

Central Valley Regional Water Quality Control Board

15 November 2017

Placer County Community Development
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

RECEIVED
NOV 17 2017
CDRA

**COMMENTS ON NOTICE OF PREPARATION FOR ENVIRONMENTAL IMPACT REPORT
(SCH PROJECT NO. 2015072019), PROPOSED WINERY AND FARM BREWERY ZONING
AMENDMENT PROJECT, PLACER COUNTY**

Pursuant to Placer County Community Development/Resource Agency's 17 October 2017 request, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has reviewed the Notice of Preparation for revising the County's Winery Ordinance. The Central Valley Water Board is responsible for protecting the quality of surface and ground waters of the state; therefore, our comments will address water quality matters only.

The applicant proposes to revise the existing Winery Ordinance to redefine terminology, modify minimum parcel sizes for facilities under the Ordinance, and update standards and definitions. The Winery Ordinance applies to wineries located in unincorporated portions of Placer County.

Waste Discharge Requirements (WDRs)

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, project proponents are required to submit a Report of Waste Discharge (RWD) to apply for individual WDRs or coverage under the Waiver. We recommend that the RWD be submitted 12 to 18 months before the expected startup date.

Domestic Wastewater

The discharge of domestic wastewater is preferably conveyed to a community sewer and wastewater treatment system. If the project involves use of an on-site wastewater system, the discharge of treated wastewater to land may be regulated by Central Valley Water Board or a local agency depending on the treatment method and discharge volume. Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency's management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gallons per day (gpd). For more information on septic system regulations, visit the Central Valley Water Board's website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf

For more information on waste discharges to land, visit the Central Valley Water Board's website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.shtml

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 Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.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 NPDES and land discharge WDRs permitting process. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittee to 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,

¹ 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.

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/

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

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 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

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 (USACOE). If a Section 404 permit is required by the USACOE, 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 USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE 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 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.

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:

http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml

or contact water board staff at (916) 464-4611 or via email at 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 10-100 acres are currently \$1,084 + \$6.70/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.

Dewatering Permit

If the proposed project includes construction dewatering and groundwater will be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat 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 Threat 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

For more information regarding the Low Threat 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

Surface Water Discharges

If groundwater will be discharged to waters of the United States or storm drains, 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 *Dewatering and Other Low Threat Discharges to Surface Waters* (NPDES Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (NPDES Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the NPDES Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the NPDES Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have any questions about the storm water program, please call Steve Rosenbaum at (916) 464-4631. Additional information is available via the Internet at the Regional Board's Storm Water website http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/. For more information on Section 404 Permits contact the Sacramento District of the Corps of Engineers at (916) 557-5250 or Elizabeth Lee with the Regional Board at (916) 464-4787.

If you have any questions about the discharge to land permitting process, including dewatering discharges to land, I can be reached at sarmstrong@waterboards.ca.gov or at (916) 464-4646.



SCOTT ARMSTRONG, P.G., C.HG.
Senior Engineering Geologist
Non-15 Waste Discharge to Land Permitting Unit

cc: Scott Morgan, State Clearinghouse, Sacramento
Placer County Environmental Health Department, Auburn

NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



RECEIVED
NOV 06 2017
CDRA

October 31, 2017

Shirlee Herrington
Placer County
3091 County Center Drive
Auburn, CA 95603

RE: SCH#2015072019, Winery Ordinance Update-Zoning Text Amendments, Placer County

Dear Ms. Herrington:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.

- b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
 3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
 4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
 7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources

Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. **Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. **Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. **Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: sharaya.souza@nahc.ca.gov.

Sincerely,



Sharaya Souza
Staff Services Analyst
(916) 573-0168

cc: State Clearinghouse



Erik C. White, Air Pollution Control Officer

November 16, 2017

SENT VIA: SHerring@placer.ca.gov

Shirlee Herrington, Environmental Coordination Services
Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn, CA 95603,

SUBJECT: Notice of Preparation of an Environmental Impact Report for the Proposed Winery and Farm Brewery Zoning Text Amendment Project

Dear Ms. Herrington;

Thank you for submitting the Notice of Preparation of an Environmental Impact Report for the Proposed Winery and Farm Brewery Zoning Text Amendment Project (Project) to the Placer County Air Pollution Control District (District) for review. The District recommends consideration of the following items in preparation of the Draft Environmental Impact Report.

Environmental Review

1. The applicant, developer, operator, contractor or owner of equipment capable of releasing emissions to the atmosphere, including a generator, boiler, or heater should contact the District early to determine if a permit is required, and to begin the permit application process prior to installation and/or use. Portable equipment (e.g. generators, compressors, lighting equipment, etc) with an internal combustion engine over 50 horsepower is required to have a PCAPCD permit or a California Air Resources Board portable equipment registration. This includes equipment brought in for special events by vendors.
 - a. Processes that discharge 2 pounds per day or more of air contaminants, as defined by Health and Safety Code Section 39013, to the atmosphere may require a permit. Permits are required for both construction and operation. Developers/contractors should contact the District prior to construction and obtain any necessary permits prior to the issuance of a Building Permit. (Based on the California Health & Safety Code section 39013: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=39001-40000&file=39010-39060>)
2. If the use of fire is to be considered in the management of the vegetation, including agricultural operations, recreational fires, or the disposal of vegetation for hazard reduction, such burning will be required to comply with the District's Regulation 3.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Hobbs", written in a cursive style.

Ann Hobbs
Associate Planner
Planning & Monitoring Section



PROTECTING **E**ARTH & **A**NIMALS **W**ITH **C**OMPASSION & **E**DUICATION

P. O. Box 846 • Newcastle, CA 95658 • pea-ce@live.com

November 15, 2017

Shirlee Herrington
Environmental Coordination Services
Community Development Resource Agency
3091 County Center Drive, Room 190
Auburn, CA 95603

Subject: NOP of an EIR for Winery and Farm Brewery ZTA

The new winery and farm brewery ordinance is simply a re-hash of previous attempts to allow events in Residential Agricultural zones which should be illegal and prohibited. Commercial event activities do not belong in Residential Agriculturally zoned districts, and the EIR needs to cover that from the standpoint of impacts to homeowners.

The EIR needs to report on how, when, and who inserted the "by-right" for wineries or breweries for this project. Growing crops, harvesting, processing on site to create a value-added product is the only legal "by-right" that should be considered. Legally, there is no "by-right" to serve or sell alcoholic beverages, or to allow retail sales of same. But as usual, some are spinning falsehoods long and loud so that they will be considered truth and adopted. For once and for all: Delete "by-right" from any event activities. The EIR must review how deleting "by-right" will reduce impacts and allowing it will increase them.

There is no difference between private and public event impacts. With all events, when it comes to significant and unacceptable environmental affects, they're identical. Noise, traffic, shared private road use and parking, air quality, water depletion, runoff, and more, are all indistinguishable impacts generated from commercial events and must be considered one and the same in an EIR. The EIR should report how the imposition of much stricter language will reduce impacts. Regardless of how commercial wine and beer operations try to spin incompatible land uses, events are not legal or compatible land uses in Residential Agricultural or Farm zones.

The EIR must cover how or why the County determined that "private" events can be "unlimited," as if there are no impacts from holding one event after another. The EIR must cover how or why the County stuck in "unlimited," which can mean commercial events, 365 days a year, 8 to 12 hours a day, plus cumulative impacts from the other facilities all doing the same. Impacts are impacts and all must be governed under the same codes, regulations, mitigation measures and restrictions. There can be no event exceptions or exemptions for existing or future wineries or breweries. If any gathering is being held at a licensed winery or brewery, then it must fully comply without any exceptions or exemptions from one code but not another. There needs to be just one code applied equally to all.

The EIR needs to report on how "private" event definitions are being stretched to bizarre and unsupportable lengths—such as "unlimited." Under the proposed Winery and Farm Brewery ordinance, all events could be "private" by just sending out announcements and promotions by way of Facebook, email sign-ups, wine and brewery clubs that any member of the public can join, and many more social media "private" outlets. Invitations and event announcements can be sent to thousands of signers on, enrollees, or club joiners. Such commercial events can't be considered "private." The EIR must cover negative impacts of "private" commercial events the benefits from banning them entirely—no exempt events.

The EIR must include definitive language to clarify "PERSONAL" events that may not require a permit. To qualify, there can be no membership dues or other monetary consideration exchanged in any manner, and those personal events shall be held only at or in the private residence of the winery or brewery owner/s. No portion of the commercial winery or brewery facilities shall be utilized for such personal gatherings. This is in keeping with

Internal Revenue Service Tax Code that disallows any home/office business tax deductions if an area is used in any way whatsoever for private or personal use. Including this clarifying language will remove any foreseeable abuses of the “private” event allowances, a term that needs to be deleted in the proposed ordinance or clearly defined as being the same as public events. The EIR should cover the potential reduction in environmental impacts with the clarifying language.

For businesses that may occasionally utilize a commercial meeting room for personal use, the business deduction must be pro-rated and reduced accordingly. Are these “private gatherings” adjusting their tax returns when they use business facilities for private use? Wineries and breweries must be held to the same standard as all other commercial and home businesses. It’s either a commercial business operation or not. And as a commercial operation, it must be strictly held to full compliance with all commercial regulations—including zoning. The ZTA must consider revocation of a winery or brewery license if it is determined that the winery or brewery operation is using its commercial facilities for personal, aka “public” events portrayed as “private.”

The EIR must study a Condition of Approval in the proposed winery and farm brewery ordinance to require that owners of the winery or brewery operations MUST officially reside on site—on the property—with voter registration or other certification as proof of their occupancy. Their permits, including proof of occupancy, must be renewed annually as proof of compliance. The EIR study should reflect a reduction in impacts.

The EIR must address a most obvious and persistent problem: Code Enforcement and an egregious lack thereof. The EIR is costing County taxpayers almost a quarter of a million dollars—probably much more when it’s all said and done. But it will all be for naught—a complete waste of County taxpayer resources—if it doesn’t include compliance enforcement, such as regular inspections and a staffed after-hours hotline. County inspection costs and the hotline should be funded by a fee paid up front annually by the brewery or winery. Citizens should not be victimized both by unacceptable impacts and costly legal burdens of having to take civil action, especially since it is the County that is approving and inflicting these operations on neighbors and communities in Residential Ag and Farm zones. The EIR must report as to how the inclusion of enforceable conditions in the winery and farm brewery ZTA, including enforcement with penalties and fines to cover costs, will serve as a deterrent and thus should reduce impacts and complaints due to noncompliance.

The EIR must cover the proverbial elephant in the room: With increasing state and federal concerns over food security, on June 19, 2012, the Placer County Board of Supervisors signed a resolution dealing with the importance of agriculture and related food issues—adequacy, nutrition, health, well-being, and much more—which included food security and its importance. This is in keeping with the goal of protecting and preserving agricultural lands, but how do wine, beer and other alcoholic products contribute to food security when none of our children can legally consume them, and potentially would be harmful to their health if they did?

If anything, agricultural lands that are dedicated to the production of alcoholic beverages use fertile lands for a product that not only can none of our young people live on, but also, a huge number of adults either cannot or will not consume for health reasons. In the San Joaquin valley vineyards were pulled to plant nutritious nut tree crops and other plant-based foods that will feed all humans. The EIR needs to study potentially significant health and safety impacts, as well as food security, when beer and wine production replaces plant-based food crops that constitute healthy food for all.

The EIR must address huge and unacceptable occurrences of loophole language that has been pointed out every time these commercial operations try to impose more upon their neighbors.

Thank you,

/s/ Randall Cleveland

Randall Cleveland for the PEACE Team



Placer County Visitors Bureau
1103 High Street, Suite 150/Auburn CA 95603 / 530.887.2111 / 530.887.2134 fax
866.752.2371 toll free / visitplacer.com



November 16, 2017

Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

Dear Planning Commissioners,

Placer County has incredible agricultural assets that benefit the local economy, business owners and the residents and include wineries, breweries and distilleries. The Placer County Visitors Bureau has great interest in creating greater visibility for these tourism highlights in the county.

On behalf of the board of directors of the Placer County Visitors Bureau, I'm writing to support the confirmation of the Wine and Farm Brewery Ordinance.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Julie K. Hirota".

Julie Hirota
President
Placer County Visitors Bureau

A handwritten signature in black ink, appearing to read "Rebekah Evans".

Rebekah Evans
CEO
Placer County Visitors Bureau

cc: PCVB Board of Directors
Sherri Conway



PUBLIC INTEREST COALITION
P.O. Box 671, Loomis, CA 95650



Sent via email: cdraecs@placer.ca.gov

November 16, 2017

Attn: Shirlee Herrington
Environmental Coordination Services
Community Development Resource Agency
3091 County Center Drive, Ste 190
Auburn, CA 95603

Ladies and Gentlemen:

RE: NOP of an EIR: Proposed Winery and Farm Brewery ZTA Project

We appreciate both the opportunity to submit comments on the proposed Winery and Farm Brewery (WFB) Zoning Text Amendment (ZTA) project and the County’s recognition of the need to prepare EIR. Our comments may refer to specific topics more than once due to both our following the sequence in the NOP and determining slightly different nuances in the WFB. Because many of the questions, concerns, and issues raised in all the previous renditions or versions of proposed winery ordinance amendments remain, especially concerning events in Residential Agriculture (Res Ag) and Farm zones, we incorporate by reference all of our previous comments submitted with the past Negative Declarations and Mitigated Negative Declarations that dealt with the winery ordinance and the “Temporary Farm Event” proposed ZTA in 2011.

Although the WFB ZTA is focused on 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) that may be located within incorporated towns or cities, but are in Res Ag or similar zones and/or are located near the County’s jurisdictional boundaries. For the EIR to ignore the cumulative impacts created by wineries and breweries that are in the same appellation or Sierra Foothills district with facilities located at the rural edges of incorporated jurisdictions, which create environmental impacts that bleed into the County, would deny the public the right to be fully informed of potential impacts of the WFB ZTA, as required by CEQA.

History

For 12 years, we have participated in Winery Ordinance (WO) issues. We are not opposed to vineyard agricultural (ag) operations, or hop- or barley-growing (hops) operations, or Roadside Farm Stands as allowed by County code. Although allowing winery or brewery “tasting rooms” in lieu of roadside stands is reasonable, for good reason that allowance came with restrictions, including hours of operation and no “by-right” to hold events. To our knowledge, there were few, if any, complaints with wineries due to tasting room operations.

The crux of the controversy with the WFB ZTA is that holding an event is not, and cannot be construed, as an “agricultural” activity or operation. Holding events is appropriately allowed in Commercial or other non-residential zones, in venues which are

created and permitted for such commercial event activities. With a few exceptions, events may be allowed in other zones where families in residential areas will not be impacted. To impose commercial event activities on neighbors in Residential Ag (Res Ag)¹ zoned communities, with all the adverse or extremely disturbing impacts, is predictably contentious and unacceptable. If grape or hop growing can lead to holding events, then it follows that on their 4.6 acre ranches in Res Ag zones, beef cattle ranchers may open leather goods retail outlets or meat tasting stands or that sheep operations may open clothing or other wool/sheepskin retail outlets, ad infinitum. The EIR should address the precedent-setting potential for expanded non-ag land-uses by other ag operations as is being proposed in the WFB ZTA in terms of environmental impacts

No one is opposed to the Right-to-Farm ordinance, but the “nuisance” exemption is for ag operations only—not for any other incompatible or non-conforming activities. Hosting events is simply not an agricultural activity and is not covered by the Right to Farm ordinance. The EIR needs to address zoning compliance issues if ag industries (such as wine and beer) are allowed to hold unlimited commercial events.

The purpose and intent of Placer County’s codes dealing with Res Ag and Farm districts (zones) need to be analyzed in the EIR as to their focus.² With Res Ag parcels usually being smaller with higher densities, the focus is on a “suitable environment for family life” as well as ag uses. With Farm zones, the emphasis is on commercial agricultural operations—which does not include commercial entertainment or event operations. Although “...accommodate necessary services to support agricultural uses, together with residential land uses at low population densities” is codified, the EIR needs to examine and clarify how “services to support ag uses” can possibly be interpreted to mean “services to support commercial events” that are not ag “uses.”

In Res Ag zones, citizens may host private family parties that are held in/at their residences. If vintners or brewmasters desire to hold “private” events, then such private events must be held in their private residences and not in the winery or brewery facilities. The proposed WFB ordinance’s attempt to separate events into “private” or “public,” in order to take advantage of the proposed “unlimited events” allowances, appears to be a misleading and disingenuous ploy to circumvent meaningful commercial event constraints. Members of the public may join winery, brewery, or cidery (WB)³ club member groups, or be added to email or social media network groups. “Private” notices may then be sent and received by thousands of recipients (defacto “public”) via Facebook, Nextdoor, listservs, email lists, club memberships, and other such networks. Notices or invitations

¹ The use of “Res Ag” includes “Farm” zones which are adjacent to or near parcels that allow residential dwellings by-right that may be impacted by events as well.

² Article 17.44 – **RESIDENTIAL-AGRICULTURAL (RA) DISTRICT**
17.44.010 Residential-Agricultural (RA)

A. Purpose and Intent. The purpose of the Residential-Agricultural (RA) zone district is to **stabilize and protect the rural residential characteristics** of the area to which it is applied and to promote and encourage a suitable environment for family life, including agricultural uses.

Article 17.10 - **FARM (F) DISTRICT**

17.10.010 Farm (F)

A. Purpose and Intent. The purpose of the Farm (F) zone is to provide areas for the conduct of commercial agricultural operations that can also accommodate necessary services to support agricultural uses, together with residential land uses at low population densities.

³ In addition to wineries and breweries, there is an increase in hard cideries as well as some distilleries. Because cideries may follow the path of wineries and breweries, “WB” is intended to reference all three. Cideries may need to be incorporated into any future revised WFB ordinance, with distilleries being a remote possibility also.

sent via those modes can easily claim to be “private” in order to justify unlimited events. Unless a private event is held **in the residence** on the property, and not in the licensed WB facility, it cannot be construed as “private.” The EIR needs to address the potential for unacceptable significant impacts that will occur in Res Ag and Farm zones with pseudo “private” events.

The EIR needs to treat **all events that utilize WB facilities as “public,” non-conforming commercial activities and be limited in number of events, attendees, specific “hours of operation” time frames, and noise levels at property lines.**

General areas that the EIR should address:

Noise. Cumulative noise impacts from the expected-and-as-yet-unknown increases in breweries, wineries, cideries, and/or possibly distilleries that hold events, will adversely impact neighbors. The EIR must analyze a “saturation” limit with a cap on the number of total event-holding WBs located within a 5-mile radius of each other. [See further saturation discussion under Event Definition. Another consideration is to limit any WB events to one per year per facilities located within a 2-mile radius of another.]

All events must be permitted. When commercial events are permitted, a condition of approval (COA) must limit the decibel level at property lines to 55-70 db from 10 am to 7 pm, and event noise shall be reduced to 20 db or less at the property line from 7 pm to 10 pm. No event shall be allowed between 10 pm and 10 am.

The EIR should analyze noise of the event itself (music, presentations, programs, etc.) and noise generated by attendees either upon arrival, during the event or upon exiting the event premises (“good-bye” shouts and other phrases depending upon the state of levity, honking horns, revving engines, etc.). The time that is set for the event noise to cease must include any noise of attendees on the premises who are in the process of leaving, as well as staff, clean up activities, etc.

We strongly oppose holding WB events noise generation solely to Placer County Noise Ordinance levels (Code Article 9.36). Events are commercial activities being held for profit in Res Ag zones. As non-conforming activities that can create disturbing and contentious issues, a different noise standard is appropriate. Enforcement has not resolved problems as evidenced in two highly critical Grand Jury Reports, which confirm our positions and are incorporated by reference. See Grand Jury Reports: 2012-2013, “Placer County Winery Ordinance Enforcement Review,” and 2015-2016, “Placer County Code Enforcement Complaint Feedback and Tracking,” with the subtitle, “Inconsistency and Confusion.” The EIR must review the two Grand Jury reports and apply their conclusions to the proposed WFB ZTA in terms of environmental impacts.

We submit that the commercial nature of events being held in residential zones requires a different standard. The controversy surrounding the impacts they generate demand much more restrictive constraints than the County’s Noise Ordinance prescribes. Furthermore, the County’s Noise Ordinance was created to protect residents from disturbing noises from neighbors or residential “by-right” activities—not business or non-compliant commercial noises in residential areas. For WBs to hold events in Res Ag zones, they must be held to a much more restrictive standard, and the EIR must address both the impacts and how greater constraints will reduce or mitigate the noise impacts especially.

Equally important, in a Res Ag zone, or in any Farm zones where residential dwellings are allowed by-right and are within hearing distances, the EIR must analyze

impacts from any use of amplified sound--music, speakers, or any other types of amplified sounds.

Traffic. The EIR should conduct traffic studies to estimate traffic increases and identify safety considerations (including bicycle use) on narrow, curving, little-line-of-sight, unlighted rural roads with no shoulders, poor or confusing signage, often without any painted road center lines or “fog” lines, and infrequently patrolled, that will be used before, during, and after events and possibly involve drivers who are unfamiliar with those roads and/or have consumed alcohol. Traffic surges (event start and end times) must be analyzed with individual facility events as well as the cumulative traffic surges when multiple facilities are all holding events on the same day within the same general areas.

Further studies should be conducted related to WB facilities, including but not limited to the number of traffic citations, accidents, and DUIs or “had been drinking” (HBDs) reports that may be attributable to, or exacerbated by, WB operations and/or events.

To protect the public and inform them of traffic impacts, all permitted events must be reported to the County for posting on the County’s websites (location, date, time, etc.) so that families may adjust their own plans to avoid the impacts. If an event is being held but is not posted on the website, it should be reported to code enforcement during office hours or via the “After-hours hotline” and subject to noncompliant or violation-citation process. The EIR should examine how such an online posting requirement (by the County) may reduce noise and traffic impacts to residents.

Minimum Parcel Size. Because greater parcel sizes can create natural noise buffers, the **minimum** parcel size should be increased to 20 acres, and use permits must still be required. Reducing potential conflicts between neighboring residential land uses is an admirable goal, but many smaller rural residential homes may be adjacent to 10- or 20+ acre parcels and still be adversely impacted via any type of events. Permits may provide the only meaningful process to mitigate unacceptable, incompatible land uses impacts from events. The EIR must examine the number of parcels that are 10-acres that are adjacent to smaller residential parcels or are within hearing range of smaller parcels.

Compared to other Sierra Foothill counties with wineries, Placer County’s faulty zoning practices from previous decades created “fragmented” parcels. County decision-makers have favored disorderly urban development, including but not limited to sprawl-type isolated developments and land splits that created small clusters of residences near or adjacent to larger zoned parcels. These decisions encouraged further land split approvals and exacerbated both fragmentation and land-use inconsistencies with minimum parcel sizes. Coupled with variance approvals, the fragmented urban/rural interface has reduced opportunities for large farm production operations, and it has also created higher real estate values than other foothill counties.

It is too late to remedy County decisions that created the fragmentation problems, but that is the baseline. Purchasers of homes Res Ag zones pay higher prices and assume land uses will be compatible and enforced. Constraints on WB events brought about by fragmented parcels or past wrongful zoning decisions must not be compounded by now creating impacts from commercial event operations. WBs must not be allowed to hold events by-right, regardless of the parcel size. Neighbors who purchase their properties in Res Ag must not be subjected to a denial of their right to enjoy their properties. Impacts from non-ag-operation events, including unlimited disruptions of peace-and-quiet expectations, lasting for hours, potentially every day, or every weekend, must be clearly

prohibited in the WFB ordinance. The EIR must address fragmentation, residential rights, and the significant impacts to unsuspecting homeowners when events are allowed.

Event Definition. The NOP references the General Plan (GP) in a misleading manner. The promotion of ag operations, marketing of “County-grown” products, and preservation of ag lands are stated. But the GP also provides guidelines to analyze the suitability of a proposed agricultural service use: “It is compatible with existing ag activities and residential uses in the area.” (Agricultural Land Use, Goal 7.A.10.c); and “It will not result in a concentration of commercial or industrial uses in the immediate area.” (Agricultural Land Use, Goal 7.A.10.e)

The definitions are problematic with generalities and vagueness that will make enforcement impossible. An Agricultural Promotional Event (APE) or any type of events, promotional or otherwise, that are “unlimited” is unacceptable, unreasonable, and an invitation to abuse. The EIR must analyze not only the vague, subject-to-interpretation language, but also how such uncertainty as to what is allowed or not, can and will become contentious issues. Because of wide interpretation possibilities, there will be code endorsement complaints from ongoing unlimited event impacts. The EIR must examine County costs of investigating and processing those complaints from start to resolution.

Meaningful alternatives must be analyzed, such as: imposing a cap on the number of events for all WBs to no more than four per year; after determining a maximum number of events allowable in a specific saturated area, consider conducting a lottery among the WBs in that area that wish to hold events and distribute accordingly; depending upon code enforcement activities and complaints, consider allowing four events per year with a “credit” for an extra (five) the following year if there are no complaints registered for that current year. With the County’s plans to construct a community center venue, as well as all the other event centers in western Placer County, the EIR should examine the benefits for all WBs to hold events at event center venues—away from Res Ag zones. The EIR must properly address and analyze the very reasonable and foreseeable “wild west” nightmarish potential of cumulative impacts should all current and future WBs hold events at the same time and/or on every day/night of the week/weekends in Res Ag zones.

Special Events need to be clearly limited in number, attendees, and time frames. Also, they must require additional COA’s that are specific to the property or neighbor/community concerns. That number-of-events limit (or “cap”) must include all events—industry wide and any “private gatherings” held at the facility. The only exception might be truly “personal” gatherings of the owner which are held in his/her own personal residence and do not utilize the winery or brewery facilities in any way. The EIR must examine the reasoning behind counting some events toward a limit, not counting others, and exempting industry-wide events. The EIR must examine the definition of what constitutes an “industry-wide” event (would an agreement between three or four WB’s constitute “industry wide”? What’s the magic number and who decides? What will the environmental impacts be from one “industry wide” event per month, or week—a few wineries one week; a few breweries another week?). The EIR must examine the confusion, uncertainty, and additional environmental impacts that “this event counts” and/or “this event doesn’t count” ambivalent language will create.

An alternative for setting industry-wide commercial-type event caps or limits in Res Ag or Farm zones factors should consider the saturation of WB’s that are permitted to hold events in areas with residential properties. The limit or cap on the number of events shall be dependent upon the number of licensed WB’s within any five-mile radius of another facility. For example: Within a five-mile radius of any one WB facility, if there

are a total of four or fewer licensed WB's and/or Event Centers, then the event limit or cap shall be a total of four (4) events per year per WB facility. If there are five or more licensed WB facilities or Event Centers within a five-mile radius of any WB facility, then the cap or limit shall be no more than three (3) total events per year for all WB's located within that five-mile radius range. If any WB withdraws its permit to hold events or officially terminates its event-hosting operations and continues only with agricultural growing of wine or beer ingredient crops, the number of allowed events shall be adjusted for others in the five-mile radius. Likewise, if any new licensed WB begins operations and is permitted to hold events, the number of allowed events shall be adjusted accordingly within a five-mile radius to comply with the saturation limits.

As stated in the NOP, the current Winery Ordinance (WO) requires an Administrative Review Permit (ARP) in order to hold promotional events. It is our understanding that not one of the County's wineries is operating with a valid ARP, yet their websites, email invitations, neighbor reports and/or code enforcement complaint calls indicate events are commonplace. The EIR must examine the culture of noncompliance prevalent in the WB industry and how it may impact citizens if it continues. The WFB ordinance must include a license revocation for all non-compliance violations and increased penalties for repeat-offender violations, such as, immediate 30-day license revocation for first offense; a one-year license revocation for the second occurrence; five-year revocation for the third; and permanent revocation for the fourth occurrence. The EIR must examine the relationship between unequivocal ZTA language that avoids misinterpretation and enforceable language that will protect neighbors from significant environmental impacts.

The proposed project states, "Thus, wineries on small parcels will not be evaluated in this EIR." (NOP, pg 9, "Create Table...") We are very much opposed to the County's taking such a position. The County's responsibility is to all citizens, all neighbors, and WBs on small parcels may create just as great or greater disturbances in Res Ag zones regardless of parcel size. By their very nature, smaller parcels will have closer neighbors and most will be in closer proximity. Event impacts from facilities on small parcels are no less, especially in terms of noise disturbances, than those from facilities on larger parcels.

If it is true that not one winery has a valid ARP as required in the current WO, yet such wineries have held events, then we suggest that all WBs that desire to hold any types of events, be required to meet all requirements of the proposed WFB ordinance (no "grandfather" exemptions) and must be evaluated accordingly. No WB can be allowed to obtain permits now, after the fact that they may have held events in the past without proper permits in noncompliance with the current WO. The EIR must address such past violations and lack of permits and analyze the appropriateness of denying their being grandfathered into separate regulations instead of whatever is finally adopted.

To properly mitigate the event allowance for existing properly licensed wineries, breweries, or cideries in a fair and just manner, the EIR must examine adopting a policy that may apply a grandfather allowance but only if both these conditions are met: **(1) the facility is fully permitted to hold commercial events and (2) obtained all proper permits (to hold any of the events that they may have held) before the time they held any events.** In other words, if any existing winery has not obtained an ARP or a CUP to hold events, and/or if it has held events without proper permits, then it shall be required to fully comply with the proposed WFB ordinance conditions, just as any other future WB shall be.

The EIR must analyze the controversy created, especially from noise and traffic, when events are held in Res Ag zones and examine both the motives for what may be a resistance (1) to comply with the WO, and (2) to enforce the WO by the County—both of which in turn exacerbate environmental impacts. The EIR should (1) study current WO non-compliant operations or events (and resultant impacts); (2) factor in new or future WBs and analyze potential impacts that may occur at the same rate of noncompliance as current non-compliant operations. Because the current noncompliance situation is compounded due to what appears to be a lack of consistent, if any, code enforcement, the EIR must also analyze the potential for increased violations and impacts within the WB industries when operators (existing and future) know there are no consequences. Included in the analysis should be the myriad of economic costs to homeowners, communities, and the County's resources.

Hours of operation. Please see our comments in “Noise” for event hours and noise levels. Additionally, normal daily tasting hours should be limited from 10 am to 6 pm with no extended tasting hours. Otherwise, tastings can morph into events, with all the negative impacts—excessive traffic, noise, etc.—again with little-to-no permitting required or enforcement. The EIR needs to address the impacts from any “extended” tasting hours.

Waste disposal. The public was informed by a vintner that a number of wineries are in violation of wastewater requirements. If accurate, then the degree of noncompliance and its significant impacts must be analyzed by the EIR. Just as restaurants are closed down by health inspections until the problems are fully resolved, the same degree of enforcement and inspection must be imposed on WBs, especially when it comes to wastewater. Statewide and nationwide, groundwater sustainability concerns are at an all-time high, but if there are scofflaws, there can be no tolerance or delays in taking enforcement action; the facilities need to be shut down. If the proposed WFB ordinance is adopted, any such noncompliance or violations that result in a revocation must require that the WB must reapply for its licensing and permitting under any new ordinance. The EIR must examine how such strict adherence to compliance with deterrence will reduce environmental impacts.

The WFB ZTA must stipulate that annual or bi-annual County inspections of WB septic systems and wastewater discharges shall be conducted and certified for compliance. As with any health and safety inspection, any noncompliance and/or violation shall require an immediate closure of the facility with a short time frame for correction to rescind the revocation. The EIR should examine how such an inspection and enforcement protocol will reduce environmental impacts.

Access Standards. In Res Ag or Farm with residences, non-County Maintained Roads (shared private access roads) are maintained by neighbors who use their roads for personal ingress and egress. The written proposed approval requirement from a “majority of the individuals who have access rights” is inadequate. First, any approval vote must be unanimous because it amounts to a taking of a private road for public uses. Second, if/when a WB presents its proposal for a vote of approval to use the private road, it must specifically include the expected number of daily trips by the public for tasting hours of operation, and a separate calculation for any events that are to be held. An estimated cost of road repair and maintenance attributed to the public's use for tasting or event activities must also be provided to the residents before the vote. Should the WB owner agree to pay proportionately for the maintenance and repair work that the WB causes, that would be part of the approval.

Based on the WB owner's presentation before the vote, if the use of the private road is approved, but later it is determined that the WB owner miscalculated and underestimated either the number of trips (traffic on the private road) and/or the estimated maintenance and repair costs attributable to the extra WB road usage, and/or increased its operations, then any individual who has access rights and lives on the road, shall be allowed to call another vote to either rescind the private road use by the WB or negotiate other provisions for the use to continue. Should the WB then continue the non-agreed upon operations, or continue without unanimous approval of the changed conditions, the County shall be informed of the decision, apply a "revocation of approval by the individuals who have rights to the road," revoke all permits, and enforce accordingly. The EIR should examine how such stipulations in a private road approval will reduce environmental impacts.

Under section G. Special Notice Requirements, a property owner's failure to receive notice as being grounds for his/her dismissal in the approval process is unacceptable. This section should be reworded to state that "Failure of the WB owner to show proof of notice delivery shall invalidate the issuance of the permit." Similar to "serving" any important or legal documents, the WB owner must provide certified "proof of delivery" in order for a "failure to receive" excuse be implemented.

The same exact position stated above for Section G also applies to Section H. Notice of Decision. No property owner or any other person who may have standing in the legal processes should ever be denied a possible right of recourse based on a failure to receive a copy of the decision. If a certified proof of delivery was not generated, then grounds for invalidation of the permit issuance should be honored.

The EIR needs to address these types of issues because if not settled, they have the potential to become problems later and create intolerances for resolving noise, traffic, or other environmental impacts.

The NOP has inexplicably set an arbitrary date to grandfather in potentially non-complying operations (NOP, page 26, F. Continuing Applicability of Use Permits and Existing Legal Operations). This gives carte blanche approval to wineries or breweries that have not obtained required permits, including ARPs, or complied with the WO from its adoption in 2018. By providing such an amnesty "window" to continue with non-compliant operations by those who refused to comply before, it rewards non-compliance at the expense of neighbors. The date for existing WB to have obtained proper use permits must be set at the time the existing WO went into effect—October 22, 2008. Otherwise, the EIR should evaluate separate sources of impacts—those from existing WB and those from future WB's that will operate under the proposed WFB ZTA.

The EIR needs to spell out in unequivocal terms that WBs may not operate as restaurants or bars in Res Ag zones. The language in the "Food Regulations" section of the proposed WFB ZTA revisions may invite restaurant operations. By allowing any type of food preparation that requires a "commercial kitchen," the door is open to operate as a restaurant or a bar or morph into a "bistro." The proposed WFB ordinance must include unequivocal language that regular food service shall be prohibited as will Commercial Kitchens. Because of code enforcement's track record, simply stating that "Restaurants are not allowed as part of the winery or farm brewery...." carries no weight for compliance, is subject to misinterpretation, and/or open to different interpretations depending upon the intent of the WB operator, and consequently will create potential increases in negative impacts, especially with waste water, septic, etc.—all of which must be examined by the EIR.

Economic Development. The excessive attention, at County taxpayer expense, given to “Economic Development” (Econ Dev) efforts seems to promote commercial interests at the expense of citizen homeowners. How far should Econ Dev concepts reach? Are economic values of homeowner parcels in Res Ag zones (with no commercial activities) subordinate to WB parcels with two acres of planted wine grapes or hops that may or may not be viable?

The General Plan policy (cited in the NOP) relates to “County-grown products” (mentioned elsewhere in this document). However, bottled products of WBs, may be, and often are, composed of ingredients that are grown in part or wholly outside of Placer County. Furthermore, Placer County wines may be blended with wine grapes grown completely out of the district or appellation. At least one winery and possibly two others grow no grapes at all. The EIR must analyze the reality of commercial event activities being promoted as ag operations (County-grown) for Econ Dev purposes, when due to loose, unenforceable language, the ag operations are clearly subordinate to commercial unlimited event activities.

The General Plan reference also states that those County-grown products may be “key components to enhancing the economic viability of Placer County agricultural operations.” We submit that WB’s are grossly overrated with regard to their economic contribution to Placer County. The EIR must analyze exactly how much of “Placer-grown agricultural products or crops are actual ingredients in wine or beer. We submit that it is shockingly small or insignificant. Thus, promoting “County-grown” cannot be applied to most of the wineries or breweries that desire to host unlimited events based on that unsubstantiated claim.

We support WBs, want them to succeed financially--contribute to Placer County’s well being and remain sustainable ag operations--but not with unlimited, incompatible, non-conforming, commercial activities which come at the expense of neighbors or communities. The ag operation is the growing and harvesting of the crop, with possibly value-added processing, tasting, and sales. Residents living in Res Ag zones, that are near/next to WBs that stretch operations one step further to hold commercial events, are vulnerable to diminished enjoyment of their properties due to noise, traffic or other adverse impacts created by non-conforming land uses, and may also suffer a substantial economic loss in the value of what may be their largest or only asset—their home.

With disclosure laws, neighbor “wars,” and lending practices (especially), it is reasonable and foreseeable to conclude that allowing WBs unlimited or more than six events per year will lower property values of neighbors’ properties. The economic development topic in the NOP and WFB ZTA is too narrowly focused only on the WB operations. Instead, the EIR must address the potential negative impacts (including but not limited to noise, traffic, etc.) in entire communities that may result in declining property values across the board for homeowners. In addition to proximity, the EIR must consider noise variations based on different atmospheric conditions, elevations, and other conditions where non-ag commercial events create disturbing or annoying noise that may travel great distances (miles, in some instances) and which may legally require disclosure upon selling the property. The EIR must analyze the economic fallout that such property-value declines will create to the County’s property tax base and revenue streams if an unlimited, by-right, allowance of commercial events WFB ZTA is approved.

The NOP in citing 17.56.330, on page 16 (pdf) states that the purpose of that section is to provide for the “orderly development of wineries and farm breweries...and to encourage the economic development of the local agricultural industry, provide for

sampling and sales of value-added products, and protect the agricultural character and long-term viability of agricultural lands.” The EIR should cover each of the following issues:

- “orderly development” analysis must include an analysis of “disorderly” incompatible land use potentials that occur when WB’s numbers increase and disrupt neighbors, weekend after weekend, night after night.
- “encourage economic development of the local agricultural industry” must be evaluated. The EIR must document how holding events at WB’s actually contribute to encouraging Econ Dev of the ag industry and to what extent. We submit that the non-ag activity of holding commercial events generates such adverse impacts that it prevents home values from increasing at the rate of home values in non-event ag areas; that revenue to the County and other districts from taxes is also reduced; and that property values will decline in areas subjected to negative impacts from events.
- “provide for the sampling and sales of value-added products” should be covered by the functional equivalent of Roadside Farm Stands only in the form of WB tasting rooms. Tasting rooms are in line with the concept of an in-lieu farm stand. This purpose is consistent with the public’s perceptions of WBs being open during limited hours for tastings and sales. However, there is no nexus to the Right to Farm Ordinance and holding events, such as reunions, weddings, fundraisers, birthdays, winemaker dinners, or any other non-ag operational activity in Res Ag zones.
- “protect the agricultural character and long-term viability of agricultural lands” is a purpose that most citizens strongly support, especially with ever-increasing concerns about food safety, climate change, and a host of other threats to ag/farm lands. However, the word “viability” may be interpreted in many ways. In the context used, most assume it means ag lands’ viability as being able to produce food and/or fiber (micro climate, soil types, etc.). Another group may use the word “viability” to mean usable for their commercial gain, which we submit is the antithesis of the intended purpose. The EIR must analyze this purpose and the impacts from different interpretations.

Furthermore, the EIR must examine how allowing unlimited events (that normally would be permitted only in commercial zones), **threatens long-term ag/farmland viability** because (1) the incentive to hold events may lead to a phase out of raising or cultivating any viable crops (since only the “planting” is required) to eventual utilization of WB facilities as defacto commercial event centers without incurring traditional costs of Commercial zone operations.

The EIR must clarify the use of the word “viable,” apply it only as to its intended use in context of WB **agricultural** operations, and analyze how holding events meets the intended ag-operation purpose.

Commercial Econ Dev efforts cannot be prioritized over private citizens’ rights (including the economic values of their homes) when it comes to residential land use compliance and compatibility. The proposed WFB ordinance appears to favor one industry’s commercial operations and economic advantages to the detriment of others. The EIR must analyze the benefits (both economic and environmental) of deleting all references and any allowances of “unlimited events” in the proposed WFB ordinance.

Initial Study & Checklist

A. BACKGROUND

The very first statement, "...wine industry concerns...have been raised...." suggests that this CEQA process and the EIR may be biased in favor of WB industries over citizens. That statement is followed a few sentences later with, "Based upon the need...in order to hold a greater number of events by-right, staff determined it was appropriate to re-examine...meet the desires of the community and the winery owners." In the 12 years that we have been actively involved with event issues in Res Ag zones and followed the lack of adherence and noncompliance with the 2008 WO and a general lack of enforcement, we have never heard, read, or witnessed any effort by the County to stop wineries that were holding events without the proper ARP. Additionally, the same can be said in terms of community residents ever stating a preference to put up with increasing numbers of events or designating them "by-right" in their already "by-right" residential zones. The EIR should examine how prioritizing event-generating commercial operations over homeowner/residents' rights exacerbates environmental impacts.

Adding breweries (and possibly cideries) to the proposed WFB ZTA, is appropriate. However, the statement that brewery facilities "also produce adequate agriculture necessary to create a value-added agricultural product (i.e. craft beer)" is highly questionable and may not be accurate. The EIR must analyze exactly how much (what percentage) of beer comes directly from the hops or barley crops grown in Placer County. Indications are that the actual crops grown and used may be miniscule. And if so, the contribution to producing adequate ag is minimal and not a factor in preserving or protecting ag lands. It should be noted that not all wineries in Placer County are producing "adequate agriculture" for their product—a few licensed WB's may have no planted acreage as required in the proposed WFB ordinance.

The EIR must examine WB operations to contrast and compare **actual ag production** of wine grapes or hops by (1) WBs that hold events, (2) WBs that do not hold events but have tasting rooms, (3) WBs that sell their value-added products without tasting rooms or hosting events, (4) the acreage or tonnage of wine grapes or hops harvested by non licensed WBs in Placer County (growers only), and (5) the tonnage or percentage of the non WB growers' harvests that are sold to Placer county WBs. Such information could provide a realistic assessment of WB's contribution to ag operations in Placer County.

Add Definition of Boutique Facility

Placer County's "fragmented" parcels create a variety of parcels sizes mixed in one community (e.g., 4.6 acre, 1 acre, and 10- or 20-acre parcels) either adjacent or sharing the same private roads. Thus, to balance the needs and protect the rights of homeowners living next to or near, a boutique facility should be subject to a CUP or MUP (whichever provides more protection to residents) in Res Ag zones or districts where residences are allowed by-right.

Define New 10-Acre Minimum Parcel Size

Although breweries are not mentioned, the proposed change to allow wineries (and presumably breweries) without a use permit in RES (Resort) Commercial zone district must exempt any WB (and require a use permit) in a Resort Commercial zone district if there are homeowners close enough to the facility to be negatively impacted by noise, traffic, water supplies or other adverse conditions. If a RES zone has no residential neighbors within a 4- or 5-mile radius, and if its operation would create no land-use conflicts, then possibly the exemption from the use permit would be allowed. But a blanket exemption in any zone where homeowners occupy residences by-right, either adjacent or nearby, should not be approved. The EIR must examine how exempting any

operations from the land-use permit may both create and/or exacerbate environmental impacts, especially with neighboring residents.

We support increasing the minimum parcel size limit but urge that it be at least a 20-acre minimum to reduce potential conflict between neighboring residential land uses. Even if the minimum size limit is met (10, 20, or 30 acres), with Placer County's haphazard and admitted fragmented development, along with its wide range of different-sized adjacent parcel sizes, and different elevations, the larger the minimum acreage size, the greater the potential for reduced conflicts. However, should residential land uses be adjacent or nearby, regardless of their parcel size, a use permit should be required, specifically to address commercial events constraints.

If holding any events will be a part of commercial WB operations, there can be no allowance "by-right" of operations in areas where residential is currently allowed "by-right." If a WB intends to grow grapes, hops, etc., create a value-added agricultural product, and have no events (with noise or traffic to/from the facility), or tasting rooms, only then might a "by-right" ag exemption from requiring a use permit be justified. The threshold to require a use permit, or not, must depend on COAs that set a maximum number of events (after mitigating for noise, traffic, etc.), limit the extent of public patronage at the facility (hours of operation, attendee numbers, etc.), and the existence of residential land use rights nearby or adjacent that may be impacted. The EIR must address how limiting the allowances will not only reduce negative environmental impacts but also reduce conflicts.

Modify Event Definition

If the General Plan is followed, a WB in Res Ag zones must be an ag operation and market "County-grown products. The assumption is that such ag operations will enhance the economic viability of the County's ag operations and preserve/protect ag lands. Already mentioned is the fact that some WB operations may not use any Placer County-grown product, yet the WB may be bonded, licensed, and operate with a tasting room (functional equivalent of a Farm Stand). However, as soon as "commercial events" are introduced into the process (non-conforming land use), a diversion from the General Plan's intention is set in motion. The expectations of orderly development by homeowners living in residential zones by-right with WBs, and protection of their residential land use rights, are significantly and needlessly impacted.

The fact that vintners expressed "that a small part of their business model is to hold private events" is irrelevant and should not influence any decisions with regard to exemptions. Reducing land use impacts, enforcing ordinance compliance, and creating meaningful alternatives should be the focus of the proposed WFB ordinance. If an industry claims its business model is to hold concerts, or weddings, rallies, drag racing, etc., in Res Ag zones, it would be an equally illogical, non sequitur to the principles of orderly development and compatible land uses to validate and/or factor those claims into a proposed ZTA that is meant to support ag operations and protect the rights of neighbors. As currently proposed, the WFB ordinance would exempt from any review non-advertised gatherings of unlimited size and duration as well as the types events mentioned above that are usually held in permitted event venues. The EIR must analyze negative impacts generated from the County's adopting an industry's business model when it is clearly incompatible and does not comply with the allowed land uses in Res Ag zoning.

The EIR must evaluate not only the risk of converting viable farmlands to facilities and/or additional parking areas, etc., but also the actual protection and preservation of agricultural lands provided by the minimum "two acres on-site planted" requirement. Any

existing or future WB facility wishing to avail itself of the zoning benefits provided in the proposed ZTA must only “plant” two acres (vineyard, hop yard, or other agriculture related to beverage production). To the extent that the General Plan ag protection and preservation applies, the EIR should evaluate how a “two-planted-acres” requirement will suffice to protect agricultural lands. The EIR must also evaluate how such a low minimum requirement—with no obligation for perennial care, cultivation, or other efforts to keep the planting viable—will become an incentive to develop facilities merely to host events. The EIR must evaluate the possibility of the WFB ZTA language ultimately discouraging continued investment in actual agricultural operations through the domino effect, introduction of incompatible uses, and the conflicts they create. The EIR must analyze the potential for this ZTA to induce conversions on other agricultural lands and not provide the preservation and protection that the General Plan supports.

There is a point at which the economic viability of a commercial operation is the responsibility of the proprietor and not the responsibility of rural residents or the government. Furthermore, if a WB must rely on a member-based model in order to sell products, and those members must regularly travel into residential districts, it is evident that those types of member-based business operations that create significant impacts do not belong in Res Ag, Farm or other zones where residential land use is by-right. Simply having a winery, brewery, or other type of club or membership or “rewards” programs to facilitate or promote sales does not justify any approvals of incompatible land uses—especially with egregious “unlimited events” allowances. The EIR needs to address the promotion of Econ Dev as it relates to promoting commercial events and exacerbates adverse environmental impacts.

Instead of clarification, the proposed definition that states events “**could** be considered promotional in nature” magnifies contentious problems. Even worse, it cannot be enforced. It leaves residential neighbors vulnerable to unmitigated, ongoing, unlimited, significant impacts. The EIR must analyze and address all such vague, unenforceable language.

The “Agricultural Promotional Event” (APE) as stated removes needed constraints and thus denies homeowners in Res Ag zones needed protections, especially from unlimited APE’s. The meaningless words, “...including but not limited to” simply exacerbates an “anything goes” mind set. This clause, “...private parties where the only alcohol served is produced by the winery/farm brewery” is misleading because wineries can buy bottled wine, cellar it, and with their labels attached, call it their wine.

In order to be informed of “County-grown” issues, the EIR needs to include legal definitions of wine and beer products and the specific meaning of terms used. This will inform the public how Placer County winery operations may apply them, including but not limited to: labeling regulations (“labeler, shiner, generic”) aging, producer, bottler, bonded, custom crush, blend product, unknown origin concentrate, and other terms used in WB operations. The EIR needs to inform the public as to the “flexibility” allowed in WB operations and how much actual contribution to “County-grown” occurs.

We propose that the proposed APE definition be deleted. Tasting rooms should suffice with patronage limits and set hours of operation. The maximum number of tasting visitors shall be limited to 35 people at one time or to the maximum rated capacity of the facility, whichever is smaller. Tasting room hours should be set between 10 am and 6 pm with no extended hours. Most importantly, tasting rooms must adhere to their function as allowed in the General Plan: Tasting Facilities. Tasting facilities are the functional

equivalent of Roadside Farm Stands; the primary function of the tasting area should be solely the marketing and sale of the wine and/or beer products produced at the WB.

The EIR needs to address and explain how all the modified event definitions and associated concerns, some described above, comply with the General Plan.

The “Special Event” proposed definition is again a non-conforming commercial activity with terms that are just as vague and unenforceable as previous proposals. By adding the unlimited event designations, which, as we have pointed out in this document and others have in their commenting, event noticing or announcements can be manipulated to qualify almost any event as “private.” Thus, there are no meaningful limits. The EIR needs to address how Special Events will impose greatly increased numbers of events with unacceptable noise, traffic, and other significant impacts on homeowners whose residential land use is by-right.

Equally disturbing is that as written, the proposed WFB ordinance provides no recourse or relief for homeowners. Making the ag-related component subordinate to the primary purpose of the event, and allowing all kinds of events and facility rentals, makes the WB a defacto event center. The EIR needs to compare the proposed WFB ordinance to the County’s adopted Event Center Ordinance and inform the public of the similarities and differences. Because the Event Center Ordinance requires a Conditional Use Permit (CUP), then it follows that because the proposed WFB ordinance is similar, then CUP’s should be required also, especially for Special Events.

Possibly one of the most obvious attempts to circumvent the creation of a meaningful, fair, and just WFB ordinance is evidenced by first stating Special Events will be “limited in number.” However, whether by intention or accident, “private gatherings” are then expressly excluded (from the “limited in number”) and thus will be unlimited. “Private gatherings” may appear innocent and innocuous, but we submit it is most deceiving. They can easily be “public gatherings” that hide behind “member clubs” (which anyone can join), email listservs, and/or a multitude of social networking options (Facebook, Nextdoor, and too many others to list here). Thus, rather than creating a meaningful WFB Ordinance with enforceable definitions and actual limits to protect the public and homeowners rights from an unlimited number of large public gathering events, what is proposed appears to be a ruse, that, if adopted, will create unacceptable significant impacts. The EIR needs to address how such misuse of the word “private” to increase defacto “public” events may create additional significant environmental impacts by avoiding permitting processes.

Create Table Outlining Event Allowances

In Table 1, “Maximum Special Events Allowed Per Year,” it is assumed that “staff” refers to paid employees. However, with Special Events, especially with nonprofit organizations, volunteers may be recruited. Will they be counted and included in the number of attendee limits? Because it is unlikely that all staff and/or volunteers will car pool, it is reasonable and foreseeable to assume that they will each commute in separate cars, thus significantly impacting traffic, either at the beginning and/or ending of events or, all day, depending upon the type of Special Event and staff/volunteer assigned shifts. With largest events of 100 or 200 attendees, staff/volunteer attendees may create significant increases in traffic to/from the event. If similar events are occurring in other WB within a 2-, 3-, 4-, or even 5-mile radius, it is also reasonable and foreseeable to know that the impacts will be not only significant but unacceptable. The EIR must address all such reasonable and foreseeable possibilities that can exacerbate noise and traffic impacts, as well as the others.

To avoid the perception of “favoritism,” or worse, along with problems that arise with a ministerial Zoning Clearance review (“C”) approval—we strongly suggest that NO “C” permitting be included or allowed as an approval option in any of the proposed WFB ordinance, or in any WB permitting processes, where residential zoning exists or is adjacent or nearby. There may be other constraints, but as has been noted, problems with one brewery in the rural Lincoln area may have been curtailed IF the approval process had been open and transparent. Instead, one County staff person arbitrarily granted a C—clearance—for the brewery to proceed. Neighbors were not noticed and thus became parties to legal matters; the controversy spilled over and impacted other neighbors in the vicinity. Yet the County, that created the controversy with its ministerial Clearance approval, wiped its hands of the mess.

Approvals of any type of potentially contentious project or any project that may conduct incompatible or non-conforming land uses (such as WBs with commercial events in Res Ag or Farm zones), should never be the purview of one person in the County. No WB “C” ministerial decision should be made at a staff level without input from the public, with no right of appeal, and no standards for environmental protection. The “C” Clearance applicable standards do not require site surveys, studies or inspections. Therefore, the standards do not include a mechanism to trigger further environmental review and thus do not provide assurances that a particular event, or even operations, would not result in environmental impacts. The process must be transparent, and requests for approvals must be via a permitting process that notices all parties who may be impacted with hearings that are open to the public.

The EIR must address all foreseeable allowed uses and their related negative impacts that will be generated from the issues and nuances mentioned above, involving both existing and all potential future WBs, commercial events that are private in name only (public in reality), and ministerial clearances where a public hearing, and at a minimum, a CUP would be the appropriate permitting review level.

Clarify Hours of Operation

The normal “tasting hours” from 10 am to 6 pm appear to be reasonable. However, the tasting “closing” must be more specific. Does it mean all patrons must be off the premises by 6 pm? Otherwise, a group may purchase bottles of wine/beer to consume outside or at on-site areas outside the tasting room area. Any such “extended tasting hours” must be counted as an event and applied to the maximum hours allowed.

Allowing commercial “events” to continue to 8 pm, Sundays through Thursdays, may impact working families and school children. Noise impacts are unacceptable in a Res Ag area when families have jobs and/or school early the next morning. The proposed WFB ordinance needs to address the “gap” time between when events should shut down and the time patrons actually leave the premises. Allowing events to go to 8 pm, for example, may mean that noise and traffic on a work night for most, will continue until 9 or 10 pm. No event should last longer than 6 pm on a “work/school/week” night.

The same impact problems are true for Friday and Saturday night commercial events. Noise from events cannot be allowed until 10 pm, in part because by the time patrons and staff leave, it’s closer to 11 pm or midnight. Noise and traffic impacts at those hours are unacceptable. In Res Ag areas, it is more reasonable to set the Fri/Sat commercial time limits from 10 am to 8 pm. If patrons or facility renters want parties to last longer, there are plenty of excellent venues throughout all of Placer County that can accommodate such requests. The EIR should examine alternative venues for late night events in Res Ag areas that are permitted in proper zones.

Update Potable Water and Waste Disposal Sections

The EIR needs to describe a monitoring process as to who will be counting people served within the 60-day period (more than 24 people served in a 60-day period) to trigger the public water system requirement. Who and how is the 60-day count period established? Might the count start over with every event? If we are reading this stipulation correctly, if a facility owner serves 200 people every weekend for 7 or 8 weekends in a row (approximately 42- to-56 day period), then the public water system would not be required, yet the groundwater draw could be excessive.

Counting heads of attendees is an unreasonable threshold due to its being impossible to monitor as well as potential for inaccuracies. The problem is with water usage, and that is what needs to be measured to trigger the public water system requirement. We submit that rather than rely on the “trust me” model or head counting every 60 days, **a meter must be placed on all WB wells** that will indicate and report electronically actual water usage. A usage threshold must be set, above which bottled water for consumption must be required and/or a public water system shall be required. The EIR must address the accuracy of a well meters vs relying on head counts during 60-day periods as to the best way to assess threats to groundwater sustainability. The EIR must examine the types of pollution and/or draw downs that WB water usage may create.

The same clarification is needed for wastewater disposal or discharge into a septic system. Regardless, or in spite of permit requirements, the County was essentially publicly noticed at the November 1, 29017, NOP meeting that quite possibly these codes are being violated.

Water usage and septic systems must be inspected regularly on an annual or bi-annual basis by certified inspectors and signed off as to their proper functioning and compliance. This is currently the procedure for rural residents who have metered treated/public water with backflow devices. The EIR must evaluate the benefits of electronic metering of both water usage and regular septic system inspection requirements in order to reduce the risks of draw downs and/or wastewater contamination.

With all permits and COA’s issued, it is imperative that consequences for non-compliance must be clearly stated and include an immediate revocation of all WB permits until the problem is corrected, and inspected by certified specialists. Once a permit is revoked, the proposed WFB ordinance must contain a re-instatement provision that requires full compliance with all current regulations—there can be no re-instatement to the previous regulations (no hint of grandfathering).

Update Access Standards Section

Our suggestions are included elsewhere in this comment letter.

Add Wineries as Allowable Us by-right in Resort Zone District

Our suggestions are included elsewhere in this comment letter and include concerns whenever residential zoning is included in the RES zone and in proximity to the WB facility.

Framework of Analysis

The “checklist discussion” (1.) states that it “will focus on the potential physical environmental impacts associated with the ability to conduct Agricultural Promotional Events, which are not limited in number by the proposed Zoning Text Amendment.” The EIR must focus on potential impacts from ALL events from ALL WB’s. Even if each WB is limited to a total of four events per year, that “limited” number of events in a Res Ag

zone, multiplied by every WB in the area, will create severe, significant impacts. Whether it's a limited or unlimited event, it creates and adds cumulative impacts. The EIR must examine the totality of the limited and unlimited events in Res Ag and Farm zone with fragmented parcels.

The “checklist discussion” (2.) refers to existing facilities but wrongfully focuses on only the Medium and Large parcels where APE's would be allowed by-right. This unacceptable approach ignores both the fragmentation aspects of Placer County (with Small, Medium, and Large WB facilities distributed throughout or near Res Ag and/or Farm zones) and the fact that Small parcel-sized WB's can produce equally unacceptable adverse environmental noise levels for hours and/or multiple unlimited days with the same adverse impacts. The EIR must examine the faulty assumptions that environmental impacts from any type of event—Special or APE—will somehow be less significant than the other, and that Small WB's will have events with reduced noise levels, or hours of events, or traffic trips.

We strongly object to allowing any APE's by-right in Res Ag or Farm zones where fragmented parcels and/or other residences may be in proximity (4 to 5 miles, depending upon elevations, atmospheric conditions, etc.). The EIR must provide the rationale as to how the “APE by-right” or any of the “by-right” allowances are being considered. And the EIR must examine the degree to which residential by-right is being subordinated to any type of event by-right. The EIR must analyze impacts from WB facilities that may host multiple APEs per day (to stay under facility attendee legal capacities) by “staggering” them throughout each of the unlimited days allowed. The EIR must analyze the potential for events every day and the impacts in Res Ag areas where such incompatible commercial (non ag) land uses were not anticipated or allowed.

The Framework states that “All future winery/farm brewery applications would be subject to the proposed...” WFB ordinance. This suggests that existing WB will not be subject to the revisions. It is our understanding that none of the existing wineries that held events (regardless of whether they called them public or “private”) ever complied with the existing WO. Therefore, there is no legal precedent to grandfather into compliance, an industry that did not comply with the existing WO in the first place. There may be WB's that have “complied” because they have never held events of any kind that required the permit, and/or they were only open for tasting during allowed hours. Those might be the only exemption to consider as grandfathered candidates. However, if they, or any “existing” winery or brewery choose to hold events without proper permits (such as a valid ARP), then their impacts do not change, and they contribute to the whole of the environmental impacts, especially as they relate to existing homeowners in Res Ag zones. They must not be considered for any kind of amnesty/grandfathering. The EIR must evaluate the reasoning behind and merits of “grandfathering” or “exempting” or any allowance of a “non-applicable” requirement for compliance with any WB and how the environmental impacts from existing non-compliance may be continued with all the associated negative impacts.

The EIR should explain how the statement can be made that while the ZTA is not expected to directly induce the development of additional medium or large wineries/farm breweries, the proposal would provide greater flexibility with respect to the amount of APE's or Special events. The paragraph continues with “should consider the potential environmental effects,” which we appreciate, but it then stipulates, “...at future wineries/breweries,” which is unacceptable. The EIR must explain how any events, but especially unlimited events with associated adverse environmental impacts will be

different (significant? non-existent? or even insignificant?) when the same type of event is being held at a either an “existing” WB or a “future” WB. We submit that the impacts from commercial events from existing and/or future WBs in Res Ag or Farm-with-residences zones will all create similar, if not identical, noise, traffic, air quality, water, and other impacts. All WB types of events and their impacts when held by both existing and future WB must be analyzed.

Throughout the NOP and IS, a statement is continually made, that the proposed project will provide greater flexibility with regard to the amount of APE events. It appears that loosening constraints, allowing “unlimited” activities, and creating potential for different interpretations may be what is meant by “greater flexibility”; however, “flexibility” is often a code word for “non-enforceable.” If every WB with the allowed unlimited events held events every day, all day, there would be huge impacts. There may be claims, “Oh, we’d never do that.” However, laws or ordinances are not, and cannot be, founded on a “trust me” adage. Unlimited events are akin to a proposed subdivision development where the number of units is “unlimited” instead of a specified number. The odds are, that would never be approved because of the potential abuse and impacts. For the EIR to reliably address all potential environmental impacts from events that are allowed to occur with either the word “unlimited” or “private” (when, as explained in this document, with electronics and social media networks “private” is another way of hosting “public” gatherings without limits), it must include an analysis of impacts from all day events (staggered times or open house) that last during allowed hours of operation.

WBs in RES Commercial zoning districts that have no “planted” wine grapes or hops may be reasonable, but a use permit should always be required. Otherwise, because wineries (and possibly breweries) may put their own labels on bottles, then what will distinguish a WB in a RES Commercial zone from being a “bar” (beer, wine, or cider bar)? The EIR needs to examine why a WB in a RES Commercial zone that operates without growing the required crops should not be considered a “bar.” If it only processes plant ingredients from elsewhere, perhaps it needs to be classified as an industrial processing operation. If it simply affixes its label to a product bottled processed and bottled elsewhere, perhaps it needs to be classified as a retail sales outlet. If it serves WB, then possibly the proper classification would be as a bar, since it doesn’t meet the ag operation definition requirements. The EIR must address the nuances of the RES Commercial zoning allowances and their potential for creating negative impacts.

B. ENVIRONMENTAL SETTING

The information in this section omits very critical information that is directly related to the proposed WFB ordinance. First: Due to either ignorance or politics, instead of following professional land use planning standards, with well-defined zones, County decision makers allowed and/or approved inappropriate land splits, variances, sprawl, zoning changes (in a couple of cases for single parcels only) and other willy-nilly permitting that has resulted in a hodge-podge of not only different parcel sizes but also a mixture of dissimilar land uses. Fragmentation is the baseline.

Second, because of some County leaders’ apparent addiction to “economic development,” seemingly to the abandonment of environmental protection principles, it appears that the County is considered one of the fastest growing counties in the state. This dubious distinction of urban growth has compromised the County’s ag production potential. With current food security concerns, Placer could have played a major role with ag production, but instead it favors and fosters urban development while playing lip service to ag preservation. This is our appraisal of the “Environmental Setting.”

WB tasting rooms with limited days and hours of operation are usually not a problem in Res Ag and Farm (with residential) zones; and if they preserve or protect agricultural operations, they are supported. But with the County's terrain and landscape in rural Res Ag and Farm zones, event center-type operations created disturbances that crossed the line, in a great part due to fragmentation. All the adverse impacts that have been mentioned throughout this document and by others are detrimental to property values, have curtailed rights to enjoy one's property, and created major conflicts in neighborhoods. The proposed WFB ordinance exacerbates the impacts and problems with its unacceptable "flexibility," "unlimited," and "by-right" impositions as well as more vague and unenforceable language. The EIR needs to analyze how such loose, vague and ambiguous language in the proposed ZTA can bring about orderly growth while creating significant environmental impacts.

Other concerns to consider in the EIR:

How will the impacts from unlimited events (whether they be APE's, "private gatherings" or any other designations for which the County has no way of estimating) be identified, let alone mitigated? The EIR needs to analyze traffic and noise impacts of every by-right, unlimited WB as if were to utilize its full allowance of events as described in the proposed WFB ZTA—every day, from 7 am to 10 pm or two less hours on work nights. Water supplies, especially with the recent efforts to deal with groundwater sustainability must be evaluated and mitigated.

How did events (APE's or Special or unlimited) become "by-right"? Every parcel, every facility, every community and unincorporated neighborhood is unique. "By-right" implies a one-size-fits-all, which is simply not the case in Placer County with its diverse terrain and landscapes. Very similar problems have been experienced with the "C" Clearance. Those, just as with "by-right," should not be applied to non-conforming land use issues (e.g., non-ag operational commercial events), especially in a County with admitted parcel and zoning fragmentation. In the 12 years of wrestling with the WO and noncompliance issues, the "by-right" concept has never been on the table. The EIR needs to ascertain who or how the "by-right" provision was inserted into the WB discussion and evaluate its multiple potential significant negative impacts.

The ruse of "private gatherings" as previously discussed must be examined and deleted as a consideration in the proposed WFB ordinance; all events hosted or held at any WB facility shall be counted toward the maximum cap or limit. The EIR must analyze the reduction in environmental impacts when all events at the WB facilities are counted. The EIR must also factor in the cumulative impact reductions across the board if all WB facilities are held to the same standard.

The EIR must examine the notion that a complete "**facility rental**" is somehow a legitimate use of a facility that is supposed to be an ag operation and not an Event Center venue. Facility rental is more a Vacation Rental and should require a different set of inspections, COA's and performance standards. The EIR must examine the land-use issues involved with any type of "facility rental" operation and the impacts created when it may be "unlimited."

Allowing 12 Special Events will potentially impact all the households in the area every weekend for three months straight. It is reasonable and foreseeable to assume those three months would be the summer months when families may be outside in the evenings. When the events that are "not included" in the limits (thus, "unlimited events") are factored in, the immense significance of the unacceptable impacts in Res Ag zones is staggering—theoretically impacting neighbors 365 days per year, all day. For large parcel-

sized facilities to be allowed to hold larger commercial events and to hold more of them, is unreasonable by anyone's standard in a Res Ag zone. A more reasonable alternative is for the WBs to rent event venues in a properly zoned area. The EIR must analyze the benefits and reduction of environmental impacts by suggesting alternatives that include holding more than five events at appropriately zoned event center venues.

I. AESTHETICS

The EIR needs to explain the rationale or logic of these sentences in the first paragraph. "It could also be considered that Agricultural Promotional Events, such as wine release parties, winemaker dinners, etc., as well as Special Events such as private parties, fundraisers, and social or educational gatherings, where outside alcohol is allowed, are not incongruent with the rural agriculture landscape where the facilities are located. Such promotional agri-tourism activities could be compared to some of the events held at the various farms and ranches throughout Placer County."

First, all the events listed are indeed incongruent with the peaceful and quiet rural ag landscape where the facilities are located. Rural Placer County is not Sacramento's midtown on a 2nd Saturday art walk, yet gatherings with 200 people every weekend may resemble them and would certainly be incongruent with the rural ag landscape.

Second, the "promotional" aspect of the APE is supposed to be promotional for the ag operations of the WB operation. However, it has now morphed into agri-tourism, implying that other types of events are being held constantly at farms and ranches throughout Placer County. This is simply not true. Most farms and ranches are not holding events on a regular basis throughout the County. Agri-tourism events are more commonly held in appropriate locations (Farmers Markets) or as annual events (Mandarin Festival, Farm and Barn, etc.). The EIR needs to clarify and evaluate impacts that such misapplication of agri-tourism activities may have on Res Ag and Farm zones (with residents).

In this section, there may be a significant impact with Items 3 and 4. The quality of the site's surroundings will be substantially degraded potentially every night and day of the year, from 10 am to 10 pm on weekends, with unlimited events and their noise and/or traffic and/or night glare from 200 people (plus staff) leaving the events late at night. These are the types of impacts that are certainly incongruent with the current conditions.

If the discussion information is correct, it appears that RES-zoned parcels are not going to be growing the required two acres of grapes or hops. Therefore, it seems inappropriate to label them for licensing or bonding purposes as a "winery" or "brewery" when their operations resemble a bar or a processing operation more than an agricultural operation per se. The EIR needs to address the impacts from an operation that is not a viable ag operation as defined, yet it may be approved to operate under the WFB ordinance in order to take advantage of event provisions.

II. AGRICULTURAL & FOREST RESOURCES--

The EIR must evaluate the whole of the ordinance on Res Ag and Farm zones located in all of the unincorporated portions of Placer County—not just "existing" wineries and farm breweries.

The EIR should evaluate food security issues with the potential loss of edible food crops if/when such fields are converted to wine grape vineyards and hops due to increased operations of existing WB or increases in new/future WBs.

Related to increased conflicts, which will increase enforcement costs, we urge evaluation of the myriad of mitigation measures that could be incorporated into the WFB

ordinance, including but not limited to: deleting all references to “unlimited events” and “by-right” relative to WB; ending events in Res Ag zones 1 or 2 hours earlier than the proposed endings; limiting the decibel level at property lines to 55-70 db from 7 am to 7 pm; reducing the allowed event noise to 20 db or less at the property line from 7 pm to 9 pm; and allowing no WB event activities or noise 9 pm and 7 am.

III. AIR QUALITY

In general, we agree with the Discussion. However, due to “Clearance” approvals coupled with, credits unique to the industries, tax write offs, and other economic advantages that WB operations enjoy, the proposed WFB ZTA’s liberal allowance of events in Res Ag and Farm zones may indeed provide start-up incentives. The “C” clearance makes a mockery of governmental permitting openness and transparency by not having to notice neighbors—and rightfully creates public trust issues. That alone, in a Res Ag and/or Farm zone, can be a huge affront.

The EIR needs to examine “C” Clearance approvals in light of the “no surprises” refrain and apply it as it impacts homeowners in Res Ag and Farm zones (when WB’s may pop up next door or nearby with commercial non-ag operations). Permitting of non-conforming land uses should always be only via a thorough vetting and never via a “C” Clearance permitting decision. We urge removal of all the “C” approval designations and replacement with a CUP or MUP. The EIR also needs to examine the “C” Clearance in terms of its potential to bring favoritism and politics into the land-use permitting process with all the non-evaluated, negative impacts (with no mitigation) that creates.

IV. BIOLOGICAL RESOURCES

The potential impacts to wildlife are significant with both noise before unlimited events end as well as potential for additional auto collisions via excessive traffic as attendees drive narrow County roads in the dark at times when many mammalian wildlife species become active. The EIR needs to thoroughly address wildlife impacts, such as critical deer habitats, migratory routes, and habitat impacts for special status species.

IX. HYDROLOGY & WATER QUALITY

In addition to groundwater depletion and recharge issues associated with holding unlimited and/or events with even more than 25 attendees, let alone 200, being “Potentially Significant Impact[s],” it is reasonable and foreseeable to predict that many of the other listed issues may also be potentially significant, and must be analyzed. If /As the “unlimited” event allowances occur or increase, parking will have to be expanded thus creating or increasing environmental impacts, such as: impermeable surfaces, drainage issues, polluted surface runoff as well as increased runoff rates as predicted with climate change models, etc. Or, it is likely that increased parking needs for unlimited events will spill over onto public roadways with resultant traffic impacts.

The EIR must address each one of those issues in the context of each WB having defacto unlimited events by claiming the events are “private gatherings” and all future “by-right” development of wineries or farm breweries—both of which will create significant impacts. The EIR must also address any WB having multiple events, on multiple days. It’s not just one private gathering; rather, it may very well be two, three, or more staggered private gatherings (e.g., 10 am to 1 pm; 1 pm to 4 pm; 4 pm to 7 pm) or even more with staggered 2-hour events. With no monitoring or limits as to the number of events being held, and no coordination in terms of saturating one specific area with multiple events, it

follows that the aggregated and cumulative impacts may seriously impact water sustainability.

X. LAND USE & PLANNING

The Placer County General Plan does not support commercial events in Res Ag zoned. The General Plan policy clearly states that the County promotes agricultural operations and permits a wide variety of promotional and marketing activity, but it is only for **County-grown** products in agricultural zone districts. Unlimited commercial events are not ag operations to begin with and not supported by the General Plan or the Right to Farm ordinance. More importantly, the products winery and breweries serve at the unlimited events which carry their label, or the label of others, may not be grown in Placer County at all. Thus, the claim that the General Plan allows wineries or breweries to promote their products via any commercial events is simply not true.

The EIR needs to determine how the County can enforce “County-grown”—how will the wine or beer ingredients be tested and analyzed to pinpoint exactly where the wine grapes or hops were grown. Furthermore, the grape or hop tonnage harvested on the winery or brewery’s farmland, the tonnage purchased from other ag lands located in Placer County and used or blended to process, bottle, and then label as being from that winery or brewery, must be calculated. The percentage of the product that actually was grown in Placer County operations must be proven in order for WB’s to claim their operations and events are supported by the General Plan.

We submit that individual homeowners’ experiences and court records will provide compelling evidence that allowing events in Res Ag and/zones has, and will continue with this impact and keep it at a “significant” level: “Result in the development of incompatible uses and/or the creation of land use conflict.

Related, we submit that allowing commercial events in Res Ag and/zones, either limited or unlimited, results in a substantial and noncompliant, incompatible alteration of the present or planned use of an area. Rural farmlands that allow residential land uses by-right are on the receiving end of non-conforming, non-compliant commercial land uses which is what hosting events creates—a violation of the zoning codes—“alteration of the present or planned use of an area.”

We strongly disagree with the IS statement that holding events as by-right allowances “would not directly result in the conversion of important farmland.” We submit that in part because of the profitability of hosting commercial events, and any adoption of by-right allowances to hold them (especially “unlimited”), incentives will be created to eventually reduce ag operations to the bare minimum (merely planting two acres) and convert farmlands to un-permitted, defacto event centers in zones where they would not be allowed. Such a conversion is not only possible, but because of the meaningless language in the acreage “planted” requirement, it’s highly suspect as to its intention. The proposed WFB language requires only the “planting” of at least two acres of wine grapes or hops and is considered useless as a sustainable ag operation COA. The EIR must analyze the effectiveness of the word “planted” a required agricultural nexus, and expand upon consequences when the two acres remain “planted” but not cultivated.

The language of the proposed WFB ordinance must be expanded to include not only “planted,” but also “...including a minimum number of continuously cultivated viable wine grapes or hops, the harvest of which shall be used as ingredients to produce a majority of the wine or beer processed, bottled and sold by the WB under its label.” This requirement must be a condition of approval in order for the operation to continue as a winery or a brewery. The language must include stipulations that unannounced inspections

to verify sustainable crop viability, harvest, and proof of processing shall be required. Otherwise, “planting” as the sole ag requirement can be perceived as deceptive and misleading with no enforcement value. The EIR must study and analyze the real possibility of conversions to non-ag operations or to commercial event operations when weak language, such as “planted” suggests an invitation to convert with no consequences. The EIR must examine how the word “planted” is meaningless when the proposed WFB ordinance demands certainty.

The EIR needs to define the “tenants of agri-tourism” in light of the IS statement that the purpose of the ZTA “is to preserve and protect farmland while also supporting tenants of agri-tourism,” which is broadly understood as any agriculturally-based activity that offers visitors an opportunity to experience a farm or ranch. The EIR needs to define how an ag-based activity may be experienced on a farm or ranch in a Res Ag zone via attendance at an event (party, wedding, reunion, etc.) when may not even come close to being an “ag-based activity or experience” per se.

The EIR needs to address these questions in term so impacts: How will ag-based tourism activities be implemented with wineries and breweries? Does a commercial event at a WB facility constitute an ag-based activity? How will such ag-based tourist activities impact residents in Res Ag zones and be mitigated? Will there be tour busses, or will there be auto traffic with drivers who may be unfamiliar with navigating the County’s narrow rural roads that have no shoulders and that are often utilized by bike riders? The EIR needs to analyze the appropriateness of agri-tourism activities in Res Ag areas and impacts from traffic, noise, and other negative impacts. The EIR needs to analyze ag tourism impacts from activities in the County’s Res Ag fragmented areas.

The IS further states that “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.**” The EIR needs to analyze what frequency of tourism activities constitutes a primary use of the property for growing and processing grapes or hops.

XII. NOISE

This one issue appears to negatively impact more people, more often, and more severely than any of the other negative impacts, but traffic is a close second. Noise from events appears to be the primary cause of complaint calls and appear to be the most problematic for County code enforcement (compliance) resolve. Residential zoning allows homeowners to live in such zones by-right. With a given right to enjoy one’s property (including peace), we urge that the EIR evaluate meaningful mitigation measures that would help reduce the negative impacts associated with noise. These are similar to the Placer County Planning Commissions noise limit proposals in the earlier WO revision attempts.

With the baseline being quiet, or low ambient noise levels with occasional acceptable agricultural operations noise, the EIR must analyze impacts to that baseline. WB’s that may be or will be located in Res Ag zones or any rural areas may affect ambient noise levels. Any new or existing winery/brewery that holds unregulated private or public events every weekend—especially in Spring, Summer, and Fall—will certainly increase ambient noise levels due to traffic, activity in parking areas, outdoor gatherings, and amplified music whether indoors or out. The EIR must cover noise levels starting from the baseline—no- to low-ambient levels—and address (1) impacts created by commercial events in the Res Ag or Farm (with residences) zones; and (2) concerns about enforcement

or lack thereof; and (3) Grand Jury reports related to the lack of enforcement (cited in this document).

The EIR must analyze the fact that the current Noise Ordinance is intended for homeowner protection from the occasional noise violation—excessive or amplified sounds from a long-lasting party, dogs barking, etc. It was not intended for continuous days of non-conforming, incompatible commercial event noises that are imposed upon unsuspecting neighbors in Res Ag or Farms with residences. The EIR must address the potential to allow no commercial events at any WB—keep WB activities limited to tastings only. The EIR must consider alternatives for commercial events, such as renting event venues that are permitted in proper zoning, just as everyone else must do.

XV. PUBLIC SERVICES

Discussion Item XV-1

We question the accuracy of the statement in the IS that “future increase in events would not result in increased demand on fire service providers...” and with the IS assumption that existing facilities pose no new service demands. That may be true in terms of new “fire” facilities, but it is not true in terms of increased demand for other fire services which include safety inspections, compliance, reports, etc. A winery in Placer County has/had not complied with its fire safety requirements, yet it continued to hold non-permitted events. At monthly district board meetings, the fire chief of the serving district reported the unsuccessful efforts to obtain compliance. With the chief’s last report, it is/was our understanding that the fire district could go no further and turned the not only noncompliant but also health and safety issue over to the County for enforcement. The resolution is unknown, but it illustrates the time and resources required and spent when there is noncompliance and a refusal to resolve the issue, which in turn subjects visitors, event attendees, and nearby neighbors to potentially compromised safety standards.

The EIR must examine the demands on fire district personnel with both existing and future WBs in terms of inspection, noncompliance, follow ups, report preparations, etc., and provide possible actions that may be taken to resolve the issue—citations, court order to stop operation (TRA’s), revocation of permits/license, etc.

XVII. TRANSPORTATION & TRAFFIC

In relaxing standards and a stated goal of “flexibility,” and adding “by-right” to the mix, the proposed WFB ordinance increases the number of commercial events in Res Ag and Farm zones as well as their intensities and negative impacts. If such events were located in Commercial, Industrial or other properly zoned areas where there would be little-to-no impacts on narrow, windy, rural roads, traffic might not be an impact of concern. Providing WB’s with an open-ended authorization to hold unlimited events, and not curtailing the hours of operation, has the potential to create unacceptable traffic on curving, narrow rural roads, especially in the late spring, summer, and early fall months. Equally concerning is allowing WBs to rent out their facilities.

The EIR must analyze all the potential traffic impacts from Small or Boutique to Large WB’s holding unlimited events of any nature and the potential safety impacts. Just as critical is for the EIR to examine the WB’s authority to rent out their facilities and to explain why such facility rentals do not convert the supposed ag operation into a defacto Event Center that requires a CUP.

The EIR must analyze the traffic increases created with by-right new wineries and unregulated and by-right gatherings at existing and new wineries that will not only affect level of service on County roadways, but will also result in potential safety impacts to

pedestrians, cyclists, and residents. Many of the roads currently used for wineries, or that may be in the future, are private roads designed for residential use. Heavy tourist traffic on these narrow, winding roadways create a nuisance and a safety hazard for residents and may conflict with existing farm vehicle and bicycle use on these roadways.

The EIR must analyze the fact that the proposed ZTA allows unlimited, unregulated gatherings for wineries/breweries, coupled with the fact that due to the seasonal nature of such events, most private and public events are likely to take place on weekends between late April/early May thru October. Therefore, there is a potential for multiple events to be held every weekend, if not every day, for over six months of the year with the potential for thousands of vehicles and related trips. The multitude of huge significance nightmarish impacts on residents near or next to such facilities cannot be underestimated and must be fully examined in the EIR.

Other Issues for Analysis

In spite of ongoing noncompliance or code violations, the WFB NOP states that a re-examination of the WO is appropriate “in order to hold a greater number of events by-right.” The EIR should examine what appears to be an illogical leap from non-compliant hosting of events to relaxing rules to allow more even more events. The EIR must analyze the legitimacy of staff’s authority to re-examine the WO and, based on a nebulous need, modify some standards in order to hold a greater number of events by right. The EIR needs to establish staff’s motivation to conclude that in spite of a decade of non-compliance, with possibly little-to-no code enforcement, that there was a need to modify the WO standards in order for wineries or breweries to hold even greater numbers of events by-right. Based on neighbor complaints, the EIR should examine why community needs to hold a fewer number of events were not an equally factored into the WFB ZTA.

The EIR must examine and address why such noncompliance (evidenced by no ARP’s being issued and/or by code enforcement complaints), ongoing violations, and a lack of enforcement are occurring. The EIR must assess the proposed WFB ZTA language as to its enforceability and include options for code enforcement. The EIR should suggest rigorous and restrictive conditions of approvals, rather than relaxing the existing WO to accommodate non-compliance. The EIR should explain the role and effectiveness of code enforcement to protect neighbors and communities from adverse impacts created by non-compliant, non-permitted events. The EIR must examine and compare the current laissez-faire approach to winery violations and their associated impacts versus consistent enforcement with penalties, fines, and/or revocation of licenses to cease operations. Is it reasonable to foresee greater code compliance with consistent enforcement and a reduction of the most common complaints (such as noise) and other impacts?

The EIR must examine not only cumulative impacts but the incremental impacts that will have cumulative effects in the Res Ag and Farm (with residents) zones. It must further address noise from other proposed projects in the County, as well as existing Event Centers and other non-winery/brewery venues that regularly host events (Flower Farm, Newcastle Wedding Gardens, Gold Hill Gardens, Maple Rock Gardens and numerous country and golf clubs that all hold events which are equivalent in size and coincident in season and time of day with those allowed in the proposed WFB ordinance. Events at these venues, together with events allowed by the proposed ZTA, have the potential to result in significant loss of agricultural land, and significant increases in traffic, which would result in a cumulatively significant impact on circulation and public safety. Those impacts would in turn result in significant impacts to air quality and noise. Together, these projects would also result in more intensive use of rural lands that would result in

cumulative impacts on biological resources. The EIR must provide in depth analysis of these potentially significant cumulative impacts.

Related to all of the above, the EIR must provide effective, enforceable mitigation measures to offset the significant impacts. Just a couple of obvious alternatives are for any WB that wishes to hold events to hold them in established venues located in proper zones, or utilize the County's proposed "Event Center" in its government center off Bell Road.

Beginning around 2005,ⁱ Placer County received citizen complaints regarding winery operations, and subsequently proposed a highly contested winery ordinance (adopted in 2008). Other proposals have attempted to deal with mounting citizen concerns and issues of incompatible land use. Throughout the past decade, at many County meetings where allowing commercial winery events in Residential Ag and Farm zones (that can, do, and will disturb neighbors) were discussed, the process was contentious and controversial. It pitted neighbor against neighbor (including the filing of legal petitions, restraining orders, complaints to County Code Enforcement), and a multitude of adverse environmental impacts, including but not limited to noise, traffic, natural resource impacts and others.

Because of the controversy and disruptions that neighbors who live in the vicinity of wineries and breweries have experienced over the past 12 years, the EIR should provide the public with information to justify or explain the stated rationale, "a primary reason for revising the ordinance was to relax the requirements to hold events"?ⁱⁱ The EIR must identify and analyze the likelihood of increased disruptions and negative impacts (traffic, noise, air quality, and others) associated with relaxed requirements to hold events. It must also analyze how an alternative revised ordinance with more restrictive requirements to hold events would benefit neighbors and communities and result in reduced negative impacts.

Relaxing requirements is arbitrary and specious, with no guarantees, and cannot be justified from a community benefit perspective. By what standard did the County conclude that relaxing requirements for winery and brewery operations, including events, would resolve the incompatible land uses in Res Ag and Farm zones?

The NOP creates a perception of a bias that is not conducive to building trust that the proposed WFB ordinance or the forthcoming Environmental Impact Report (EIR) will be fair, just, or accurate in its analysis. This statement, "Based upon the need to modify some standards in order 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 desires of the community and the winery owners." With the first portion of that sentence, how can a WFB ordinance in Res Ag and Farm zones be justified based on the need of a commercial alcohol consumption industry? What rationale was used to include the "by-right" phrase? With the second part of the statement, how did staff determine the desires of the community?

The EIR needs to explain how a need to hold a greater number of events by-right is/was a need or desire of the community? Because the EIR foundation may be based on such assumptions, how did staff come to these conclusions?

Other than commercial wineries, how were non-winery/brewery members of the community's "desires" determined? Are they included in the EIR analysis? Since this statement seems to be a foundation for the need of a revised WFB ordinance, the EIR needs to explain and/or describe staff's rationale in arriving at that conclusion.

Project Purpose and Objectives

The first phrase of the WFB ZTA policy focus, to “preserve and protect farmland” as well as the second phrase, “the primary use of the property is for the growing and processing of agriculture...value-added product” are supported by the vast majority of citizens. However, the ZTA policy focus then adds two questionable purposes, “supporting tenants of agri-tourism” and “balance the needs of various stakeholder groups,” both of which, in a context other than a ZTA might be valid. However, injecting them into this highly controversial ZTA has all the earmarks of a not-so-subtle attempt to override the purpose of zoning. Zoning codes and ordinances are enacted to keep incongruent land uses separated (residential, commercial, industrial, agricultural, Farm, etc.) so that the use of the properties within each district are reasonably uniform.

The EIR needs to explain how or why agri-tourism, or commercial “stakeholder needs” may trump or in any way reduce efforts to preserve and protect ag and farmlands in Res Ag and Farm zones.

The oft-repeated illogical claim may be made that profiting from commercial events will preserve and protect Res ag and farmlands. Res ag and farmlands are protected and preserved by three County supervisor votes—not by a farmer or rancher’s decision to quit an his/her ag operation or farm activities. Please examine the nexus between zoning ordinance compliance and the preservation and protection of ag and farmlands.

There have been examples of wineries or breweries closing down in Res ag zones; yet the farmland remains preserved and protected by zoning enforcement. The EIR needs to examine the premise that ag and farmlands will be better protected by strict, enforceable zoning, than by incompatible, non-conforming activities.

It is common knowledge that commercial event activities can and do occur in Res ag zones with little-to-no agricultural operations occurring on the property. Renting out a facility in a Res Ag zone to hold weddings, concerts or other for-profit events cannot be shoe-horned into being legitimate ag operations. Most importantly, any facility rental, “where the property owner is compensated in exchange for the use of the site and facility (referred to as a facility rental)” must be prohibited because it is in fact operating as an even more egregious non-conforming land use: An Event Center. Such facility rentals have no nexus to ag operations, and most likely no ag promotional value. Facility rentals must remain the exclusive function of Event Center designations and should be contained in Commercial zoning categories or possibly Industrial categories, rather than Res Ag or Farm.

The EIR needs to compare traditional Res Ag and Commercial zoning standards and explain why holding unlimited commercial events in Res Ag zones is not a defacto land-use zoning change (Commercial or other zoning categories) and/or an Event Center where a CUP should be required.

The “wide variety” is another area with no explanation provided. Does it mean rodeos, motorbike racing, battle of the bands, or any similar type of objectionable, disruptive gatherings? The EIR needs to delete vague, broad, and meaningless terms that can tip WB operations into code violations. The EIR needs to clearly define activities that will be prohibited in Res AG and Farm zones and which will be allowed, set solid numbers for limits of all types of event activities, and cap number of attendees to avoid both confusion and misinterpretation.

The vague language and lack of meaningful constraints in the proposed WFB ordinance creates enforcement problems and/or monitoring issues with regard to using case

or barrel production levels to determine size categories. Who will monitor the annual number of cases produced to ensure compliance? If it is the County, will an inspection feed be added to annual license renewals?

The EIR must examine:

Alternative venues for WB events, such as other venues located in appropriate zones where wineries and breweries may hold for-profit events to promote their products.

Expansion of the area of notification for both initial permitting and modifications to a minimum of a 1,000' radius. A more meaningful distance would be the potential range of the impacts—especially noise and traffic. The current 300' notice requirement is insufficient for WBs that will host events that will potentially impact residents far beyond even 1,000 ft.

A posting of all permits on County website to enable neighbors/community to confirm an event is permitted, along with the 24-hour hotline to assist with code enforcement.

Mandatory permit renewals via a sunset clause of existing and future permits and a mandatory revocation of permits if the WB ag operation or facility is not operating as presented/predicted.

Mandatory requirements for on-site security in ratio to number of guests; doubled if alcohol is being consumed.

Addressing WB impacts in all areas of the county where WB (and/or distilleries) may be permitted. The NOP appears to focus only on western Placer County, but WBs may be approved in higher elevations. The fact that wine grapes or hops may not grow, or are not grown, does not seem to be a deterrent to opening either type of facility. If there are Res Ag zones where WB's may be permitted, then environmental impacts must be considered with the entire County in mind.

We look forward to reviewing a full and meaningful level of environmental review.

Thank you for considering our views,



Marilyn Jasper, Chair

Sierra Club Placer Group, Conservation Comm
Public Interest Coalition

ⁱ August 3, 2005, Auburn Journal, *Mt. Vernon Winery still having zoning troubles*. "...classified as "commercial" operations rather than "agricultural." <http://www.auburnjournal.com/article/mt-vernon-winery-still-having-zoning-troubles>

ⁱⁱ Placer County, NOP, October 17, 2017, "Modify Event Definition," page 8.

Comments on the proposed Winery/Farm Brewery Ordinance revisions, 11/1/17

On P 24 (G, H and I), "Special Notice Requirements," "Notice of Decision," and "Waiver of Appeal Fee" the ordinance language has been changed to replace "administrative review" permits with "use" permits. Am I correct in inferring that the term "use" permit applies only to ARPs, MUPs, and CUPs, and excludes zoning clearances (C)?

If so, these sections seem to say that permitting a winery or brewery to hold events by zoning clearance no longer requires notification to property owners who share access rights by private road, and also no longer requires notification of the decision to approve. (The sections qualifying the above paragraphs apply specifically to ARPs, not zoning clearances.) If not, why is this phrase included?

The language on Page 19 E 2.b. (bottom of the page) is also strange. {See below for the text in question.} As written it appears that a winery or brewery will be required to obtain permission from property owners holding access rights to shared private roads to have wine tastings BUT (by the language on p 24) NO PERMISSION IS NEEDED TO HOLD EVENTS. A property owner on a shared-access road might be confused into thinking he or she was only agreeing to a wine tasting room when in fact the facility will also be using the road access to host events (a similar disagreement was a contributing cause of severe neighborhood strife at the Goathouse Brewery).

By sec 17.06.050, a "zoning clearance" is a *"routine land use approval ...for land uses that are consistent with the basic purposes of the particular zone (e.g., houses in residential zones), and are unlikely to create any problems that will not be adequately handled by the development standards."*

The zoning clearance is granted at the sole discretion of the Planning Director and his staff and section 17.06.040 (A) specifically requires that the application *"shall be reviewed and approved or disapproved within five days of filing."*

The use of zoning clearances to approve unlimited events by right at wineries and breweries in Farm zoning is a misapplication of the zoning clearance process. Introducing a business that will create the amount of noise and traffic generated by an unknown, and potentially unlimited, number of social events into Farm zoning which is a mixture of private residences and agricultural businesses of many types does not meet the standard of a land use "consistent with the basic purposes of the zone that is unlikely to create any problems...." By granting zoning clearances to these uses, it appears that there will be no requirements for neighborhood notification, no requirement for approval from property owners with shared access, and no appeal process.

The five-day approval turnaround and the above lack of notification requirements give the appearance that the county and the vintners/brewers are well aware that these applications will not be welcomed in many neighborhoods in Farm zoning, and are attempting to have the uses approved by a hasty secretive process.

Wineries and/or breweries in the neighborhood that hold events in addition to daily tasting impose significant noise, traffic and environmental impacts upon the property values of nearby citizens. To give us no opportunity at all to comment upon venues that will affect the value of our properties and our use and enjoyment of them sends the message that our needs are secondary to those of the vintners and brewers. **Please remove the "zoning clearance" designation for these facilities in Farm zoning and return to the previous ARP requirement.**



Carol Rubin

2079 Country Hill Run

Newcastle

Supporting sections from the codes, current and proposed

(italics are mine)

Proposed: Page 24 ?? G. Special Notice Requirements. For all applications for a winery or farm brewery activity that is requested for property which is accessed by a private road and which requires the issuance of ~~an administrative review~~ a use permit pursuant to this section, in addition to any other notice required by Section 17.58.100(A), notice shall be provided to all property owners identified pursuant to Section 17.58.030(F). Failure of a property owner who shares access rights with an applicant to a private road to receive notice shall not invalidate the issuance of the permit.

Sec 17.58.100 deals with requirements under ARPs. Since ARPs are no longer necessary, it appears this section is no longer relevant?

17.58.100 Administrative Review Permit

When an Administrative Review Permit (ARP) is required by Sections 17.52.130(B)(1)(b), (B)(1)(d) or 17.56.170(B)(1) to authorize a proposed land use, the permit shall be processed as set forth in Sections 17.58.020 et seq., (Applications—Filing and initial processing), except as follows:

Similarly, Sec 17.58.030 also deals with requirements under ARPs and also appears to be no longer relevant:

17.58.030 Required Application Contents

F. For all applications for a winery activity that requires the issuance of an Administrative Review Permit pursuant to Section 17.56.330 for a property which is accessed by a private road, the applicant is required to provide the names and mailing addresses of all property owners who have access rights to or share use of the private road. The applicant shall exercise all reasonable efforts to identify and use due diligence to ascertain the names and addresses of all such property owners and shall include a summary of all such efforts with the list of names and addresses as part of the application

Proposed H (p 24). Notice of Decision. A copy of any decision on an application for a winery or farm brewery activity that is requested for property which is accessed by a private road and which involves the issuance of an ~~administrative review~~ a use permit pursuant to this section shall be provided to all property owners identified pursuant to Section 17.58.030(F), in addition to any other person who may otherwise be entitled to notice of the decision. Failure of a property owner who shares access rights with an applicant to a private road to receive a copy of the decision shall not invalidate the issuance of the permit.

See comment above; Sec 17.58.030 deals only with ARP requirements.

Proposed I (p 24). Waiver of Appeal Fee. Notwithstanding subsection (C)(1) of Section 17.60.110, the requirement of the submission of an appeal fee shall be waived for a property owner who appeals the determination of the zoning administrator to approve ~~an administrative review~~ a use permit and who owns property that shares access rights to a private road with the applicant who has received a permit. This waiver shall not apply to any appeal of a decision of the planning commission to the board of supervisors. (Ord. 5688-B § 9, 2012; Ord. 5526-B § 19, 2008)

I am confused here. The language seems to indicate the ZA will approve "a use permit" but by Sec 17.06.050 these "C" "use permits" will be granted as Zoning Clearances:

17.06.040 Zoning Clearance Procedure

Where Section 17.06.050 requires zoning clearance as a prerequisite to establishing a land use, evaluation of the proposed use by the Planning Department to determine whether such clearance may be granted shall be accomplished as follows. No building, grading or other construction permit, or business license or other authorization required by this code for a proposed use shall be issued by the responsible department until *zoning clearance has been granted by the Planning Department*, or a discretionary land use permit has been approved for the use pursuant to Article 17.58 (Discretionary land use permit procedures).

A. Timing of Clearance. A zoning clearance evaluation and the granting of such clearance shall be accomplished by the Planning Department at the time of their review of any building, grading

or other construction permit, or business license or other authorization required by this code for the proposed use. Where no such other authorization is required, a request for zoning clearance shall be filed with the Planning Department using the forms provided, *and shall be reviewed and approved or disapproved within five days of filing.*

17.06.050 2. **Zoning Clearance.** These uses are allowable subject to zoning clearance (“C” uses on the tables) (see Section 17.06.040). Zoning clearance *is a routine land use approval* that involves Planning Department staff checking a proposed development to ensure that all applicable zoning requirements will be satisfied (e.g., setbacks, height limits, parking requirements, etc.). Zoning clearance is required by this ordinance for *land uses that are consistent with the basic purposes of the particular zone (e.g., houses in residential zones), and are unlikely to create any problems that will not be adequately handled by the development standards* of Article 17.54 of this ordinance (General Development Standards) and this subchapter.

Page 19 E 2.b. (bottom of the page)

c. Access—Non-County Maintained Roads. If a winery is accessed by a private road, the *applicant shall provide reasonable proof of access rights* as determined by the engineering and surveying division.

b. Non-County Maintained Roads

(i) 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.

(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.

Zoning Text Amendment. Thus, wineries on small parcels will not be evaluated in this EIR. **Table 1**

Maximum Special Events Allowed Per Year[1]

Parcel Size (Acre)	Max Attendees (Excluding Staff)	Max Special Events / Year	Use Permit Requirement
4.6-9.9	50	6	MUP[2]
10-20	100	6	C
20+	200	12	C

[1] Agricultural Promotional Events with attendance greater than 50 are limited per this Table.

[2] A Minor Use Permit is required for a Winery or Farm Brewery for parcels 4.6-9.9 acres in size in Zone Districts where allowed by the Land Use and Permit Table (Section 17.06.050). This use permit will consider conditions for events as limited by this table.

C = Zoning Clearance (Placer County Code Section 17.06.050)

MUP = Minor Use Permit (Placer County Code Section 17.06.050)

Shirlee Herrington

From: Ellie Mulloy <ellimae40@gmail.com>
Sent: Thursday, November 02, 2017 3:29 PM
To: Placer County Environmental Coordination Services
Subject: New Winery Ordinance

I'm against of the new ordinance-as it will create more traffic on our country roads--plus more noise & intoxicated drivers . Elinor Mulloy Godley road Lincoln.

Shirlee Herrington

From: Steve Cook <cookfarm145@att.net>
Sent: Saturday, November 04, 2017 6:27 PM
To: Placer County Environmental Coordination Services
Subject: Winery brewery ordinance change

Hello,

I am strongly opposed to any winery/brewery ordinance changes for one main reason, public safety. When people go to wineries or breweries they drink alcohol. While most or some do so responsibly there are a number that do not do so responsibly. Then they get on the road drunk and hurt or kill people. Our small Placer County curvy roads are already more dangerous than most roads without drunk drivers. When you add people that are drinking and then drive you are asking for problems!!! Please do not allow this.

I am pro small business and having places for people to gather. I just do not think making these changes benefits the public or the residents that live here.

Thank you for hearing my concerns

Steve Cook

Sent from my iPhone

CDRA
Placer County Environmental Coordination Services
3091 County Center Dr., Suite 190
Auburn, CA 95603

November 9, 2017

RE: Proposed Winery and Farm Brewing Zoning Text Amendment

To Whom it May Concern:

I support the right to farm in Placer County, and agriculture as a whole. That is one of the reasons I moved to Newcastle to begin with. I have livestock, work hard, and enjoy the peace and quiet rural living affords me, which is something I have worked for all of my life.

If I were to find myself next to an event center, or a winery or brewery having unlimited promotional events of up to 50 people throughout the year, I would not be happy.

I live on Chili Hill Road, a mile from Gold Hill Road, and even I can hear Gold Hill Gardens music from my property on some occasions. I can't even imagine what this is like for nearby neighbors, but it can't be good. A ten acre minimum parcel size is certainly not nearly large enough to not still impact the surrounding neighborhood without many additional restrictions.

Another concern is the people leaving these venues after drinking and getting on our roads. I've already had a drunk driver not make the turn by my house and go through my fence and into my pond and fleeing on foot. But even drivers not under the influence drive entirely too fast on our narrow, rural roads already, sometimes exceeding speeds of more than 55 miles per hour. I take my life in my hands just walking my dogs along these roads, let alone riding my bicycle- which I also like to do, but feel it becomes less safe to do so every year.

The proposed unlimited promotional events for wineries is a potential use that equates to a host of local upscale bars operating right in our neighborhood. Just the added traffic alone is enough for me to say no to this component of the proposed amendment in front of us. I did not move out here to live next to a commercial use neighbor that on any given day throughout the year, can have 50 people visiting onsite, parking and driving in and out next to my property.

Grow the grapes, hops, etc., on the FARM zoned rural properties- the properties along the more sensitive rural collector roads, but do not increase the number of promotional events or special events these operations can have in these areas.

I would ask for no increase of activities or events in the FARM zoning areas in an effort to continue to promote an acceptable relationship between the neighbors and the winery/breweries in our area and encourage the winery and brewery owners to continue to work with their neighbors to correct current negative impacts, which their neighbors are experiencing. There are some improvements that could be made to the existing ordinance and current usage at some of the sales and promotional event locations, being mostly noise and parking problems, that could be resolved if these owners are willing to be good neighbors, but for the most part what you have in place is working, without being overly intrusive to the neighborhoods around them, while still allowing public events and sales at these locations.

As far as adding larger and more frequent events, this is not the right fit for our FARM community. We are not Napa or Sonoma County, and don't want to be modeled after them. Those areas experience major problems with traffic and conflicts between the homeowners and wineries on a regular basis. Please don't bring these problems to Placer County.

I urge you to consider only allowing the proposed expanded use and sales, on properties only located in a more compatible zoning district for the intensified public uses proposed, and not the properties in the FARM zoning areas of the County.

The Winery/Brewery use is different than any other agricultural sales we see in the FARM zone areas. For instance, mandarins are for sale only 2-3 months a year, alcohol is not involved and the growers do a good job of working with their neighbors to avoid problems. Fruit stands, another great use – like mandarin sales, their customers are in and out quickly and on their way, limiting their impact to the neighborhood. Not so with the wineries and breweries.

Please thoughtfully consider the thousands of homeowners that would prefer to not have the proposed changes approved, versus the few winery and brewery owners pushing for additional allowances and approval.

Don't turn our rural neighborhoods in Newcastle, Lincoln and Auburn into a mini Napa valley, with all the problems associated with it and start enforcing the current standards in the existing Winery Ordinance, because the self-policing by the Winery/Brewery owners is not working.

Sincerely,



Diana Boswell

7405 Chili Hill Road, Newcastle

Shirlee Herrington

From: Mike Carson <mike@goldhillgardens.com>
Sent: Tuesday, November 14, 2017 12:10 PM
To: Placer County Environmental Coordination Services
Subject: Winery Ordinance Update

Good afternoon.

I would like to make the following comments relative to the Notice of Preparation for the EIR for the proposed Winery and Farm Brewery Zoning Text Amendment Project.

Attachment A 17.56.330 Section B. Definitions.

- Public Tasting. Needs to include "beer". Refers to wine **and beer** sampling by the public.

Attachment A 17.56.330 Section D Winery and Farm Brewery Uses:

- **1.a. Minimum Parcel Size.** It is not clear if the minor use permit process for a parcel less than 10 acres but greater than 4.6 acres is allowed. Should it be included in the description as follows: 4th sentence in section D1.a. Wineries **and farm breweries** proposed in Forest, Farm and Agricultural Exclusive zone districts...
- Also, under 1.a.(ii) should this include a boutique brewery?
- **8c. Winery/Farm Brewery waste water.** It is not clear if the waste water is used for surface irrigation whether or not is allowed or if it will require a permit from either the County or the RWQCB.
- **8.d. On-site Sewage Disposal.** It seems that the last sentence may have been cut short. It does not read correctly in reference to the portable toilet use.

I am not sure if this is the correct format to provide my comments, so if someone could send me a reply response before 11-16-17, I would greatly appreciate it.

Thank you, Mike Carson

Gold Hill Gardens
2325 Gold Hill Road
Newcastle, CA 95658
Ph: (916) 663-3060
Mike@GoldHillGardens.com
<http://www.facebook.com/GoldHillGardens>
<http://goldhillgardens.com/>

Shirlee Herrington

From: Nadine Hubbard <idanana47@icloud.com>
Sent: Tuesday, November 14, 2017 5:59 PM
To: Placer County Environmental Coordination Services
Subject: Wineries

We moved to Newcastle in 1994 from Orange County California. We chose this wonderful area for the rural farm, quite atmosphere. Our area has changed dramatically in the pasted years due to the opening of Wineries. Our rural roads are not safe with the drunk drivers driving on it. In the last 5 years we have had 3 drunk drivers go through our fencing to our expense. We now have a winery about three acres from our front door. The noise level is so loud with music playing and costumers yelling over music we can't enjoy our front pond with our family any more. If we could build a sound proof wall and "bill " it to Placer County we would. But relatively is we need to have ordinance in this rural area. And I'm not sure it can happen. In less you the county do something to help and understand our problem.

Nadine Hubbard
6285 Wise Road
Newcastle, California
[Idanana47@gmail.com](mailto:idanana47@gmail.com)
Sent from my iPad

November 15, 2017

RECEIVED
NOV 16 2017
CDRA

Nikki Steegan
Placer County Planning Department
3091 County Center Drive #190
Auburn, CA 95603

RE: NEGATIVE DECLARATION ON THE REVISION OF THE 2008 WINERY ORDINANCE

Environment – (noun) 1. The surroundings or conditions in which a person, animal lives or Operates. 2. The natural world, as a whole or in a particular geographical area, especially as affected by human activity.

To identify the environmental effects of the proposed Winery/Brewery Ordinance is very simple. It's the cause and effect principal (as stated in my written declaration on 7/24/2015). The **cause** is the increase in alcohol related businesses allowed by Placer County in Agriculture Zoned area. The **effect** is an increase in vehicle accidents, Driving Under the Influence and other related incidents created from consumption of alcohol.

In 2015 Negative Declaration I submitted the stat's from California Highway Patrol for a 30 day period in 2014 in which there were 16 arrests for Driving under the Influence in my neighborhood. I am awaiting currents numbers from CHP to see if those arrests have increased since the number of alcohol related businesses have been allowed to open for business in my neighborhood.

Because Placer County **has refused** to enforce the 2008 Winery Ordinance and not responded to complaints filed by neighbors this situation now has resulted in a Public Nuisance issue (see CA Civil Code 3480). Placer County has **refused** to enforce the Winery Ordinance; yet **does** take action against the Marijuana Ordinance and holds monthly hearings for those not in compliance with the Marijuana Ordinance, it appears that Placer County has formed a "special relationship" with the vintners of Placer County. **A special relationship exists where a local government singles out a particular party from the general public and affords that person or group special treatment.**

Until Placer County severs this special relationship with the Vintners and actually enforces a County Ordinance, the 2008 Ordinance should remain intact and enforced.

This new proposal from the Placer County Vintner's will have an adverse impact upon the public's safety, quantifiable, direct and unavoidable impact, based on objective, identified documentation.

Lorrie Lewis
6245 Wise Road
Newcastle, CA 95658
530/885-3410



Shirlee Herrington

Subject: FW: public hearing response

From: Alan Bodtker [<mailto:alan@alsinteriors.net>]

Sent: Wednesday, November 15, 2017 9:53 AM

To: Crystal Jacobsen; Leigh Chavez; npappani@raneymanagemnt.com

Cc: Nikki Streegan

Subject: public hearing response

Crystal, Nikki, Leigh & Nick,

Thank you for hearing our comments on Wednesday November 1, 2017 regarding the wine ordinance.

My concerns are as follows;

1. Density; what is the county doing about this? Will every property be able to open a winery, brewery or event center? I am within 3 miles of (3) event centers, (2) breweries and possibly (5) wineries. Most of us didn't move to the country for it to become another Napa or Sonoma. We moved here for the peace and quiet without the burdens of weekend traffic. Is it fair that the county is burdening 99% of the populous to appease 1%? The county needs to take this seriously into consideration.
2. Enforcement; Code enforcement does not respond on weekends when all or most of the violations occur. Wineries, breweries and event centers need to be held accountable for their violations. If it doesn't happen now, how will it happen when you propose to increase the amount of these?
3. Traffic; With increased traffic and potentially more drunk drivers on our country roads, how is the county prepared to deal with this? According to the local MAC meetings, CHP is down officers as well as Placer County sheriffs. I've already tried to get a posted speed limit on Virginiatown road between Fowler and Gold Hill with no success. It doesn't make snice that Fowler rd., which is wider and straighter than V town has a posted limit of 35 mph, while V town, which is narrower, hillier and more windy, is unposted and therefor is 55mph. Virginiatown is also a major cyclist thorough fair on any given day. I would hate to see an accident caused by a participant of one of these places.

Thank you for taking my comments into consideration.

Alan Bodtker

A.L.S. Interiors, Inc.

Office 916 344 2942

Cell 916 825 3361

Comments regarding EIR for Proposed Winery and Farm Brewery ZTA project

Placer County wineries and breweries have had countless events without the required permits because Placer County does not have a system in place to regulate, enforce or revoke permits. Activities requiring these permits at wineries and breweries should not be allowed until a sufficient regulatory system for permits is in place.

The EIR needs to evaluate the impact a new ordinance would have on existing wineries and breweries (including 4.6-9.9 acre facilities), not just new facilities. Biological, Environment, Traffic, Noise, Road Access, Septic and Air must all be studied. The EIR must also evaluate the impact of allowing multiple events at a facility in a 24 hour period. As written the ordinance leaves the number of events and patrons grossly undefined.

Placer County does not have a method in place to track the number of people attending events at wineries/breweries or the frequency of their events. As such, Placer County cannot reasonably enforce the California Safe Drinking Water Act, septic requirements or a Winery/Brewery Ordinance.

Placer County needs to evaluate the impact of a new ordinance on law enforcement which is inadequate for the proposed ordinance changes.

If the proposed ordinance is going to allow increased patrons and/or events at existing wineries/breweries, then EIR needs to evaluate the Consistency of the

project with Adopted Plans and Policies where the existing wineries/breweries exist including the wineries/breweries between 4.6-9.9 acres.

The EIR needs to evaluate the impact of the proposed ordinance on the safety of children who board school busses near the entrance or exit of a facility.

The EIR needs to evaluate the impact of agriculture chemical applications on the public, neighbors and environment (including 4.6-9.9 acre facilities)

The EIR cannot evaluate the impact of Temporary Outdoor Events, Special Events, Industry-wide events until it is clarified how many such events can be held per year and whether they can be held as single day events or multiple day events.

Thank you for the opportunity to comment on the EIR for Ordinance 17.56.330 Wineries and Farm Breweries.

My main concerns in no particular order:

No notification is required to property owners in the vicinity of any proposed winery/brewery/event centers. We had no notification that the Hillebrand Brewery NOR their next door neighbor BARN EVENT CENTER was being proposed or permitted. This has been a huge impact to the neighborhood for noise and traffic.

Noise levels have had a Negative impact on our ability to enjoy our backyard patio, not just once in a while but daily/weekends

Negative impacts to unlimited number of neighboring events which impacts TRAFFIC, ENVIRONMENT, UNDERGROUND WATER TABLE,

Allowing UNLIMITED events under 50 attendees at all venues is not indicative of the farming/agricultural zone

"Agricultural Promotional Event" should be held in a Commercially zoned property, not in the Country where private citizens dwell and are negatively affected by noise, traffic and more.

There is a LACK OF code enforcement when complaints are filed. Who in the County enforces the number of attendees, noise levels, etc?

CODE ENFORCEMENT is not addressed in the EIR nor the current or proposed Ordinance. Who is available from the County after normal weekday business hours and weekends, to contact that will respond to complaints?

"Special Events" is not necessary for a winery or brewery to function as defined in the Agricultural Processing definition: "means the processing of crops after harvest crop production. . . ."

Public Well/Small Public Water System/Domestic Well. The negative impact of drawing underground water from surrounding properties is of deep concern to make sure our water availability is not impacted. According to the Placer County Health & Human Services Environmental Health Department "there is no specified limit to the amount of public wells that can be placed within Placer County. How is the County going to regulate how many Public Wells will be allowed to ensure no negative impact to surrounding property owners?"

Neighboring property owners are forced to listening to events, loud PA systems, speech and music. The definition in the Noise Ordinance includes: simple tone noise means ANY sound that is DISTINCTIVELY AUDIBLE as a single pitch (frequency) or set of pitches. Includes sound consisting of SPEECH and MUSIC.

We have grave concern in the saturation of alcohol related businesses in the country atmosphere. There are too many winding, small country roads enjoyed by bicyclists, walkers, joggers and the alcohol impaired behind a wheel is disconcerting to our safety. Will there have to be a death by a wine/brewery patron to decide that the county coffers are less important to someone's coffin?

There is no requirement to notify adjoining property owners that own private roads to wineries/breweries event centers.

Why was Bottled water requirements removed from 17.56.330 (B) Impact to underground watertable? This would reduce the negative impact of public wells and groundwater.

COMMENTS:

#It states on page 5 of 37 of the "Chapter 17: Planning and Zoning" Modify Event
Page 1

Definition 2nd paragraph:

"Vintners expressed that a SMALL PART OF THEIR BUSINESS MODEL is to hold PRIVATE EVENTS where the consumer is required to purchase a certain amount of wine per attendee as a requirement of utilizing the facility.

Comment - "Small part of their business". Appears that this revision in the ordinance is allowing for unlimited events and large events to occur which didn't seem to be the intent; but to allow vintners to sell their farmed products without the fanfare. Music, outside parties with impact to loud speech and music was not intended, but will be allowed in this proposed amendment, at unlimited small events and increased number of large events.

#17.56.330 Wineries and Farm Breweries (A) Purpose

Comment - Why was "agricultural -production" removed? Isn't that the purpose of ag/farm zoning?

#17.56.330 (B) Definitions

"Agricultural Promotional Events" are being allowed to occur in an unlimited amount of events.

Comment - Who regulates the less than 50 people at each event? Can more than one "under 50" event occur in the same day -during the entire daily operational hours? This wording potentially allows the negative significantly impacts of events happen during the entire time of operating hours. Unlimited events are unacceptable in the rural country by many of the impacted residents.

"Special events"

Comment - 6 a year is too much already. Increasing this also is described in the EIR as a significant Negative impact to the County.

#17.56.330 (D) (1) A. Minimum parcel size. "10 acres reduce potential for conflict between neighboring residential land uses"; "inherently create a natural buffer for noise when the use occurs in accordance with standard setbacks on the site".

Comment - 10 acres DOES NOT reduce conflict as I am 10 acres downwind from an existing 10 acre brewery its neighboring 10 acre event center. Sound carries out in the country. As stated in the Attachment B Initial Study & Checklist page 5 of 37 second paragraph: "Noise and traffic generating promotional events, such as wine club event, have the potential to negatively affect adjacent land uses." Additional Comment: What does the County have in effect to regulate the location of event centers? These two event centers, one being a brewery and the other a private residence that holds events in their new barn, are contiguous properties that conflict with noise (two different sets of music/PA systems), traffic etc.

#17.56.330 (E) (2) (B) Non-County maintained roads -(ii) Adjacent property owners, who might own the underlying fee property which the PUE is located.

Comment - Adjacent property owners should have a say on the increased traffic impact, dust impact, noise impact, as it is private property for access to a commercial use. (iii) Remove the words "If none exists" and require written approval from (remove -- "a majority of") the individuals who have access rights to the road.

#17.56.330 (E) (2) (C) - Access Standards

Comment - There is no language addressing the elimination/mitigation impact of dust or noise to adjacent property owners

#17.56.320 (E) (4) (a) - Noise Regulations

Comment - code enforcement needs to be addressed either here or in a separate line

item. In many cases the event centers/wineries/breweries have demonstrated no consideration to neighbors with the PA systems and music levels. And we are not aware of any successful actions taken by code enforcement to reduce this negative impact.

#17.56.320 (E) (7) (a) Potable Water - Where is the definition of a "public well", "domestic well", "small public water system"? In the "Attachment B" Initial Study & Checklist, page 18 of 37....2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a NET DEFICIT in aquifer volume or a lessening of local groundwater -----POTENTIALLY SIGNIFICANT IMPACT

COMMENT: THIS IS VERY CONCERNING TO SURROUNDING NEIGHBORING PROPERTIES!!!!\

#17.56.320 (e) (7) (A) III. "the facility owner certifies that the well will not serve more than 24 people, 60-days or more per year"

Comment - How is this enforced? Language needs to be incorporated for compliance.

#17.56.320 (G) Special Notice Requirements - Failure of a property owner who shares access rights with an applicant to a private road to receive notice SHALL NOT INVALIDATE the issuance of the permit....

Comment - Why not? Each property owner using the private road should be notified. Recommended language - SHALL INVALIDATE.... (remove NOT)

FINAL COMMENTS:

ATTACHMENT B - Initial Study & Checklist		
pg 12 of 37	II Agricultural & Forest Resources	POTENTIALLY SIGNIFICANT IMPACT
pg 12 of 37	III Air Quality	POTENTIALLY SIGNIFICANT IMPACT
pg 13 of 37	IV Biological Resources	POTENTIALLY SIGNIFICANT IMPACT
pg 14 of 37	V Cultural Resources	POTENTIALLY SIGNIFICANT IMPACT
pg 16 of 37	VII Greenhouse Gas Emissions	POTENTIALLY SIGNIFICANT IMPACT
pg 18 of 37	IX Hydrology & Water Quality	POTENTIALLY SIGNIFICANT IMPACT
pg 22 of 37	X Land Use & Planning	POTENTIALLY SIGNIFICANT IMPACT
pg 24 of 37	XII Noise	POTENTIALLY SIGNIFICANT IMPACT
pg 26 of 37	XIII Paleontological Resources	POTENTIALLY SIGNIFICANT IMPACT
pg 31 of 37	XVII Transportation & Traffic	POTENTIALLY SIGNIFICANT IMPACT
pg 32 of 37	XVIII Tribal Cultural Resources	POTENTIALLY SIGNIFICANT IMPACT
pg 33 of 27	XIX Utilities & Service Systems	POTENTIALLY SIGNIFICANT IMPACT

F. MANDATORY FINDINGS OF SIGNIFICANCE:

1. Does the project have the potential to degrade the quality of the environment, substantially impact biological resources, or eliminate important examples of the major periods of California history or prehistory? YES
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past

projects, the effects of other current projects, and the effects of probable future projects)

3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

YES

"This increased activity would result in additional vehicle traffic, and in turn, an increase in air quality emissions, which could be considered individually limited but cumulately considerable. Such increased emissions could also have a substantial adverse health effect on human beings."

"As a result, the proposed Zoning Text Amendment could indirectly induce air quality emissions associated with future facilities subject to the Ordinance By-right development on the limited number of S-zoned properties in western Placer County could result in impacts to biological resources and/or important examples of California's history. These are POTENTIALLY SIGNIFICANT impacts..."

I would like to see this ordinance reduce the current number of "for profit" events that fall outside the wine/beer sales and not allow the increase of events as proposed.

Thank you for allowing our comments,
Prince Residence
1274 Monument Place
Newcastle, CA

The summation of the Environmental Issue on page 32 of 37 and page 33 of 37 states POTENTIALLY SIGNIFICANT IMPACT on all three environmental issues;

Winery and Farm Brewery Zoning Text Amendment NOP Scoping Meeting Comment Summary

Date: November 1, 2017

Time: 6:00 PM

Location: Planning Commission Hearing Room

I. Presentation by Project Planner Nikki Streegan

II. Verbal Comments (arranged in order of “appearance” of commenter):

Carol Rubin – Newcastle resident

- The commenter provided an NOP comment letter to Planning Staff for the record.
- The commenter requested clarification regarding the ordinance language, specifically related to use permits and development standards.
- The use of zoning clearances to approve unlimited events by right at wineries and breweries in Farm zoning is a misapplication of the zoning clearance process.
- Clarification is needed regarding whether a winery or brewery would be required to obtain permission from property owners holding access rights to shared private roads in order to host events (not just in order to have wine tastings).
- The commenter has concerns that the proposed ordinance does not appear to require neighborhood notification or approval from property owners with shared access, with respect to events.
- The commenter expressed concerns regarding the amount of noise and traffic, as well as other environmental impacts associated with events.
- Concerns regarding process for notification of meetings and the project.

Marilyn Jasper – on behalf of Sierra Club and Public Interest Coalition

- The commenter expressed concerns regarding the relaxing language of the proposed ordinance.
- The Placer County General Plan supports County-grown agriculture; however, many vintners buy grapes elsewhere rather than growing their own grapes.
- The one-acre minimum planting is not necessarily viable farming. There is no language in the ordinance that says the one-acre crop must be viable and included in the wine or beer product.
- Unlimited events is unacceptable; there is no way to measure the noise and traffic impacts.
- Issues with definition of “private events.” Private can be Facebook, email, a club, Sam’s Club, Costco, etc.
- Concerns regarding the staggering of events, as is done in other counties.

Lorrie Lewis – Newcastle resident

- Commenter expressed concerns regarding saturation of alcohol-related businesses in small area.
- The commenter asks the question of why are alcohol-related businesses allowed in an agricultural-zoned area and at such a high density.
- Commenter expressed concerned about the lack of enforcement of the current winery ordinance and discusses the lack of follow-up from the County, which has resulted in issues.
- Two Grand Jury reports filed regarding the current winery ordinance and code enforcement and County has not taken/implemented any recommendations.
- Commenter understands that the County may be ceasing the weekend code enforcement line because, allegedly, no calls are being made. However, this is the public's only resolution when wineries are having their events/parties.
- County's lack of code enforcement has created a public nuisance, as defined in Civil Code 3480.
- Until County enforces the current winery ordinance, nothing should take place.
- Commenter expressed concerns regarding the noise levels that would be generated by the project.

Gary Beebe – Local resident

- The commenter lives along Wise Road, next to Goathouse brewery.
- The commenter is concerned regarding traffic along roadways, specifically mentioning air quality (dust) and noise.
- The commenter has concerns regarding enforcement, stating that current issues are dealt with on a complaint-basis and that the County has been predominantly unresponsive to complaints.
- Concerns regarding who will monitor the 50-person cap. Will the County be monitoring the attendance cap?
- Concerns regarding parking issues, particularly along the access road to Goathouse.
- The commenter expressed concerns about groundwater supply; the groundwater table south of Wise Road is overdrafted such that retaining tanks are now being used by property owners to operate their houses. Project will place additional demands on groundwater.
- Concerns related to how wineries/breweries dispose of their waste products.
- Concerns regarding lack of requirement to pave access roads.
- Open NID ditch runs along the access road and there is no protection of the ditch. Goathouse patrons could drive into the ditch and commenter would be held liable.
- The commenter expressed concerns about drunk drivers leaving events, and potential lawsuits related to accidents on neighboring properties.

Bob Lund – Newcastle resident

- The commenter expressed concerns regarding the noise levels and requests that the EIR address noise at nearby residences associated with winery/brewery sound systems – e.g., whether facility doors are closed or open, such that speaker noise can be projected into surroundings.

- The commenter requests that the EIR include an analysis of effects on groundwater supply, as there have been issues at neighboring properties.

Don Dupont – Rock Hill Winery

- The commenter had clarification questions regarding the existing ARP being elevated to MUP.
- Commenter notes that his property is zoned Res-Ag and asks whether he will need to obtain an MUP under the proposed ordinance.
- If some wineries require MUPs, will they be required to conduct traffic and noise studies?
- Concerns regarding how the County has “changed the rules” for wineries which affects projects currently in the process.

Alan Bodtker – Newcastle resident

- The commenter requests that the EIR address sound, traffic, code enforcement, and density issues.
- What if every ten-acre parcel along Virginiatown Road decides to open a winery, event center, or a brewery?
- The commenter is concerned regarding the prioritization of agri-tourism versus the health and wellbeing of local residents.
- The commenter requests that the EIR address fire and life safety issues, including maximum allowable occupancies, Fire Marshall review and approval, and permitting.

Heidi Hanson – Lincoln resident

- The commenter expresses concern regarding parking issues, including provision of sufficient parking and overflow parking issues during events, and does not want to see a repeat of Hidden Falls.

Susan Ames – Resident along Wise Road

- The commenter has questions and concerns regarding the split of ten acres and above and 9.9 acres and below for events, as it seems arbitrary.
- Commenter lives between two large wineries over 20 acres that have events every weekend and can still hear noise, so larger parcel sizes does not necessarily mitigate noise impacts for adjacent property owners/receptors.
- The commenter is concerned regarding code enforcement, particularly associated with noise.
- The commenter is concerned regarding property value of nearby properties, associated with noise and traffic issues.

Diana Boswell – Newcastle resident

- The commenter lives approximately one mile east of Gold Hill Gardens and expressed concerns regarding noise.
- Newcastle is very quiet and she can hear Gold Hill Gardens, approximately one mile away.

- The commenter expresses concern regarding drunk drivers and potential incidents at nearby properties, stating that she’s already had an incident involving such at her property.
- The commenter expresses concerns regarding having both daytime and nighttime events (i.e., increasing chances of drunk driving).
- The commenter expresses concerns regarding safety of bicyclists along roads.
- The commenter has concerns regarding winery and brewery uses being considered under the Farm Zone, particularly stating how such uses differ from other farm uses in the area, particularly calling out the mandarin farms and how they are only seasonal (i.e., seasonal traffic and not associated with the potential for drunk driving).

Frank Myers – Meadow Vista resident

- The commenter requests that the EIR specifically analyze effects of these quasi-commercial uses on nighttime ambient noise levels and take into consideration the increase from existing levels and distances.
- The commenter notes his concern that typical agricultural districts are much quieter than commercial districts.
- The commenter requests that the ordinance and/or EIR distinguish between simply growing grapes versus other ancillary activities not traditionally associated with wineries (e.g., events), which would more closely resemble commercial uses and should be evaluated as such.
- The commenter suggests that subsequent evaluation may be needed for such uses/activities.

Jeff Evans – Bear River Winery

- Bear River Winery has been operating for eight years and does not do events, other than “trail” events (e.g., Grape Days of Summer). The Winery produces 350 to 500 cases per year.
- The commenter has questions regarding the requirement for commercial septic systems, stating that other wineries in the area have been permitted to use a residential septic system. Due to size of his operations, commercial septic system does not seem necessary. The commenter questions what is cutoff and how applicable it is.
- The commenter is concerned regarding the requirement to plant two acres of grapes, as he currently buys grapes from elsewhere (District 10) and only makes/blends wines on-site. Many existing, on-site oak trees would need to be removed, and the hillside would be affected, in order to plant grapes on his site.
- The commenter states that his 4.7-acre property is within a resort commercial zone, not residential/agricultural and questions how the ordinance would apply to his operations.

Teena Wilkins – Vina Castellano Winery

- The commenter states that she would like the County to encourage and promote farming in the Farm Zone.
- The commenter states that she needs to host events in order to help support business. She cannot make enough money as a small farmer to sell product wholesale and make a living by solely farming.

- If current path is maintained, the only people who will be able to do wineries will be wealthy people, who are not farmers; they will do more commercialized versions of wineries, which will be more intensive.
- The commenter agrees with other comments made regarding the need for regulations on amplified music.
- The only noise complaint that Vina Castellano has received was related to their tractor, which they resolved with adjacent neighbor.
- The commenter notes that previously, residential uses (without appurtenant farming) were not allowed in the Farm Zone and that, now that they are, more complaints and inconsistency of uses is occurring. The commenter requests that the County put the needs of the farming uses within the Farm Zone first, rather than those of individual residences.

Carol Prince – Newcastle resident

- The commenter lives near the new brewery on Virginiatown Road and states that she was never notified of the new use. Thus, the commenter requests that notification to neighboring properties be provided when new use is going in.
- EIR should address adjoining properties and their uses. The property next to the brewery built a barn and they are hosting weddings and other events.
- The commenter requests that the EIR address issues related to noise, traffic, property values, water supply, and safety of bicyclists along Virginiatown Road associated with potential drunk drivers.

Richard Lewis – Newcastle resident

- The commenter expressed his concern regarding notification of meetings. Using MAC meetings for notification is not a sufficient method.
- The commenter reiterates majority of concerns brought forth, primarily related to enforcement, specifically calling out issues of noise and dust.
- If enforcement issue is not resolved, the EIR will be ineffective.
- The commenter states that some wineries go above and beyond requirements and some do not comply. The commenter implies that there needs to be some enforcement of requirements to make sure all are complying. Currently, enforcement is complaint-based, which is not efficient or effective.
- The commenter requests that the EIR address code enforcement.