, fundraisers, social gatherings or educational gatherings that have NOTHING to do with the function of agricultural purposes. This wording allows for the wineries and breweries to make money on something outside the agricultural arena at the expense of the surrounding property owners.
- 13-3** Underground water will be impacted; sewage disposal can impact the groundwater, noise will definitely impact evenings that are usually quiet in rural areas.
- 13-4** Page 3-7  
second paragraph line 2  
Special events apply only to PRODUCTION FACILITIES WITH TASTING ROOMS on parcel 10 acres and greater....  
What is the definition of Production Facilities? Can an existing brewery that does not even grow hops on their property to be used in the production of their Beer be considered in this category?
- 13-5** Page 3-10  
Update Potable water and Waste Disposal Sections  
Potable Water  
Bottled water for more than 24 people per day over 60 day.....unless otherwise approved by the County Environmental Health Division...  
How is this enforced?  
What are the boundaries that the CEHD use in determining if more or less people would require bottled water? Well water is essential for all surrounding properties to survive.
- 13-6** Second paragraph:  
...if a facility serves more than 24 people daily, 60 days or more per year, then a PUBLIC WATER SYSTEM shall be required. The type of public water system would be a TRANSIENT-NON-COMMUNITY WATER SYSTEM...  
▼



**Letter 13  
Cont'd**

**13-6  
Cont'd**

Such a public water system requires a permit from the State Water Resources Control Board, Division Drinking Water.

more than 24 people 60 day or more a year...a public water system shall be required.

Comment:

Does this water system affect surrounding ground water? Does a new Well need to be drilled? Is there a limit of how much water is pulled from the underground water supply? IF parties and the increase of water usage is approved, then will the County require these non-agricultural uses provide a public water system to be built to tie into the nearest City water system, to eliminate the pull on the natural underground water supply?

**13-7**

Wastewater Disposal

One brewery in particular is located next to the Auburn Ravine. We have witnessed them pumping out of the Ravine to fill their pond. Wastewater discharged in the ground could permeate into the Auburn Ravine harming the "Salmon" environment. What is being done to make sure this does not happen?

"Additionally, the Zoning Text Amendment clarifies that a separate septic system needs to be provided if a winery or farm brewery has buildings with plumbing....

Comment:

as clarification, the facility would have to build a separate septic system from their own housing for the use at the brewery or winery building...? And please add clarification that the separate septic system be away from any natural waterways; and built according to County Standards.

**13-8**

Page 3-11

Add "Accessory Use - Restaurant" as Allowable Land Use with CUP

Comment

This proposes that an accessory use restaurant would be allowed in the ag Exclusive, Farm and Forest Zone district as long as the food prep and service is subordinate to the primary use on a property as a winery or farm brewery and subject to a CUP

Comment

Primary Use definition please. Currently there is a brewery that does not grow the hops for production. They just use the property for events, selling beer, and other alcohol beverages. A Restaurant would not necessarily be a secondary use to this property if you are defining primary use as growing crops on the property and using those crops to produce wine or beer.

**13-9**

Framework of EIR Analysis

(6) Footnote

Add the words "Agricultural Promotional" to the 2nd paragraph on page 12 of 22; third line in front of the beginning of the sentence "Events are a mechanism....."

**13-10**

Page 3-13

c Conclusion

Up to two events PER DAY occur THREE DAYS A WEEK (Friday, Saturday, Sunday) = 210 Total Events

UNACCEPTABLE!!! This means that all summer long the surrounding property owners are subject to noise, traffic, taking of groundwater, polluting the underground discharge EVERY WEEKEND.. What about our quality of life?

We pay taxes to the County and State too. When do I get to enjoy entertaining in my backyard without the intrusion of the noise from the neighboring event center (currently a brewery) when their event is not ag related?

**Letter 13  
Cont'd**

**13-11**

South Wise Road sub-region is allocated the greatest percentage of facilities 12 out of 30. Grow grapes and hops, allow tasting rooms and events to sell to members BUT NOT FOR EVENTS that are not ag related and money makers for the breweries and wineries outside their ag perimeters.

**13-12**

Noise from all these ag properties, if allowed to hold events that are not ag related, will bring the "City" life to the rural "Country". And the impact to underground water and septic discharge will negatively impact the surrounding properties if "Events" are allowed.

**13-13**

Thank you for allowing me to comment on this proposed ordinance. I am strongly against using these ag properties for Special Events which will negatively impact the surrounding areas and property values. Wineries and Breweries are ag related, just not the Special Events.

Carol Prince  
1274 Monument Place  
Newcastle, CA  
[kissafrog418@mail.com](mailto:kissafrog418@mail.com)

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**LETTER 13: CAROL PRINCE**

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**Response to Comment 13-1**

Comment noted. The comment does not address the adequacy of the Draft EIR.

**Response to Comment 13-2**

The comment does not address the adequacy of the Draft EIR. Table 8-6 in Chapter 8, Land Use and Planning, of the Draft EIR, presents Placer County General Plan policies and discusses how events and special events under the proposed Zoning Text Amendment would be in support of the agricultural zoning designations of the existing study facilities. Pages 8-21 through 8-24 specifically address the compatibility of events and special events under the proposed Zoning Text Amendment with agricultural land uses. See Response to Comment 8-7 regarding consistency with General Plan Policy 7.A.10.

**Response to Comment 13-3**

Impact 11-3 in Chapter 11, Utilities and Service Systems, of the Draft EIR, analyzes the potential for implementation of the proposed Zoning Text Amendment to affect water supplies, decrease groundwater supplies, or impede sustainable groundwater management. As determined in Impact 3-11, implementation of the proposed Zoning Text Amendment would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management. As discussed under Response to Comment 2-13 above, the proposed project would not adversely affect surface water quality due to sewage disposal.

With respect to the portion of the comment about noise, Chapter 9, Noise, of the Draft EIR describes the existing noise environment in the vicinity of the existing wineries and farm breweries throughout unincorporated Placer County and potential impacts related to noise increases that could occur with implementation of the proposed Zoning Text Amendment. As discussed in Impact 9-3, events occurring at existing study facilities within the County would continue to be required to comply with the County's Noise Ordinance, which sets forth nighttime hourly noise level standards for non-transportation noise sources of 45 dB. In addition, as weddings were determined to be the only new event allowed under the proposed Zoning Text Amendment with the potential to exceed the County's established thresholds for noise at the property lines of nearby sensitive receptors, the proposed project would include implementation of Mitigation Measure 9-3, which requires submittal of a site plan identifying the proposed location of outdoor wedding receptions and identifies options for sound mitigation during such events. The Draft EIR determined that with implementation of Mitigation Measure 9-3, the proposed Zoning Text Amendment would not result in any significant impacts related to noise.

### **Response to Comment 13-4**

Production facilities manufacture and package beer in accordance with an Alcohol and Beverage Control (ABC) license Type 23 or process grapes in accordance with an ABC license Type 02, as referenced in the proposed definition of a Farm Brewery and Winery in the Draft EIR Chapter 3, Project Description. Additionally, the proposed Zoning Text Amendment requires winery and farm brewery uses to meet a two-acre agricultural minimum. Please see Response to Comment 5-20.

### **Response to Comment 13-5**

As can be seen in Appendix A of the Draft EIR, the proposed Zoning Text Amendment has deleted the language related to the requirement for wineries and farm breweries to provide bottled water to employees and guests if the winery is served by well water and there are more than twenty-five (25) people on-site in a sixty (60) day period. The proposed language of the Zoning Text Amendment related to potable water now reads as follows (see Section 7, Potable Water, of Appendix A):

#### **7. Potable Water.**

- a. A public well and small public water system annual permit shall be required if the facility serves more than 24 people, 60 days or more per year, as required by California Code of Regulations Title 17 and Title 22 of the California Safe Drinking Water Act. The public well shall be required for tasting facilities that allow unlimited Agricultural Promotional Events with 50 persons and fewer. For any tasting facility with occupancy of 25 or more, or if food is prepared at the facility, the standard shall automatically apply.

Alternatively, an approved domestic well can be used under the following conditions:

- i. Environmental Health has documentation that the well has a 20-foot annular seal installed under permit (Department of Water Resources Drilling Report).
- ii. Environmental Health conducts a sanitary inspection and the water is tested to demonstrate potability.
- iii. The facility owner certifies that the well will not serve more than 24 people, 60-days or more per year with Minor Use Permit approval. 11 Note: Residential (Class I) wells cannot be converted into a public well (Class II) due to State construction standards.

### **Response to Comment 13-6**

Page 11-17 of Chapter 11, Utilities and Service Systems, of the Draft EIR, states the following regarding the potential installation of new water conveyance infrastructure:

If a new public water system is required, the existing study facility owner would select a location and design a system with oversight from the County Environmental Health Department in compliance with Article 13.08, Water Wells, of the Placer County Code and applicable State water well requirements. New public wells are not generally drilled near existing wells in order to avoid hydraulic conductivity between the two wells. Rather, for

existing study facilities that would require installation of a new public well, the well would be drilled at a separate location on the subject property, subject to approval by the County Environmental Health Department. County review of future public well plans and required compliance with applicable local and State regulations related to well installation would ensure that adverse environmental effects associated with such would be avoided. Therefore, Agricultural Promotional Events and Special Events occurring at existing study facilities as a result of the proposed project would not require or result in the construction of new water delivery, collection or treatment facilities or expansion of existing facilities such that significant environmental effects would occur.

The same would apply to any public water systems installed at future wineries and farm breweries. In addition, pages 11-19 through 11-21 and 12-55 through 12-57 provide a detailed analysis of the potential impacts on water supplies and groundwater related to implementation of the proposed Zoning Text Amendment.

Please see Response to Comment 12-5 for an explanation of the purpose of the public water system.

### **Response to Comment 13-7**

With respect to the comment about discharge into or impacts to Auburn Ravine, the requirements of the below-referenced RWQCB permit would address activities that impact water quality. A violation of the terms of this permit would result in action from the RWQCB. As noted on page 3-10 of Chapter 3, Project Description, Wastewater Disposal,

“The Zoning Text Amendment clarifies that winery or farm brewery process wastewater is prohibited from being discharged to a septic system. Process wastewater is water used in the wine or beer making process, which is high in organic material. A Waste Discharge Permit or Waiver of Waste Discharge issued by the Regional Water Quality Control Board (RWQCB) is required prior to building permit issuance if the wastewater will not be discharged into a community sewer system, but rather an alternative form of discharge would be used, such as land application. With land application systems, process wastewater is applied to a vegetated land surface, and the applied wastewater is treated as it flows through the plant and soil matrix. Land application of process wastewater from wineries and farm breweries already occurs within the County, under the RWQCB’s Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors, and would not change under the proposed Zoning Text Amendment.”

Additionally, the septic systems that have been installed at all existing facilities were done so in compliance with the County’s septic system regulations developed by the Health and Human Services Department. Said regulations include setback requirements from surface waters. These setback requirements are intended to protect surface water quality from the septic system. Any future septic systems associated with new wineries and farm breweries would also be subject to the same setback requirements.

With respect to the third point of the comment, separate septic systems are required for tasting rooms and on-site residential uses.

**Response to Comment 13-8**

See Response to Comment 6-4.

**Response to Comment 13-9**

The context provided on pages 3-11 and 3-12 the Draft EIR is sufficiently clear to enable the reader to understand that the Draft EIR text quoted by the commenter is referring to Agricultural Promotional Events. The section is prefaced with the header, “Agricultural Promotional Events”, on page 3-11.

**Response to Comment 13-10**

As noted under Response to Comment 4-5 above, the assumption that each study facility could host two events on the same day is very conservative. Such an event frequency is not expected to occur with implementation of the Zoning Text Amendment, and the assumption does not require such a frequency to occur. Impacts related to noise, traffic, groundwater, and septic are addressed in Chapters 9, 10, and 11, respectively.

**Response to Comment 13-11**

The comment does not address the adequacy of the Draft EIR. Please see Response to Comment 8-7 regarding the statement that events are not agriculture-related.

**Response to Comment 13-12**

Please see Responses to Comments 13-3 and 13-4.

**Response to Comment 13-13**

The comment is conclusory, the contents of which are addressed in the above responses to comments.

Letter 14

**.General Comments, Draft EIR (DEIR)**

The draft EIR is based upon flawed premises.

1. The proposed ZTA for wineries and farm breweries has the following provisions:
  - Add "farm brewery" to the definitions of facilities permitted in Agricultural Zones
  - Expand ability to hold larger and more frequent "events," some unlimited by right
  - Add ability for wineries and farm breweries to hold weddings without special permits
  - Add restaurants as an allowed use in Agricultural Zones for wineries and farm breweries.
  - Relax permitting requirements for small wineries and breweries to "C" (zoning clearance) for proposed businesses on plots as small as 4.6 acres.

Additionally, comments in the DEIR and CDRA analyses repeatedly include statements like this one:

From P3-4 DEIR "3.3 Project Objectives The policy focus of the proposed Zoning Text Amendment is to [support] the tenants(sic) of agri-tourism, which is a type of tourism that brings visitors directly to a farm or ranch."

From P 8-17 of the DEIR "The proposed project would provide greater flexibility with respect to the amount of Agricultural Promotional Events and Special Events that may occur at future wineries/farm breweries"

From 17.56.330 .A. (Wineries and Farm Breweries ZTA) "Purpose. The purpose of this section is to encourage the economic development of the local agricultural industry,"

"With its planned winery and farm brewery ordinance, Placer County is working to further address the future development of wineries and farm breweries in the county, while encouraging agricultural economic development and protecting the character and long-term viability of our agricultural lands." [from <http://www.sierraculture.com/fwablog/placer-county-winery-and-farm-brewery-ordinance/#.XMXy0ehKiUk>]

Land Use • Foothills Policies Policy 1.N.14 "The County shall support development of tourist and recreational facilities that extend the Foothill area's tourist season."

Yet Raney P&M repeatedly assert in the DEIR that impacts will be less than significant because

DEIR P1-7 "The Zoning Text Amendment would not directly induce development of new structures..."

DEIR 1-9 "The ZTA would not induce development of additional wineries or farm breweries or expand..."

DEIR P 8-15: "The *proposed Zoning Text Amendment* would generally increase the frequency with which these events can occur ...."

14-1



**Letter 14  
Cont'd**

**14-1  
Cont'd**

DEIR P 8-17 "The proposed project would provide greater flexibility with respect to the amount of Agricultural Promotional Events and Special Events that may occur at future wineries/farm Breweries"

DEIR Table 8-6, on P 8.21 1.N.1 "By providing greater flexibility with respect to the amount of Agricultural Promotional Events and Special Events that may occur at *existing and future wineries/farm*

DEIR P1-10 "The Zoning Text Amendment would not induce development of additional wineries or farm breweries or expand the number of zones where by-right development can occur." [ref from Noise sec p 1-10]

These repeated assertions are disingenuous at best and willfully obtuse at worst. As described above, in every particular, the ZTA (revised WO) will relax the existing standards on number, size and permitting of events and open new permitted uses (restaurants and weddings) at wineries and breweries. One of the stated purposes of ZTA itself is to "promote agritourism" as described by the county [see above]. Yet the DEIR is stating that because the ZTA doesn't *directly and explicitly* cause the establishment of new wineries and breweries in Placer County that the rate of growth and the impact of these businesses will not increase under the ZTA. It strains credulity that the PCVA would lobby the county to undertake this multi-year process to relax the requirements of the existing WO if all that would result is maintenance of the *status quo*. The progressive and cumulative threats to the environment must be honestly acknowledged and addressed.

**14-2**

2. Raney P&M consider only wineries and farm breweries in the "Winery/Farm Brewery Geographic Area (DEIR Fig 3-1) in their analysis of effects from events upon rural populations and the rural environment. The analysis must also include non-winery/brewery facilities located in this region; e.g. Grange Halls, Community Centers, and Event Centers. There are at least five (see note 1), or about 30% more than the sixteen shown in the figure.

The concentration of businesses simultaneously holding events in rural areas during the peak tourist season already exposes some locations to significant undesirable effects. In particular, Dono dal Cielo Winery, Gold Hill Gardens "community center" (and now Bed and Breakfast) and the Gold Hill Grange are located within 1.5 miles of each other along Gold Hill/Wise Roads. This concentration represents a considerable noise and traffic burden to local residents when more than one of these facilities hold overlapping events.

In conclusion, the DEIR is based upon a flawed baseline (omitting substantially similar event venues from consideration) and upon the flawed premise that the ZTA will not increase the rate of growth of these businesses, despite the fact that it is the express purpose of the ZTA to make rural wineries and breweries a more attractive business model and increase agritourism in rural Placer County.

**Letter 14**  
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**Specific Comments on the DEIR**

- 14-3** 1. DEIR P1-6 Energy: It is contradictory that the State of CA is encouraging infill to reduce automotive air pollution (see note 2) while this proposed WO encourages trips from urbanized areas to rural areas for formerly urban uses (e.g., restaurants, bars).
- 14-4** 2. DEIR P1-7 Wildfires The Carr and Ferguson fires were caused by vehicles [<https://www.nbcnews.com/storyline/western-wildfires/hot-vehicle-component-caused-california-s-deadly-ferguson-fire-n917431>]. Section D of the DEIR acknowledges that the ZTA will bring "a greater number of people" to a particular location, but then says because locations aren't exactly known, risks are not significant.
- 14-5** 3. DEIR P 9-1 Noise. This has been the most consistent problem with wineries and event centers, particularly where they are located in physical proximity (e.g., Gold Hill Gardens, Gold Hill Grange Hall and Dono dal Cielo winery) and which during the April – October event season may frequently hold events during the same day/time. While impacts from each source may not rise to actionable levels under the county noise ordinance, the cumulative environmental and social effects are considerable. By dealing with each source individually the current and proposed regulations minimize this very real problem, which is also inadequately enforced. The relaxed event regulations in the proposed WO ZTA would increase this cumulative noise.
- 14-6** 4. DEIR P 12-1 Cumulative impacts. Cumulative "noise" and "traffic" impacts analyses are flawed by not including substantially similar sources not covered by the WO; e.g., "Community Centers" (including Grange Halls) and existing event centers and wedding venues [see note 1].
- 14-7** 5. DEIR P12-2 "However, this EIR is not required to evaluate the physical environmental effects of construction of new facilities, because the Zoning Text Amendment would not result in the direct development of additional medium or large wineries/farm breweries...."
- While no direct mention of new facilities is made in the revised WO, by universally relaxing the regulations and making this use a more attractive business model in rural Placer, the *de facto* effect will be to increase the number of these facilities and to intensify their effects on the rural environment.

**Specific Comments on the ZTA**

- 14-8** 17.56.330  
A. How is "orderly development provided for in this ZTA? Rather than "protect[ing] ag character & viability of ag lands, this ZTA would allow non-agricultural uses (events, restaurants at wineries and breweries) by right in Agricultural Zones, to the detriment of other agricultural uses and the rural environment.
- 14-9** B.: [Add to ] Definitions.  
"Accessory Use - Restaurant" is food preparation and service that is related and clearly

**Letter 14  
Cont'd**

- 14-9  
Cont'd
- subordinate to the primary use on a property as a winery or farm brewery.
- What does "subordinate" mean exactly and how does this proposal ensure the restaurant is "subordinate" to the winery/brewery?
- 14-10
- "Special Events" How is the distinction vs "Ag Events" enforced?
- 14-11
- Note that the "Winery" definition makes no mention of grapes or other ag products grown on site; only "processing" is necessary
- 14-12
- E. "These standards will be applied with flexibility to encourage...." This "flexibility" of standards language occurs ONLY in one other instance in the entire Placer County Zoning Code, in Section 17.51.010, regarding Specific Plan Districts. Why do wineries and breweries merit this special carve-out in the Zoning Code? Where is the "flexibility" to encourage protection of the stability of *other types* of agriculture and the rural environment? Why have standards at all if they can be arbitrarily modified for a special interest?
- 14-13
- G. "Failure of prop owner who shares access right to receive notice does not invalidate issuance of permit...."
- To protect rights of adjacent property owners, must amend this to read "Applicant must show receipts of certified/registered mail to all affected property owners or application becomes invalid."
- 14-14
- I. Language must be amended to read "a use permit" OR "zoning clearance."
- How will the distinction be made among "Ag Promo" events, "special" events and "private gatherings?" Enforcement not really practical.
- From staff comments on the ZTA: "In the years since the 2008 Winery Ordinance was approved, industry concerns regarding the County's existing Winery Ordinance had been raised, specifically citing a lack of Agricultural Promotional Events allowed without a use permit. Based upon the need to hold a greater number of events by right, staff determined that it was appropriate to re-examine the existing Winery Ordinance to meet the needs of the community and the winery owners.  
[from <https://www.placer.ca.gov/3698/2018-Winery-Farm-Brewery-Ordinance-Update>]
- DEIR P 4-15 "Events at winery/farm brewery facilities are considered 'necessary services' by the owners/operators in terms of their importance in financially supporting on-site agricultural uses."
- Are the proprietors of these businesses the sole arbiters of what is "necessary" to support the viability of their operations? These assertions weirdly favor one subset of "agriculture" over all others in Placer County. Why can't rice farmers, mandarin growers and goat ranchers assert their "need" for the County to modify the Zoning Code to allow them to hold unlimited events and have a restaurant on their premises to open another income stream for their agricultural businesses? These provisions for wineries and breweries do not represent parity with other types of agriculture in Placer County and

**Letter 14  
Cont'd**

**14-14  
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↑ weaken the Zoning Code by opening a wedge whereby events and restaurants can be permitted throughout Agricultural Zoning.

DEIR P 4-16 "The proposed Zoning Text Amendment would not result in the introduction of non-agricultural land uses adjacent to lands currently used for commercial agricultural operations, as winery uses and support services, such as events, *are considered agricultural uses* by the County Code, per the above discussion"

**We strongly object** to the notion that events and restaurants are "agricultural uses" by the County Code

DEIR P 4-9 Right to Farm. B. "No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than one year if it was not a nuisance at the time it began."

Is the County proposing that events and restaurants in Ag Zoning are "agricultural uses" that will be covered by Right to Farm? We strongly object to the characterization of these urban businesses as "agricultural uses."

**Necessary Corrections to the ZTA**

**14-15**

No enforcement or penalties information is given. A number of these provisions are difficult or impossible to enforce, especially given the "application with flexibility" clause [ZTA, Section E.]

Size and number of events. Who will count?  
Noise, especially from multiple events  
Distinction among Ag Events, Special Events and Private Parties. Who will be checking?  
Assurance that the "event" component is subordinate to the agricultural component for wineries and breweries. How measured (e.g., Total revenue? Number of days devoted to the component?) and by whom?

**14-16**

G. Failure of prop owner who shares access right to receive notice does not invalidate issuance of permit. This language must be amend to read: "Applicant must show receipts of certified/registered mail to all affected property owners or application becomes invalid."

**14-17**

I. Language must be "a use permit" OR "zoning clearance"

**14-18**

Noise. The contribution of noise from any rural event can be largely mitigated if the County would simply revise the Noise Ordinance to state that amplified sound systems must be used ONLY within permanent structures (i.e., no tents) in Agricultural Zones.

**14-19**

E.2. ZTA Access standards

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**Letter 14  
Cont'd**

**14-19  
Cont'd**

(ii) If a winery or farm brewery has public tasting and is accessed by a private road, the applicant shall provide proof of access rights as determined by the County and an affirmative written statement of the legal right to access and use said road for the purposes of the requested facility. The owner must also obtain written approval of the governing board of the applicable road maintenance association or homeowners association. If no governing body or association exists, written approval from a majority of the individuals who have access rights to the road shall be required. The owner shall include with said statement the proposal for road maintenance or provide evidence of an existing road maintenance agreement. The owner shall be required to indemnify the County for any claims resulting from said road access.

(iii) The facility must obtain written approval of the governing board of the applicable road maintenance association or homeowners association. If none exists, written approval from a majority of the individuals who have access rights to the road shall be required.

Change the above language in the ZTA 2 b. ii to read: "Written approval from the majority of individuals exclusive of the applicant. HOAs/road maintenance associations may require applicant to purchase a bond guaranteeing necessary maintenance and repair from winery/brewery traffic."

**14-20** Remove "restaurant" as an allowed use at wineries and farm breweries in Ag Zoning.

**14-21** Remove the "flexibility" provision in Sec E.

**Conclusions**

**14-22** The DEIR is based upon flawed premises and must be redone. The Reduced Intensity Alternative mentioned on P 2-2 Sec 2-4 deserves further consideration.

**14-23** The draft ZTA includes several provisions that make the needs of other Placer County agricultural operations, populations and the rural environment subordinate to the commercial interests of wineries/farm breweries. A hard cap must be placed on the number and density of venues permitted to hold these types of events in Ag Zones.

The "flexibility" language and "restaurant" allowed use must be removed

Enforcement of event regulations has never been adequate, and the increased number, type, and distinctions of events permitted under the ZTA will make enforcement even more difficult and less likely.

Carol Rubin  
Newcastle, CA

**Letter 14  
Cont'd**

**14-24**

Note 1: Other event venues within DEIR Figure 1, Current Winery/Farm Brewery Geographic Area:

Gold Hill Grange, 1405 Gold Hill Road  
Portuguese Hall, 690 Taylor Road  
Mt Pleasant Hall, 3333 Mt Pleasant Road  
Newcastle Wedding Gardens, 950 Taylor Road  
Turkey Creek Golf Club, 1525 CA 193

**14-25**

Note 2: "Infill developments are crucial to California's ability to meet our air quality and climate goals," said CARB Chair Mary D. Nichols. "They put people close to public transit, reduce the need to drive, and promote biking and walking. [<https://ww2.arb.ca.gov/news/california-air-resources-board-issues-guidance-lower-air-pollution-exposure-risks-near-busy>]



**LETTER 14: CAROL RUBIN**

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**Response to Comment 14-1**

See Master Response #1.

**Response to Comment 14-2**

See Master Responses #1 and #2. Traffic associated with existing non-winery/farm brewery facilities (e.g. community centers) referenced by the commenter has been accounted for in the traffic counts conducted as part of the Traffic Impact Analysis. Thus, noise and traffic effects associated with events at such existing facilities are included in the baseline conditions evaluated in the Draft EIR.

**Response to Comment 14-3**

The comment does not address the adequacy of the Draft EIR. It is noted that air quality is addressed in Chapter 5 of the Draft EIR.

**Response to Comment 14-4**

The comment provides background on historic wildfires within Placer County, along with a link to a news article related to the Carr and Ferguson fires. However, the commenter does not provide evidence that the increased number of people anticipated under the Zoning Text Amendment would result in substantially greater fire hazard relative to existing conditions. Please see Response to Comment 5-45.

**Response to Comment 14-5**

See Response to Comment 5-8. The existing facilities referenced by the commenter have several differences from the facilities covered by the proposed Zoning Text Amendment such that combined cumulative impacts would occur. Given the considerable distances between wineries, the cumulative contribution from on-site activities would be imperceptible. For example, Dono Dal Cielo Vineyards is located approximately 3,000 feet north of Gold Hill gardens, and 6,700 feet north of the Gold Hill Grange Hall. Given a hypothetical noise level of 80 dBA at 50 feet from a source of amplified music at the Dono Dal Cielo Vineyard, the corresponding levels at the Gold Hill Gardens and Gold Hill Grange Hall would be 40 dBA and 27 dBA, respectively, not accounting for any intervening shielding by topography, structures, or vegetation. If activities generating similar levels of sound were occurring simultaneously at all three sites, the net increase in noise at any of the sites resulting from events at the other two locations computes to less than 0.001 dBA. With the threshold of perception being approximately 3 dB, such a level of increase is orders of magnitude below levels which would be considered cumulatively considerable.

With respect to increases in traffic on the local roadway network during a period when multiple events are occurring concurrently at wineries and farm breweries in Placer County, the noise analysis utilized traffic forecasts which included the cumulative contribution of traffic during such



conditions. That cumulative traffic noise analysis concluded that, even during periods when events are occurring concurrently, the cumulative increase in traffic noise levels at persons residing near the local roadway network would be less than significant. As a result, additional analysis of cumulative noise conditions is not warranted.

It should be noted that issues pertaining to noise are enforced under Article 9.36 (Noise). Complaints that pertain to the issue of noise are addressed through a collaborative effort with the Sheriff's Office and Community Development Resource Agency Code Compliance Services. Both agencies have noise meters to collect data to determine if the source of noise is outside the specifications of Article 9.36 of the County Code. A joint policy between the agencies exists and specifies the days, times, and activities that may generate the noise, in addition to the authority required to respond. Generally, the Sheriff's Office will respond to noise issues on weekends and in the evenings when Code Compliance staff are unavailable. The policy specifies that chronic or on-going sources of noise affiliated with a commercial land use will be handled by the Code Compliance Services. A noise violation observed by either agency will begin with issuance of a warning citation followed by a fine that progressively increases if compliance is not reached. Section 9.36.100 (Administrative citations) outlines the citation process specific to noise violations. The Code Compliance Services handles collection of fines and schedules appeals for the citation process.

#### **Response to Comment 14-6**

Issues related to noise and traffic are evaluated in Chapters 9 and 10, respectively, of the Draft EIR, as well as in Chapter 12, Cumulative Impacts and Other CEQA Sections. In addition, the vehicle traffic counts conducted at study roadway facilities as part of the Traffic Impact Analysis prepared for the project included vehicle trips associated with other existing venues in the region, such as those the commenter references in Comment 14-1. See also Response to Comment 14-5.

#### **Response to Comment 14-7**

See Master Response #1.

#### **Response to Comment 14-8**

The comment does not address the adequacy of the Draft EIR. See Response to Comment 8-7.

#### **Response to Comment 14-9**

Please see Response to Comment 6-4. The comment does not address the adequacy of the Draft EIR and has been forwarded to decision-makers for their consideration.

### **Response to Comment 14-10**

As with all code compliance issues, information and observed data is required in order to pursue issues with the County Code. It would be possible to identify the type and number of attendees based on observation or advertisement.

The comment questions the enforceability of the Zoning Text Amendment, but does not address the adequacy of the Draft EIR. Please see Response to Comment 5-8. The comment is noted, but otherwise does not address the adequacy of the Draft EIR. Comments pertaining to code compliance and enforceability is a concern among many stakeholders and community members.

### **Response to Comment 14-11**

The “Winery” definition does include reference to the ABC Type 02 license, and as such, grapes or other fruit that can be converted into wine under the State license allowances shall be grown on the property, consistent with the agricultural minimum requirement and a determination by the Agricultural Commissioner. Please see also Response to Comment 5-20.

Overall, the comment does not address the adequacy of the Draft EIR, but has been forwarded to decision-makers for their consideration.

### **Response to Comment 14-12**

Placer County has numerous local farms and ranches, which provide fruit, vegetables, meats and other agricultural products from the region. The county has an interest in all of the farms and ranches that make Placer County a unique place, and aims to support local businesses to thrive and grow. A number of land uses are addressed in Chapter 17, Zoning, of the Placer County Code, including Roadside Stands for Agricultural Use, Food Product Manufacturing, Agricultural Processing, and more directly Wineries. Zoning codes throughout the region specifically regulate wineries because wine industry growth has outpaced other farms and ranches with an interest in the agri-tourism marketing model. Placer County began regulating wineries with an ordinance in 2008, when Section 17.56.330 was originally adopted by the Board of Supervisors. While zoning codes set the rules for land development, they are designed to respond and iterate as time and trends change. Further, the project implements a number of General Plan policies stated in Table 8-6 on page 8-21 of the Draft EIR.

### **Response to Comment 14-13**

The proposed code Section 17.56.330(E)(2)(b)(ii), Access Standards on Non-County Maintained Roads, states the following,

If a winery or farm brewery has public tasting and is accessed by a private road, the applicant shall provide proof of access rights as determined by the County and an affirmative written statement of the legal right to access and use said road for the purposes of the requested facility. The owner must also obtain written approval of the governing board of the applicable road maintenance association or homeowners association. If no

governing body or association exists, written approval from a majority of the individuals who have access rights to the road shall be required. The owner shall include with said statement the proposal for road maintenance or provide evidence of an existing road maintenance agreement. The owner shall be required to indemnify the County for any claims resulting from said road access.

In addition to this requirement, any project requiring a use permit will also follow the standard procedures for notification outlined in Sections 17.58.120, Minor use permits, and 17.58.130, Conditional use permits, when these land use entitlements are required.

#### **Response to Comment 14-14**

Please see Response to Comment 14-12.

For the comment pertaining to provisions of the Right-to-Farm ordinance in relation to event uses, please see Response to Comment 12-3. Please also see Response to Comment 6-4 regarding accessory-restaurant uses.

#### **Response to Comment 14-15**

Please see Response to Comment 14-10.

#### **Response to Comment 14-16**

See Response to Comment 14-13.

#### **Response to Comment 14-17**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

#### **Response to Comment 14-18**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

#### **Response to Comment 14-19**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

#### **Response to Comment 14-20**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 14-21**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 14-22**

The commenter summarized the concerns noted in the body of the comment letters. See the above responses to comments. In addition, Chapter 13, Alternatives Analysis, of the Draft EIR, provides an in-depth analysis and consideration of each of the various alternatives to the proposed Zoning Text Amendment.

**Response to Comment 14-23**

With regard to consideration of events as commercial uses, see Response to Comment 8-7 above. With regard to restaurant uses, see Response to Comment 6-4 above. See Response to Comment 5-8 regarding code enforcement issues.

**Response to Comment 14-24**

The comment is a note which was referenced in Comment 14-2 and does not address the adequacy of the Draft EIR.

**Response to Comment 14-25**

The comment is a note which was referenced in Comment 14-3 and does not address the adequacy of the Draft EIR.

**Letter 15**

**Winery and Farm Brewery Zoning Text Amendment Project  
Draft EIR Public Comment Meeting Summary**

**Date:** May 23, 2019  
**Time:** 10:00 AM  
**Location:** Placer County Community Development Resource Center  
Planning Commission Hearing Room  
3091 County Center Drive,  
Auburn, CA 95603

**Verbal Comments (arranged in order of “appearance” of commenter):**

**Commissioners Questions/Comments**

**Commissioner**

- |             |  |
|-------------|--|
| <b>15-1</b> | <ul style="list-style-type: none"><li>• Commissioner is concerned with noise generation from activity happening at the facilities (Section 9 page 25).<ul style="list-style-type: none"><li>○ Commissioner notes that non-transportation noise would be significant and that each of the facilities is very unique (geographically) so the impact on the neighboring community would likely vary depending on the facility.</li><li>○ The Draft EIR (DEIR) needs to address the uniqueness of each site and the surrounding neighborhoods and how each will go about minimizing the noise impact from events associated with the facilities.</li></ul></li></ul> |
| <b>15-2</b> | <ul style="list-style-type: none"><li>• Commissioner is concerned with the potential wear and tear on the surrounding roads (Section 10 Page 33).<ul style="list-style-type: none"><li>○ Commissioner addresses the estimation of 904 daily vehicle trips and close to 3800 vehicle trips a day during build out.</li><li>○ Commissioner argues that DEIR needs to continue to address the impacts at the intersections throughout the community.</li></ul></li></ul>  |
| <b>15-3</b> | <ul style="list-style-type: none"><li>• Commissioner discusses concern with whether or not the traffic fees are adequate enough to keep up condition of the roads (Section 12 Page 45).</li></ul>  |
| <b>15-4</b> | <ul style="list-style-type: none"><li>• Commissioner discusses the findings required for approval, no administrative review permit, or Conditional Use Permit unless Planning Commission or Board of Supervisors approves while addressing the list of conditions stated in the section (Section 13 Page 8 and 9).<ul style="list-style-type: none"><li>○ Questions whether the project is going to be detrimental to public health or the property and wants to make sure that the County is doing everything possible as it relates to the people in the surrounding area and neighborhoods.</li></ul></li></ul>   |
| <b>15-5</b> | <ul style="list-style-type: none"><li>• Commissioner suggests posting signs at the proposed facilities located along the access road with contact information for a supervisor at the facility so if the residents have an <u>issue</u>, they can contact someone at the sites.</li></ul>  |
| <b>15-6</b> | <ul style="list-style-type: none"><li>• Commissioner suggests including a phone number and contact information for the County to address issues occurring in the evenings or on the weekend.</li></ul>   |

## Letter 15 Cont'd

- 15-6**     ↑  
**Cont'd**     ○ Commissioner recommends including a voicemail system which includes a time stamp that people can call in and voice their concerns related to the activities going on at the facilities.
- 15-7**     • Commissioner believes each facility should have to fill out an application for special events to track the number of events being held.  
               ○ Commissioner states the public has continuously commented that there is no way to track if the facilities are going over their limited number of special events.  
               ○ The Commissioner states that the application system would make it easier on the facility owners and the public.
- Commissioner
- 15-8**     • Commissioner discusses the acreage requirements for production only facilities, noting that production only facilities have to include a vineyard.
- 15-9**     • Commissioner questions whether or not Conditional Use Permits are required for every wedding.
- 15-10**   • Commissioner questions whether the zoning text will apply to other existing vineyards in the area.  
               ○ Commissioner notes there is a vineyard in the Forest Hill Divide but DEIR does not address this location.
- Commissioner
- 15-11**   • Commissioner questions whether or not the C designation allows for wineries to operate at any time.  
               • Commissioner questions whether an individual has 40,000 acres or 40 acres, are they able to operate at any time with the C designation.
- Commissioner
- 15-12**   • Commissioner addresses the production only facilities and how they need to have a vineyard. Commissioner notes that counties like El Dorado have stocking standards that are associated with each winery and how these standards do not apply to this ordinance.
- 15-13**   • Commissioner asks if an individual just wanted to have a tasting room and winery, would the individual be required to meet agriculture minimums in order to have a winery?
- 15-14**   • Commissioner reiterates whether stocking standards and planting densities play a role in this ordinance.

**Letter 15  
Cont'd**

**Public Comments**

Commenter 1 (Lorrie Lewis)

- 15-15**
- Commenter claims the noise measurements referenced in the DEIR were conducted during the offseason to avoid conflict with when the events were occurring.
  - Commenter argues the “expensive” noise study is inaccurate because it was conducted during the offseason when very little hosting is occurring.
  - Commenter notes the noise study was produced during a time which favored the applicants.
  - Commenter notes that even though the study was conducted during the offseason, the traffic study shows that existing wineries or breweries increased daily vehicle trips on the weekend to at least 1,000.
    - With this increased traffic, there must be law enforcement to regulate these County roads but the CHP does not have enough staffing nor does it hold these roads to a high priority.
  - Commenter believes the County is in violation of the Health and Safety Code and the public water system requirement (11.6.275 Subsection H requiring a public water system if a facility serves more than 24 people or 60 days per year).
    - States that the County is deliberately allowing just 59 events per year to avoid the public water system requirement.
  - Commenter is concerned the continuous weekend special events would significantly deplete the aquifer supply.
  - Commenter alleges that Placer County failed in the 2008 winery ordinance, which required facilities to obtain administrative review permits for their six outdoor events and six promotional events, but the County does not know how many events were actually held.
    - Commenter is concerned this ordinance may lead to a reoccurrence of the same events that occurred as a result of the 2008 ordinance.
    - Commenter believes a special relationship has formed between Placer County and the existing wineries and breweries.
  - Commenter notes that the new proposal includes restaurants which would affect the zoning designation (agricultural to commercial).
  - Commenter states this would give restaurants and weddings protection under the right to farm ordinance but the right to farm ordinance is not meant for agriculture to become secondary to restaurants and other commercial sites.
  - Commenter adds that the ordinance is allowing wineries and breweries to become event centers.
  - Commenter believes conflict may arise between neighboring residential zones and commercial zones.
  - Commenter states that the no project alternative is an environmentally superior alternative to the proposed ordinance.

Commenter 2 (Marilyn Jasper)

- 15-16**
- Commenter states that the same primary issues in this document from years ago have not changed or been adequately mitigated.
  - The commenter states that “loophole language” presented in this new ordinance results in impacts being detrimentally increased and exacerbated.
- ▼



**Letter 15  
Cont'd**

**15-16  
cont'd**

- Commenter is concerned that the roadside farm stands, which sell produce, are now in the form of “tasting rooms” that include tasting alcoholic beverages along Country roads.
- Commenter states the concept of this ordinance makes claims to justify unlimited events to support ag tourism.
  - Commenter believes the proposed ordinance is not the correct approach in promoting ag tourism.
- Commenter believes the DEIR brings up more controversy, complaints, code enforcement, and costs for the County to deal with incompatible and nonconforming land uses.
- Commenter believes the same ordinance language that is approved will be equally applicable to distilleries and cannabis tasting rooms.
- Commenter suggests the de facto event center allowances be deleted from the DEIR and proposed ordinance.

Commenter 3 (Carol Rubin)

**15-17**

- Commenter notes that she agrees with the previous speakers in that the DEIR is based on flawed premises.
  - Commenter presents concern with the DEIR which states that the zoning text amendment would not include development of additional structures or additional development of new wineries.
  - Commenter is concerned with the DEIR’s less-than-significant impact conclusion because specific buildings were not mentioned (no specific impact mentioned).
- Commenter believes the winery ordinance requirements have been relaxed, allowing more events and restaurants.
- Commenter predicts accelerated development of wineries and breweries in Placer County if the ordinance is passed and in every case the impacts are going to be greater.
- Concerned with the conclusion of the DEIR stating that events are considered necessary services for the operators to financially support on-site agricultural use.
- Commenter argues that restaurants and special events are a commercial urban/suburban use and not agricultural.
- Commenter wants the ordinance to disapprove restaurant and events for agricultural use and make the adjustment that they are not part of the “right to farm.”

Commenter 4 (Justin Black)

**15-18**

- Commenter notes that he is a Lincoln resident and small-time farmer and wine maker.
- Commenter states that the primary land use of Placer County is residential, which makes it hard to acquire land for agricultural use.
- Commenter states that even though this use of agricultural land is different from the past, it is still the proper use of agricultural land and should not be considered a nuisance.
- Commenter notes that he is trying to open a micro winery, but the access standards under the proposed ordinance forces him to acquire surrounding land for roadway improvements and this requires significant upfront land cost, which makes the winery business much more appealing for the wealthy and non-residents rather than the small-time operator.

**Letter 15  
Cont'd**

Commenter 5 (Teena Wilkins)

- 15-19**
- Commenter owns a winery on Bell Road that produces about 2,000 cases per year and is one of the oldest wineries in the County.
  - Commenter asks the Commissioners to please recommend approval of the winery ordinance.
  - Commenter believes that the ordinance allows wineries the chance to be lucrative.
  - Commenter states that if there is no commercial allowance in the agricultural zone, proprietors are unable to make a profit, and farming will soon dissipate in Placer County.
  - Commenter claims that the neighbors who disapprove of the ordinance will be even more upset because Placer County will soon turn into a residential area if farming declines.
  - Commenter argues wineries and breweries would become recognized and legitimized through this ordinance and are actually saving farming and the rural aspect.

Commenter 6 (Angela Sehr)

- 15-20**
- Commenter has started the application process in obtaining a winery permit and beginning her own winery production.
  - Commenter has tried to preserve the area as agriculture by planting grapes and olives on her 10 acres of land.
  - Commenter notes the high cost and time restraints in acquiring a permit for wineries.
  - Commenter recently purchased 240 acres of ranch land and is debating if she is going to plant more grapes or use the land for residential purposes.
  - The commenter argues that property owners will alter their land use depending on the ordinance outcome (will either result in more housing if the ordinance is not passed or agricultural use if the ordinance is passed).
  - Commenter states that it is critically important to pass the ordinance to save small farmers and the rural community.

Commenter 7 (Stewart Perry)

- 15-21**
- Commenter notes that he owns Fawn Ridge Winery off of Cramer Road and his winery produces about 1,500 cases per year.
    - Commenter has a production that rose to almost 2,000 cases per year but it became overwhelming for a small operation.
  - Commenter notes that farmers are quietly trying to exist and develop proportionately to their abilities (based on size).
  - Commenter notes that recent regulations have had a minimal impact on winery businesses.
    - Commenter notes that he just serves bottled water, while the new proposal requires a commercial well for a three day a week operation but they do not have more than 25 people on the property at any one time.
    - Commenter claims that small operations already police themselves and adhere to the regulations, as they make sense.
  - Commenter makes note that the industry is going down a path of large operations with a great deal of resources that smaller businesses do not have, but this ordinance can have a positive effect on small wineries.

**Letter 15  
Cont'd**

- 15-22**
- Commenter 8 (Kathryn Johnson)
- Commenter notes that she is a co-owner of Goat House Brewing which is one of the farm breweries in rural Lincoln and has been open for six years.
  - Commenter states that their brewery employs between 10 to 18 people throughout the year for 20 hours a week but do not do wedding events.
  - Commenter notes their brewery complies with regulations (well requirements, septic regulations, etc.).
  - Commenter encourages the public to review the documents and regulations to become educated on the ordinance and the industry and not misinterpret the documents.
  - Commenter notes that their brewery is one of the only “farm-to-tap” breweries in the state of California (recognized by PBS and Forbes).
  - Commenter grows hops and raises goats on their property.
  - Commenter notes the ordinance and breweries would help preserve farmland.
  - Commenter mentions that property values have been increasing in their neighborhood due to the increased number of breweries in the area.

## **LETTER 15: PUBLIC MEETING COMMENT LETTER**

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### **Response to Comment 15-1**

Chapter 9, Noise, of the Draft EIR provides an analysis of noise impacts in the vicinity of existing wineries and farm breweries and potential future wineries and farm breweries. As noted in the second paragraph of Section 9.1 of the Draft EIR (Introduction), “Potential cumulative noise effects associated with future wineries and farm breweries that would be subject to the proposed Zoning Text Amendment are addressed in Chapter 12, Cumulative Impacts and Other CEQA Sections, of this EIR.” In addition, Impact 9-1 specifically evaluates impacts related to off-site traffic noise on roadways located throughout the project study region, not just in the immediate vicinity of existing wineries and farm breweries.

As shown in Table 3-1 of the Draft EIR, facilities within residential and agriculture and resource zone districts (RA, RF, AE, F, and FOR) would require a Conditional Use Permit (CUP) or Minor Use Permit (MUP) on parcel sizes between 4.6 and 10 acres. The County would conduct additional environmental review, including analysis of potential noise issues, prior to approval of future use permits. Thus, while this EIR does not include analysis of potential environmental impacts at such facilities, a project-specific environmental review, including a noise analysis, would be required for any future wineries or farm breweries.

### **Response to Comment 15-2**

Wear and tear on roadways is typically a function of heavy-duty vehicle traffic. No such heavy-duty vehicle traffic would occur as a result of the proposed project. The passenger vehicles associated with event attendance are not anticipated to cause atypical wear and tear on rural County roads.

### **Response to Comment 15-3**

Traffic fees pay for capital improvements to the roadway system that are specifically listed in the capital improvement programs for various fee districts. Proposed land uses (including wineries or farm breweries) pay their fair share based on the estimated number of peak hour trips that the land use would create. The funds are applied to future capacity and safety projects.

Placer County typically has not collected an operations and maintenance fee for development on existing County roads. In some instances, a charge is applied for supplemental Road Maintenance CSA charge for new roads that developers create; however, these are predominately associated with the new development.

### **Response to Comment 15-4**

The commenter makes reference to pages 8 and 9 of Chapter 13, Alternatives Analysis, which provide the language of the Placer County Municipal Code Section 17.58.140. The ARP, MUP, and CUP findings quoted by the commenter are included for the Wedding CUP Alternative evaluated in this EIR. Under the Wedding CUP Alternative, prior to Planning Commission

approval of CUPs for weddings, County staff would conduct an analysis to determine if the required findings can be met. If appropriate, County staff can then recommend Planning Commission approval of the CUP.

**Response to Comment 15-5**

See Response to Comment 5-8. The comment does not address the adequacy of the Draft EIR; rather, the code enforcement concerns noted by the commenter would be considered as a policy matter. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 15-6**

See Response to Comment 5-8. The comment does not address the adequacy of the Draft EIR; rather, the code enforcement concerns noted by the commenter would be considered as a policy matter. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 15-7**

See Response to Comment 5-8. The comment does not address the adequacy of the Draft EIR; rather, the code enforcement concerns noted by the commenter would be considered as a policy matter.

**Response to Comment 15-8**

The comment does not address the adequacy of the Draft EIR. For confirmation purposes, Section D(2) of the proposed Zoning Text Amendment states that production facilities are subject to the minimum agricultural requirement.

**Response to Comment 15-9**

The comment does not address the adequacy of the Draft EIR. Conditional Use Permits are not required for every wedding, as can be seen in Table 3-1 and 3-2 of the Project Description chapter of the EIR. For example, according to Table 3-1, only parcels greater than 10 acres in size within an AE, F, or FOR zone could hold weddings without a use permit. Furthermore, per Table 3-2, only up to six weddings/special events would be allowed on medium-sized parcels, and up to 12 weddings/special events on large-sized parcels.

**Response to Comment 15-10**

The proposed Zoning Text Amendment would apply to all wineries and farm breweries within Placer County, regardless of parcel size or zoning. However, as discussed in Chapter 3, Project Description, of the Draft EIR, this EIR limits the analysis to the existing Medium (10- to less than 20-acre) and Large (>20 acres) parcel-sized wineries/farm breweries at which Agricultural Promotional Events would be allowed by-right (see page 3-14 of the Draft EIR). Facilities on parcels less than 10 acres that are located on land zoned RA, RF, AE, F, and FOR would be subject to conditions of approval and separate environmental review under a CUP or MUP in order to host

events. Because further environmental review would be conducted with any future use permit application, facilities on 4.6- to less than 10-acre parcels or located on land zoned RA, RF, AE, F, and FOR were not evaluated within the Draft EIR.

### **Response to Comment 15-11**

The comment does not address the adequacy of the Draft EIR. Page 3-9 of the Draft EIR states the following regarding hours of operation:

The currently adopted Winery Ordinance does not specify allowable hours of operation. Typical tasting hours at wineries in operation today are between 10:00 AM and 6:00 PM, while special extended tasting hours or other events continue into the evening and end by 8:00 PM Sunday-Thursday and 10:00 PM Friday through Saturday. Codifying tasting hours is one way to regulate that the facilities are for sampling the product and typically would not operate into the evening. The Winery and Farm Brewery Zoning Text Amendment proposes the following:

*All facilities shall be allowed to conduct normal tasting from 10:00 AM to 6:00 PM. Events shall be allowed from 10:00 AM to 10:00 PM on Friday and Saturday and from 10:00 AM to 8:00 PM Sunday through Thursday. If a winery or farm brewery is required to have a Minor Use Permit or Conditional Use Permit by this Ordinance or has an existing permit and is lawfully operating, limits on hours of operation will be in accordance with the conditions placed on those entitlements.*

The limits on hours of operation would apply to all facilities covered by the County's Winery Ordinance.

### **Response to Comment 15-12**

The comment does not address the adequacy of the Draft EIR. With respect to stocking standards for each facility, Section D(1) of the proposed Zoning Text Amendment states, "Planting densities should be consistent with what is found in the Sierra Nevada Foothills and shall be properly maintained as a requirement of the facility's continued operation, as determined by the Agricultural Commissioner."

### **Response to Comment 15-13**

The comment does not address the adequacy of the Draft EIR. Per the proposed, new definition of "Tasting Room", and Section D(1) of the proposed Zoning Text Amendment, it can be seen that for properties in a Residential, Resource, or Agricultural zone district, tasting rooms are only allowed if production takes place on-site, and at least two acres of on-site planted vineyard, hops, or other agriculture related to beverage production, are provided. A separate definition is included in the Zoning Text Amendment for a "stand-alone tasting room", which would be allowed only in Commercial and Industrial zone districts, where no on-site production or agricultural planting is required.

### **Response to Comment 15-14**

See Response to Comment 15-12.

### **Response to Comment 15-15**

See Response to Comment 12-7 and 12-8. As noted therein, Chapter 10, Transportation and Circulation, of the Draft EIR discusses the existing transportation network, and analyzes the potential for additional events and special events enabled by the proposed Zoning Text Amendment to generate additional vehicle trips on area roadways. As analyzed, the proposed Zoning Text Amendment would not result in any significant impacts to area roadways, and intersections. In addition, as analyzed in Impact 10-3, the proposed Zoning Text Amendment would not result in inadequate emergency access to nearby uses.

Furthermore, the Initial Study prepared for the proposed project analyzed the results of the proposed Zoning Text Amendment on the availability of public services such as Police and Fire Protection. The analysis within the Initial Study determined that any future increase in events resulting from the proposed Zoning Text Amendment would not result in increased demand on fire service providers or the Placer County Sheriff's Office. As such, impacts related to traffic, emergency access, and emergency services would not be considered significant.

See Response to Comment 12-5 regarding frequency of events under the Zoning Text Amendment. See Response to Comment 12-6 regarding project effects on groundwater supplies. In addition, see Responses to Comments 12-1 and 12-2.

See Response to Comment 12-3 above. The Draft EIR does not make any assertion that events occurring under the Zoning Text Amendment would be protected by, or conflict with, the County's Right-To-Farm ordinance. Thus, the comment does not address the adequacy of the Draft EIR.

With regard to consideration of the No Project Alternative, see Response to Comment 12-2.

### **Response to Comment 15-16**

The comment does not address the adequacy of the Draft EIR. In general, please refer to the responses provided above for Letter 5 from Marilyn Jasper, Public Interest Coalition. Specifically, with regard to "loophole language", see Response to Comment 5-34. With regard to roadside farms, see Response to Comment 5-33. Roadside farm stands are not covered by the Zoning Text Amendment. With regard to promotion of agricultural tourism, see Response to Comment 5-27. With regard to consideration of distilleries and cannabis operations, see Response to Comment 5-33. Lastly, the Zoning Text Amendment does not include any provisions related to operation of event centers.



**Response to Comment 15-17**

See Master Response #1. With regard to restaurant uses, see Response to Comment 6-4 above. As discussed on page 3-11 of the Draft EIR, the Zoning Text Amendment would allow for an increase in event activity at existing and future study facilities compared to the adopted Winery Ordinance. Also see the responses provided above for Letter 14 from Carol Rubin. With regard to the events supporting on-site agricultural uses, please refer to Response to Comment 8-7.

**Response to Comment 15-18**

See Responses to Comments 9-2 and 9-5.

**Response to Comment 15-19**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 15-20**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 15-21**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 15-22**

The comment does not address the adequacy of the Draft EIR.