



PLACER COUNTY PLANNING SERVICES DIVISION

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PLANNING APPEALS

CDRA
T20120092

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

—OFFICE USE ONLY—

Last Day to Appeal 12-31-12 (5 pm) Appeal Fee \$ 529
 Letter Date Appeal Filed 12-28-12
 Oral Testimony _____ Receipt # 12-0086483
 Zoning F-B-X 10 ac min Received by S
 Maps: 7-full size and 1 reduced for Planning Commission items Geographic Area _____

—TO BE COMPLETED BY THE APPLICANT—

- Project name WISE VILLA COMMUNITY CENTER MUP, PMPB 20120092
- Appellant(s) SAVE PLACER FARMLANDS, SIERRA CLUB, PUBLIC INTEREST COALITION, AND NEIGHBORHOOD RESCUE GROUP
 Telephone Number _____ Fax Number _____
 Address [SEE BOTTOM HALF PAGE 2]
 City _____ State _____ Zip Code _____
- Assessor's Parcel Number(s): 031-310-036; 031-310-037
- Application being appealed (check all those that apply) Application Number
 Administrative Approval
 Use Permit
 Parcel Map
 General Plan Amendment
 Specific Plan
 Environmental Review (MND)
 Minor Boundary Line Adjustment
 Tentative Map
 Variance
 Design Review
 Rezoning
 Rafting Permit
 Planning Director Interpretation _____ (date)
 Other: Planning Commission Approval of Wise Villa MUP on December 20, 2012
 PMPB 20120092 ?
- Whose decision is being appealed: Planning Commission
(see reverse)
- Appeal to be heard by: Board of Supervisors
(see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):
[SEE ATTACHED]

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(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s) Martine Jasper ^{PLC #} sc Mike Hilerling ^{NRC}
Carol M. Rubin

PLACER COUNTY ZONING ORDINANCE SECTION 17.60.110

Rulings made by the below are considered by the Planning Commission:

- Planning Director (interpretations)
- Zoning Administrator
- Design/Site Review Committee
- Parcel Review Committee - other than road improvements which should be appealed to the Director of Public Works
- Environmental Review Committee

Rulings made by the Planning Commission are appealed directly to the Board of Supervisors.

Rulings made by the Development Review Committee are appealed to the hearing body having original jurisdiction

Note: An appeal must be filed within 10 calendar days of the date of the decision. Appeals filed more than 10 days after the decision shall not be accepted by the Planning Division.

For exact specifications on an appeal, please refer to Section 17.60.110 of the Placer County Code.

<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>FAX</u>
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Save Placer Farmlands P.O. Box 1296 2079 Country Hill Run Newcastle, CA 95658	(916) 663-9742	
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Sierra Club P.O. Box 7167 Auburn, CA 95604	(916) 652-7005	N/A
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Public Interest Coalition P.O. Box 671 Loomis, CA 95650	(916) 652-7005	N/A
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Neighborhood Rescue Group P.O. Box 394 Newcastle, CA 95650		
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REASON FOR APPEAL, PMPB20120092, WISE VILLA
WINERY COMMUNITY CENTER MUP

T20120092

A Community Center is not a restaurant, a bar, or a meeting hall.

community center: Noun

A place where people from a particular community can meet for social, educational, or recreational activities. [www.merriam-webster.com]

As shown above, a "Community Center" serves a local community; indeed the example of a grange hall given in the Placer Code definition indicates that this is the intended meaning. The "Event Center" being proposed by Dr Lee at Wise Villa Winery will not serve his neighbors (the "local community"), but transient guests who will travel various distances and then pay to eat meals and drink wine on the premises. The purpose Dr Lee intends for his facility fits the definition of a restaurant/bar:

restaurant: Noun

A business establishment where meals or refreshments may be purchased. [www.merriam-webster.com]

"Restaurants and bars" (land use) means restaurants, bars and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are secondary and subordinate to the principal use of the establishment as an eating and drinking place... [Placer County Code, sec 17.04.030, "Definitions"]

Restaurants and bars are non-allowed uses in Farm zoning. Calling this facility a "Community Center" to evade this proscription sets a dangerous precedent, undermines Placer Zoning standards and erodes the respect of Placer citizens for the planning process.

Michael Johnson, Director of Planning, in his memorandum of June 21, 2012 has acknowledged that the Wise Villa "Community Center" and two other proposed facilities are not really "Community Centers" but "Private Event Centers:"

As County staff has discussed at length, the term "Community Center" conjures images of public buildings that allow for public gatherings, yet this is the only definition in the Zoning Code that addresses such uses. In reality, what is being proposed at Wise Villa Winery, Rock Hill Winery and Gold Hill Gardens are private event centers, in conjunction with agricultural activities on the property, where the facilities are available for rent by private individuals or groups. Unfortunately, the Zoning Code does not include such a definition, which continues to lead to the mischaracterization of the proposed uses as being "community" oriented.

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Farmlands
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However, rather than holding applications for these mischaracterized facilities in abeyance until the code definitions can be corrected and standards written, the decision has been made at some level in Placer County administration to persist in pretending these facilities are public, community service establishments.

Because there are no objective criteria for assessing a "Community Center" application, approval of the Wise Villa "Community Center" MUP sets a dangerous precedent for other uses. If Dr. Lee is successful in having his eating and drinking establishment approved as a "Community Center," what grounds would the county have for denying an IHOP restaurant application to be a Community Center, and opening a dining establishment in Farm or any Residential zone? Indeed, many uses, such as pool hall, card room ("recreation") or nightclub ("An establishment for nighttime entertainment, typically serving drinks and offering music, dancing, etc."), fit the vague "Community Center" definition currently in the zoning code. Once one non-standard use has been permitted, on what grounds will these applications be denied? The lack of tight definitions and objective criteria for the suitability of "Community Center" applications means that it will be difficult to stop even patently undesirable applications.

The establishment of these entertainment venues in Farm Zoning is contrary to the intent of the Placer County General Plan and Placer County Zoning Codes, which state:

General Plan: AGRICULTURAL LAND USE

Policies:

Goal 1.H:

1.H.1. The County shall maintain agriculturally-designated areas for agricultural uses and direct urban uses to designated urban ... areas...."

Zoning Code: 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.

An Event Center is not an "agricultural use," even if it is coincidentally associated with a *property* zoned for agricultural use. No crop is grown, managed or harvested by the existence of an Event Center. The only association with agriculture at the Wise Villa Event Center is potential *consumption* of a crop, which also occurs at restaurants. By their ephemeral nature attracting a transient clientele, Event Centers in fact destabilize agricultural areas and, because of their inevitable negative effects on water supplies, drainage, air quality, noise and traffic, actually are harmful to agricultural activities.

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Our concerns are not misplaced or overblown, as has been suggested by county Planning staff. Two MACs (Meadow Vista and WAC*) and the Placer Agricultural Commission have expressed similar misgivings about the inappropriately broad latitude of the current "Community Center" definition and the lack of standards for these types of facilities. Rural Lincoln MAC is planning a forum on this topic for early next year. During the discussion of the Wise Villa application, Planning Commission members expressed significant reservations about the vague, inappropriate definition, the lack of guidelines for assessing the merits of these applications, and the troubling precedent granting approval of the Wise Villa MUP would set.

An additional drawback to the lack of objective criteria for distinguishing allowed/nonallowed "Community Centers" is the time-consuming, expensive and wasteful process for all parties that results. Without a set of objective criteria for judging the merits of these applications, Planning staff applies undisclosed standards nonuniformly. All applications are accepted (Ms Carnahan has stated that to her knowledge no application for a "Community Center" MUP has been rejected by Planning), some minor modifications may be made, a CEQA analysis is prepared, and the application, no matter how inappropriate for the neighborhood, or how outrageous the approved uses are to nearby residents, goes to the Planning Commission. In addition to being extraordinarily wasteful of time and expense for all parties, this process generates enormous mutual animosity among the applicant, the affected citizens and Planning staff. A potential applicant should be able to consult a set of basic standards for these types of facilities; if he cannot meet those standards he will know not to waste his time and money applying for an MUP. Placer citizens (both in Farm and Residential zones, where "Community Centers" are permitted uses) need assurances that the intent of Farm and Residential zoning will be upheld and that they will not end up living next door to *de facto* restaurants and dance halls.

Planning Staff have asserted at the MAC meetings and the Planning Commission hearings on "Community Center" MUPs that the two existing facilities of this type in western Placer County, The Flower Farm (Loomis) and Newcastle Wedding Gardens (Newcastle) are well-tolerated in their neighborhoods. These facilities have four attributes that are key to their successful integration into the surrounding communities:

1. They are located on arterial roadways
2. They are located adjacent to parcels zoned "Commercial"
3. They are located within three miles of the nearest city limits
4. They are located six miles apart.

We propose that these four characteristics would form a good foundation for establishing standards for future private Event Centers.

Save Placer Farmlands has never advocated for a **prohibition** of "Event Centers." We seek reasonable solutions that will promote Placer County agriculture and tourism, but not at the expense of the rest of the County residents. To this end, we request that the Board of Supervisors:

OVERTURN the Planning commission decision of December 20, 2012 that granted Wise Villa Winery a two-year MUP to operate a "Community Center."

HOLD all further for-profit "Community Center" applications until suitable definitions and standards can be written.

CLARIFY what activities constitute "support" of agriculture or are "agriculturally related" in determining appropriate farm zone uses (e.g., can a cattle rancher propose an Event Center that will host rodeos as "supporting" his cattle operation?)

ESTABLISH a task force with representatives of all interested parties to redraft the definitions in the county code and set separate standards for Community Centers and Private Event Centers.

Thank you. Additional material to support this appeal will be forthcoming in the thirty day allotted time.



Carol Rubin
Save Placer Farmlands
2079 Country Hill Run
Newcastle, CA 95658
saveplacerfarmlands@ymail.com

* I would like to acknowledge and thank Deputy Director Thompson of Planning Services for his assistance in presenting this issue to the MACs

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Save Placer
Farmlands 40



SIERRA
CLUB
FOUNDED 1892

Placer Group
P.O. BOX 7167, AUBURN, CA 95604

PUBLIC INTEREST
COALITION

P.O. Box 713
LOOMIS, CA 95650

December 28, 2012

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T20120092

Board of Supervisors
c/o Placer County Planning Services
3091 County Center Drive
Auburn, CA 95603

Ladies and Gentlemen:

**Subject: APPEAL to Board of Supervisors:
Placer Co Approval of Wise Villa Winery Community Center (PMPB 20120092)**

Public Interest Coalition and Sierra Club join Neighborhood Rescue Group and Save Placer Farmlands to appeal the December 20, 2012, Placer County Planning Commission's Wise Villa Community Center approval decision on many points. However, due to the coinciding of the ten "calendar days" window to file this appeal (and supporting documents) with the same time frame as two major holidays—public staff on vacation and office closures—more extensive "additional information" will be forthcoming to support our appeal to reverse the decision of the Planning Commission (PC).

In general, we believe the PC's decision did not adequately address or consider CEQA issues, reasonable Minor Use Permit (MUP) alternatives, and modifications to the Conditions of Approval (COA) as it should have. The decision appears to have an undeserved basis of sympathetic subjectivity, rather than an adherence to objectivity. In addition, enforcement concerns were ignored. We have other issues that will be included in our "additional information" appeal submission.

Background

Lack of Guidelines. The issues of "Community Center" (CC) land use designations has been strongly debated for more than a year when the first of four requests were made (one in the high Sierra; three in western Placer County). Nonprofit or government owned "Community Centers" are not the problem, but private, for-profit, commercial, CC's being allowed in any Res Ag or Farm zones with no established conditions or parameters for approval, and their unacceptable, impacts constitute part of the issues.

The County is aware and admits that there are no stated guidelines for private event centers in Farm and Ag zones, and that because there are none in the zoning codes, the issue of CC's "... continues to lead to the mischaracterization of the proposed uses as being 'community' oriented."¹ Planning Commissioners, Ag Commissioners,

¹ Memorandum to Planning Commission from Michael Johnson, CDRA Director, June 12, 2012.

MAC's (in letters to supervisors), and citizens have all expressed concerns regarding private CC's—negative impacts, concerns over lack of guidelines, and the need to define and distinguish between traditional non-profit/government-owned Community Centers and for-profit, commercial private event centers—yet no action has been taken.

To no avail, citizens have repeatedly asked for a suspension of all CC approvals in Farm and Res Ag zones **until guidelines and/or parameters can be established**. This alone should have signaled the Planning Commission to (1) deny the application, (2) postpone it until regulations (or a “list” to follow, as one Planning Commissioner stated) could be established, or (3) modify the Conditions of Approval (COA) to mitigate the most egregious potential impacts. Thus, we are appealing the PC decision.

Misleading and/or lack of information to Planning Commission.

The PC's reason for approving the request was predicated in part on Commissioner Brentnall's procedural comment regarding two threads—County policy and the application. He stated that he didn't think it was fair to not take some action, so that it can go on to the Board if it's appealed and be finalized. Brentnall also stated he was bothered from an equitable sense that the “man [applicant] has been hanging fire for so long....” This statement or belief was evidence that the Planning Commission was either unwilling or unable to objectively address the issues surrounding the CC application.

In fact, (1) the applicant had not been “hanging fire” at all over the CC application; and (2) the applicant insisted on serving food, but was attempting to kill two birds with one stone by pairing the requirements of a wine tasting facility that serves food (not just county requirements but also state health and safety laws) with his Community Center application—two totally separate issues.

The PC's vote to approve the Conditional Use Permit (CUP) for two years is an unacceptable action because it ignores all the concerns and issues that citizens raised. In spite of comments imploring the PC to impose strong enforcement measures (enforcement bonds, “shall revoke” the MUP language, rather than “may revoke,” etc.), modify the Conditions of Approval (COA), and other recommendations, the PC's approach was to give the CUP a two-year trial, which will only “bother” the next PC vote even more so after the applicant attempts to renew the MUP and has or has not complied with the CC requirements. After operating for two years, any denial of renewal may truly create hardships, whereas denial now, or postponement, before the CC has started, would be a more reasonable progression.

Granting a two-year CUP is akin to telling an applicant to go ahead and build a house, but it will be re-visited in two years, and a decision to renew or not will be made at that time. One Commissioner stated, “And when he comes back in for renewal, if he has not followed the conditions, or if there are objections or noise complaints, or whatever, we can revisit those at the time.”² Thus, the PC's decision was based on (1) a misrepresentation of the applicant's different obligatory requirements for a winery/tasting room that serves food and a Community Center, [see Exhibit A] and (2) a dismissal or ignoring of citizen testimony as to lack of code enforcement on existing complaints, modification of COA, and stronger language in the MUP.

² Note: A “revisit” if conditions are not followed, as opposed to an automatic revocation of the permit, is unacceptable.

PC Vote for Two Year Revisit Is Defacto Non-Decision

For over a year many groups and individuals have been asking for a stay, suspension, or moratorium, of all CC approvals until guidelines or a framework, such as that in the County's Winery Ordinance, can be established. Although we have had no response from supervisors to our requests, Commissioner Brentnall justified his motion for a two-year approval of the CUP on the basis that it would send a message to other potential applicants via planning staff that the application for an event center (CC) must be accepted by law but that "the PC is in effect having an unofficial hiatus on this until such time as the standards are set more objectively."

We object to such a rationale for making the decision to approve for two years. It is not the purview of the PC to merely "send a message" or create arbitrary uncertainty. The minute our codes and ordinances take on such subjectivity, then the objectivity that governing bodies must uphold, as well as public trust in agency integrity, is lost.

A more honest and honorable approach would be to simply deny the project or postpone the decision until the guidelines are established. At that time, the applicant may be allowed to continue with the proposal or modify the application to comply with the guidelines or new ZTA and resubmit. Thus we urge the Board of Supervisors to tackle the issue head on and grant our appeal to reject the PC's approval and condition of revisiting in two years.

Unenforceable and Meaningless Conditions of Approval (COA)

The Board of Supervisors should grant our appeal of the PC's decision to approve the Wise Villa Community Center, and deny the MUP because the Wise Villa COA's allowed activities are excessive and much too inconsistent and incompatible with surrounding pastoral farmlands. Many if not most of the terms presented in the Initial Study use the verb "may" instead of "shall" in discussing mitigations. Although justified by a desire to offer the applicant flexibility, this loose language construction offers no assurances or concrete stipulations that the public can rely on—especially for enforcement. Flexibility is unacceptable when neighbors' enjoyment of their properties and community harmony is threatened.

Living in the vicinity of a commercial event center that may be open to the public 365 days a year, with wine tasting plus the 232 "Smaller" and "Larger" events that can last until 8:30 pm, with clean-up noises, lights, and traffic until 10 pm, are unacceptable, especially when modification could assuage neighbor/community concerns.

Once again, negative impacts and burden of enforcement are borne by citizens in the surrounding community. It doesn't matter what the applicant promises because the land may be sold, the vineyard may die—disease, pest, climate change, etc.—or a new crop (medicinal in nature, as mentioned at the PC hearing) may have more promise of profitability. New owners may have different event plans; today's promise of "soft jazz" (which can be the equivalent to another of fingernails scratching a blackboard³) can turn to hard rock with the next owner. Because the CC designation goes with the land, none of any applicant's promise(s) should have influenced or been factored into

³ One man's meat is another man's poison. Ancient phrase.

the PC's vote to approve the proposal. We urge the BoS to deny the approval until the MUP and COA can be modified to more reasonable, enforceable, and community-acceptable stipulations or standards, if they are forthcoming.

COA #3, "All events... shall have an agricultural or wine/food educational component," epitomizes an arbitrary COA that will have little-to-no value to ag preservation and/or to enforcement capacity. Even the least creative individual could create an event nexus to agriculture with any activity in an Ag/Farm zoned area. To violate and/or to enforce this COA is 99.9% impossible, and the fact that it was stated to be a self-imposed COA clearly supports its uselessness. This meaningless COA along with the MUP must not be approved as currently stated. We urge the BoS to support this appeal and revise both the MUP and COA to fully address community concerns—number of events, hours of operation, etc.

Responses to Sierra Club and Public Interest Coalition's comments submitted on November 5, 2012 for Wise Villa's Mitigated Negative Declaration (MND)

Although we appreciate County staff's responses to comments submitted on the WV MND, we respectfully disagree with the conclusions drawn. We shall be submitting "additional information" to address what we consider to be erroneous response conclusions and to assert our contention that this project requires the preparation of an Environmental Impact Report (EIR). As we stated in our comments on November 5, 2012, if a project "may" create a negative impact, regardless of what the lead agency claims in terms of adequate impact mitigation, the California Environmental Quality Act (CEQA) clearly requires the preparation of an EIR.

Last, we will be submitting additional information to support our claim that this commercial, private, for-profit event center, with such a large-scale, ambitious operation, violates the General Plan. Although individuals may "cherry pick" General Plan policies in an attempt to justify private, commercial centers in ag or farm zones as long as there is a nexus to agriculture, we assert that is an untenable, unsustainable, and unacceptable (mis)interpretation of the County's General Plan.

We urge the Board of Supervisors to take right action:

- (1) Grant our appeal to reverse the Planning Commission's decision to approve this Community Center application/proposal request; and/or
- (2) Send the application back for modification to address concerns of neighbors and community, especially with regard to enforcement and permit revocation issues; and/or
- (3) Suspend this and all other Community Center application requests until County-wide standards, requirements, and clear definitions can be established, such as in the Winery Ordinance, for private Community Event Centers and nonprofit or government-owned Community Centers.

Thank you for considering our appeal,



Marilyn Jasper, Chair

Attachment: Exhibit A

Marilyn.jasper@mtc.sierracounty.org
PublicInterest@hvc.com

Exhibit A

Mischaracterization and Inappropriate Pairing of Winery/Tasting/Food Serving Requirements and Community Center Minor Use Permit/Conditions of Approval

Because the Planning Commission (PC) appeared to be in a quandary over the lack of guidelines for Community Centers (CC), we believe their decision was incorrect and should be reversed—our appeal deserves to be upheld.

At the Planning Commission hearing, the applicant, Grover Lee of Wise Villa (WV), blended and intertwined requirements for a winery (Placer Co Winery Ordinance-17.56.330) and attempted to assign those winery requirements to his CC land use designation project in claiming that he's spent hundreds of thousands of dollars and that he "tried to do everything that the county asked me to do." To have the current bonded Wise Villa winery and tasting room and to be serving food, public health and safety conditions had to be met (road width and fire safe standards, paving at the "throat" or entrance, kitchen/sanitation provisions, parking standards, potable water, waste disposal, etc.).

The applicant, in trying to gain approval of the CC via a sympathetic route and affix blame for the opposition to the CC request, stated, "I'd like to see someone up there apply for this CC... and go through what I went through." Most likely, either the applicant has not "gone through" anything yet for the CC proposal, or if he did, it would have been premature for anyone to invest in a proposal that had not yet been approved. For example, a public water system is required for a commercial kitchen and/or food service that the applicant is conducting with the existing wine tasting—but not for his proposed Community Center per se. Yet he characterized the winery requirements as being for the CC, which they were not, and appeared to garner PC sympathy that was unwarranted.

Most likely the requirements that the applicant "went through" were to establish the winery, not the CC designation. The "hundreds of thousands of dollars" spent were for health and safety issues involved when serving food—not for obtaining the CC land use designation. Yet the PC appeared to take pity on the applicant due to his mischaracterization of the process and mixing of the requirements. Any premature construction or expenses incurred prior to approval of a new land use would be a risk an applicant willingly takes as an entrepreneur making a business decision. It is not a reason for the County to approve "after the fact" merely because the applicant moved ahead on any expenses, related or not.

Further evidence that the Board of Supervisors should reverse the Planning Commission's decision to approve is the fact that the Planning Commissioners verbalized their "dilemma" at the hearing:

Commissioner Sevison: We're frustrated because we're being overwhelmed by similar applications. We don't have the tools to work with. We've asked the Board to consider standards for these kinds of things, and we haven't gotten there yet. Not sure what we can do.

Sierra Club and Public Interest Coalition — APPEAL-Placer Co Approval of Wise Villa Winery Community Center (PMPB 20120092)

Applicant Lee: I know. You've brought me two years into this, and now I'm standing here, "Well, we need more time to discuss this now."

Again, the applicant was either misleading the Planning Commissioners or did not understand the process. The applicant wanted a vineyard/winery, but implied that the required 20' road (base and paving), the public water well, and other requirements were burdens placed on him for his CC proposal, which is simply not true. Those are requirements for any winery that has tastings and serves food. The applicant's investment was freely made; no burdens were unfairly imposed on him by the County; and the decision to approve or deny the CC designation should have been made on the basis of facts, not erroneous innuendo or sympathy.

Applicant Lee: [1:43:40--interrupting Commissioner Denio] You know, I wanted to have food. I wanna have food, and the only way I, I believed, for whatever reason I believed it, to serve food with the wine, I was told this is what I needed to do. I guess that's true. I don't know if that's true or not. Do I need to do this to have food service? That's what my belief was.

Lisa Carnahan: [1:44:05] You don't need to have the MUP for the CC to have food with your tasting, but you would not be able to have anything other than just tasting. You wouldn't be able to have your wine pairing dinners.

Applicant Lee also stated that he was told that "...if this wasn't approved like really quick, that it could be another year or two years before it is."

This indicates an extra "push" that's being applied to have these egregious private event centers in Farm and Ag zones approved because (1) guidelines may be forthcoming, and (2) it attempts to reinforce the pretense that they somehow will support and preserve agriculture. First, there are no requirements whatsoever that any CC must have a nexus to agriculture. Second, even if an ag nexus is promised with a CC approval, there are no guarantees or means of enforcement if the ag operation is discontinued and the CC continues.

The applicant's only CoA (#3) relating to agriculture is that "All events held at the site shall have an agricultural or wine/food educational component." As stated at the hearing, this was a self-imposed condition, but regardless of its origins, it's useless and meaningless. With a few exceptions, all of life's primary elements have a nexus to earth, sun, and water, and any activity can make a connection to life's necessities (food, clothing, shelter) via agriculture. This is a self serving, unenforceable, CoA, and should be recognized as such.

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Placer County Board of Supervisors,

In their pursuit of Community Center authorization Don Dupont of Rock Hill Winery has claimed that Placer County Wineries are 'holding events and doing whatever they want'. The same claim was reiterated by a Wise Villa representative at the Planning Commission hearing for Wise Villa. Another speaker recounted how she could not get Code Enforcement to return her call for a "noise complaint". When she finally reached Code Enforcement she was told "noise complaints are a low priority for us". The fact is there is a long history of Placer County Officials knowingly preventing enforcement of County Ordinances. In 2006 Tom Miller directs Bill Schultz of Code Enforcement to "hold in abeyance" enforcement action. The Planning Department carries that mantra to date as evidenced by public testimony by citizens and Winery owners. The attached documents describe a few of the incidents where there has been Non Enforcement in the face of overwhelming evidence of violations.

Mike Giles

Neighborhood Rescue Group

Attachment 1-

Details Mt Vernon Winery is having concerts without permits and directs where to find schedule of concerts.

Attachment 2-

Details Dono dal Cielo Winery is having concerts without permits and asks Michael Johnson (Planning Director) what happened in regard to the above Mt Vernon complaint filed in July 2011. Michael Johnson said he would get back to me but never did. This is a pattern of ignoring complaints regarding the wineries.

Attachment 3-

Concert Schedule from Dono dal Cielo Winery website

A simple internet search "mt vernon winery wedding" shows mt vernon winery continues to solicit and hold weddings and other events which are in violation of county ordinances.

Michael Johnson and the PLANNING Dept are circumventing enforcement.

For official use only:

ANIMAL CONTROL

11251 B Avenue Auburn, CA 95603
(530) 886-5500 FAX (530) 889-5538

ENVIRONMENTAL HEALTH

3091 County Center Dr., Ste. 180, Auburn, CA 95603
(530) 745-2300 FAX (530) 745-2370

ENGINEERING & SURVEYING

3091 County Center Dr., Ste. 120, Auburn, CA 95603
(530) 745-7500 FAX (530) 745-7544

BUILDING DIVISION

3091 County Center Dr., Ste. 160, Auburn, CA 95603
(530) 745-3010 FAX (530) 745-3058

CODE ENFORCEMENT

3091 County Center Dr., Ste. 160, Auburn, CA 95603
(530) 745-3650 FAX (530) 745-3059



PLACER COUNTY RECEIVED

COMPLAINT FORM

JUL 06 2011

CDRA

Your Name: Mike Giles Telephone: (916)

Mailing Address: Newcastle Ca 95638
City State Zip Code

Your Signature: *Mike Giles* Date: 6-24-2011

NOTE: Due to legal requirements, only written and signed complaints can be investigated. Complaints will remain confidential unless legal action is taken that may require the complainant to be specifically identified.

This report will assist the County Departments in investigating your complaint. Complete and accurate information with photographs and/or additional documentation will assist in expediting this review. Complaints regarding activities/uses involving potential health or safety hazards will be given priority. All other complaints will be investigated in sequential order as they are received.

Type of Complaint: WINEERY
Mt Vernon is violating County ordinances by holding "events" and having concerts at their facility without proper permits. Go to <http://mtvernonwinery.com/events/mt-vernon-winery-concert-series/> to see scheduled concert events or go to mtvernonwinery.com and look under News and Events.

(Additional information and/or a directional map may be included on the back of this form.)

Address or APN of Violation: 10850 Mt. Vernon Rd., Auburn, California 95603 | (530) 823-1111

Property Owner: Jim and Lynda Taylor Telephone: (530) 8231111

Address: 10850 Mt. Vernon Rd Auburn 95603
City State Zip Code

Tenant: Telephone: ()

Address:
City State Zip Code

For Office Use Only

Computer ID: Category: Referred to:

Date Closed: By: Final Disposition:

ATTACHMENT # 1

49

Print

Subject: RE: musical entertainment
 From: Michael Johnson (MJohnson@placer.ca.gov)
 To: [REDACTED] GRosasco@placer.ca.gov;
 Cc: MJohnson@placer.ca.gov;
 Date: Thursday, May 24, 2012 12:56 PM

Mike -

I will look into this and report back to you next week.

Thanks -

Michael

From: michael giles [mailto:[REDACTED]]
 Sent: Thursday, May 17, 2012 12:43 PM
 To: George Rosasco
 Cc: Michael Johnson
 Subject: Fw: musical entertainment

Gentlemen, Mt Vernon and Dono Dal Cielo continue to hold and solicit wine tasting events with LIVE MUSIC. I believe we clarified that a TOE permit would be required for this Live Music. Why is Code Enforcement not enforcing the ordinances and requiring a TOE permit for these events?

I am pasting a schedule of LIVE MUSIC at Dono Dal Cielo. If you go to Mt Vernons website you will see that they too are having live music as I explained in a complaint submitted in July of 2011. Lastly, What was done about Mt Vernon not having TOE permits for live music in 2011?

ATTACHMENT #2

*Schedule of
Dono dal Cielo
concerts being held at*

Print

Page 2 of 5

We are excited to welcome Mike Goroll back to Dono dal Cielo this weekend. Come on out from 2:00-5:00 pm on Saturday, May 19 and enjoy a glass of wine while relaxing with Mike!

Upcoming Engagements

Saturday, May 19	<u>Mike Goroll</u>
Saturday, May 26	<u>Guitar n' Sax</u>
Saturday, June 2	<u>Pushback (NEW BAND!)</u>
Saturday, June 9	<u>Two Barrels Shy</u>
Saturday, June 16	<u>Mike Goroll</u>
Saturday, June 23	<u>Dominic "The Dominator" Pieranunzio</u>
Saturday, June 30	<u>Midnight Sun</u>

Take a listen to some of our **FREE LIVE MUSIC** acts frequenting the winery on Saturday afternoons... keep checking for dates and times and mark your calendar to join us. Get your friends together and bring a picnic lunch to enjoy with a bottle of Dono dal Cielo!

Attachment #3

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Attachment 4

This series of emails occurred after I personally informed Michael Johnson that the wineries were not in compliance with County ordinances because they were having live music and public events on private property, which requires a Temporary Outdoor Permit.

In his response Mike Johnson never acknowledges the fact that the wineries are out of compliance and enforcement continues to be circumvented.

Attachment 5

A series of emails with County officials establishing the fact that a Temporary Outdoor Permit is required for public events and live music. In fact, simply the fact that they are public events necessitates the permit requirements.

Re: musical entertainment

Hide Details

FROM: michael giles

Tuesday, October 9, 2012 10:56 PM

TO: Michael Johnson George Rosasco

CC: Lisa Carnahan

Mr Johnson, When "music" becomes a "concert" (Mt Vernon has described their music as a "concert series" on their website) it would fall under the Temporary Outdoor Event requirements as detailed from the following section of Placer County Codes.

Outdoor Festivals/Concerts, Etc. Outdoor festivals/concerts, arts and crafts fairs and similar short-term events may be authorized in any district provided that a minor use permit is first approved for the event. However, for one-time events (not to exceed three consecutive days nor two times in one location in a calendar year), the planning director may approve a temporary outdoor event permit in lieu of a minor use permit.

Beyond that, you have not addressed the fact that these are "public" events solicited in publications and on the internet, located on "private" property which does NOT exclude them from the Temporary Outdoor Event permit requirements as covered in the following section of Placer County Code.

Temporary Events Not Subject to This Section. The following types of temporary events are not subject to the requirements of this section, and are also not subject to the permit requirements established by Sections 17.06.050 (Land use and permit tables) and 17.06.060 et seq., (Zone district regulations):

iii. Public Events. Admission-free events, and events with admission charges where the organization or individuals conducting the event qualify for a free business license pursuant to Chapter 5 of the Placer County Code (Business Licenses and Regulations), where the event is conducted at a public park or on other publicly-owned land with the permission of the landowner, and the event also satisfies the requirements of subsections (B) (2) through (B)(5) of this section for other types of temporary events.

iv. Private Parties. Private non-commercial events/ parties held at a private residence

I consider you to be an intelligent man Mr Johnson and I am confident none of this information is foreign to you. Please feel free to respond to my assertions, however, unless I hear differently from you I will assume you have no intention of enforcing the County Codes as stated above and I will proceed as necessary to try to gain enforcement from Placer County Officials.

Cordially,
Mike Giles

From: Michael Johnson <MJohnson@placer.ca.gov>
To: michael giles <[REDACTED]>, George Rosasco <GRosasco@placer.ca.gov>
Cc: Lisa Carnahan <LCarnaha@placer.ca.gov>; Michael Johnson <MJohnson@placer.ca.gov>
Sent: Tuesday, October 9, 2012 11:38 AM
Subject: RE: musical entertainment
Mike -

As staff has previously stated, when music is provided as accessory to the primary use (i.e., wine tasting), no special permit or Temporary Outdoor Event permit is required. Accordingly, live music, including amplified music, is permitted when such music is accessory to wine tasting. The noise levels at such events are controlled by the Placer County Code noise standards.

In looking at the Dona del Cielo and Mt. Vernon web pages, it would appear that the music events are accessory to the primary use of wine tasting. While Mt. Vernon does include a charge for the event, the music appears to be secondary to the primary use of wine tasting. In reading through the Placer County Code, there is no prohibition on charging for wine tasting activities. As stated on each of the web pages, the primary activity is the wine tasting, with music included as an accessory use.

Thanks -
Michael Johnson

From: michael giles [mailto:[REDACTED]]
Sent: Thursday, May 17, 2012 12:43 PM
To: George Rosasco
Cc: Michael Johnson
Subject: Fw: musical entertainment

ATTACHMENT 4

Gentlemen, Mt Vernon and Dono Dal Cielo continue to hold and solicit wine tasting events with LIVE MUSIC. I believe we clarified that a TOE permit would be required for this Live Music. Why is Code Enforcement not enforcing the ordinance and requiring a TOE permit for these events?

I am posting a schedule of LIVE MUSIC at Dono Dal Cielo. If you go to Mt Vernons website you will see that they too are having live music as I explained in a complaint submitted in July of 2011. Lastly, What was done about Mt Vernon not having TOE permits for live music in 2011?

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From: Michael Johnson <MJohnson@placer.ca.gov>
To: 'michael giles' [REDACTED]
Sent: Wednesday, November 23, 2011 12:52 PM
Subject: RE: musical entertainment

Mike -

You are mis-interpreting my response. Without knowing the specifics of the issue, I cannot state whether or not a Temporary Outdoor Event permit would be required, and my response to you was not discussing the merits of the need for a permit. Rather, my response to you was focused on the playing of music (whether at as a private property owner or as part of a sanctioned event) and the restrictions on the amplification of the music. As noted in my e-mail, as long as a private property owner and/or Temporary Outdoor Event are compliant with the noise standards for the respective zoning district, there is no prohibition on live and/or amplified music.

Thank you for letting me clarify -
Michael

From: michael giles [mailto:[REDACTED]]
Sent: Wednesday, November 23, 2011 11:15 AM
To: Michael Johnson
Subject: Re: musical entertainment

I believe you are saying that a Temporary Outdoor Event permit is required for such activity. As such, if a winery does not have a TOE for such an event they would be in violation of County Ordinance. Correct?

From: Michael Johnson <MJohnson@placer.ca.gov>
To: 'michael giles' [REDACTED]
Cc: George Rosasco <GRosasco@placer.ca.gov>
Sent: Wednesday, November 23, 2011 9:41 AM
Subject: RE: musical entertainment

Mike -

I have read the attached e-mail, and I have reviewed the referenced sections of the County Code, and I can find no references that prohibit the use of live music at Temporary Outdoor Events. As discussed at the Winery Taskforce meeting, all noise levels (interior and exterior) are controlled by the County's Noise Ordinance. As long as a private property owner and/or Temporary Outdoor Event are compliant with the noise standards for the respective zoning district, there is no prohibition on live and/or amplified music.

Thanks -
Michael Johnson

From: michael giles [mailto:[REDACTED]]
Sent: Saturday, November 19, 2011 10:01 AM
To: Michael Johnson
Subject: Fw: musical entertainment

Mr Johnson, This is the email I was referencing at the winery taskforce meeting when I said the wineries are in violation of County ordinances by having live music at their events. As such, it stands to reason that the wineries need such a permit if they have live music at their event. I look forward to your reply.

ATTACHMENT 4
CONTINUED

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— Forwarded Message —

From: George Rosasco <GRosasco@placer.ca.gov>
To: 'michael giles' <[redacted]>
Sent: Monday, August 29, 2011 12:26 PM
Subject: RE: musical entertainment

Mr. Giles,

In response to your email, the section of the Placer County Zoning Ordinance which governs Temporary Events is section 17.56.300. Specifically your friends event would regulated by section 17.56.300, section 1(b.) of the Temporary Use and Events Section of the Zoning Ordinance, this section of the ordinance would require that he obtain a Temporary Outdoor Event Permit. If your friend had a non-commercial private party it would not be subject to the Temporary Use and Events Section of the Zoning Ordinance per 17.56.300, section 1 (c.) [iv.].

In closing, the Placer County Zoning Ordinance is available for your review at the Planning Department web site at www.placer county.ca.gov..

Cordially,
George Rosasco

From: michael giles [mailto:[redacted]]
Sent: Thursday, August 18, 2011 3:06 PM
To: George Rosasco
Subject: Fw: musical entertainment

Mr. Rosasco, Kathy appears unable to answer the below question and has referred me to you. Please reply and please include the specific ordinance that is applicable. Thank You

— Forwarded Message —

From: michael giles <[redacted]>
To: "kwisted@placer.ca.gov" <kwisted@placer.ca.gov>
Sent: Wednesday, August 17, 2011 11:30 PM
Subject: Fw: musical entertainment

Kathy, I have not received a response to this question. I would appreciate your response to this matter.

— Forwarded Message —

From: michael giles <[redacted]>
To: "kwisted@placer.ca.gov" <kwisted@placer.ca.gov>
Sent: Monday, August 8, 2011 5:32 PM
Subject: musical entertainment

Kathy, A friend of mine informs me that he attempted to have musicians come to his barn and pay music for his music loving friends and family. All for a very reasonable admission fee. The music was not amplified. Reportedly, he was informed by Placer County Officials that he needed a permit for such activities. Can you please provide clarification whether a permit is required for such an ongoing event and if so what type of permit. Thank You

ATTACHMENT 5

Attachment 6

Wise Villa Winery advertising a Wine Luau

Attachment 7

An activist questioning why Wise Villa did not need a permit for the Wine Luau.

Lisa Carnihan from Planning advising that Wise Villa did not need a permit which is not true. Planning is knowingly allowing the wineries to violate permit requirements.

Attachment 8

A notice issued in 2006 verifying events that are not "residential use" require a permit. As such, the publicly advertised Wine Luau required a permit. *In addition, this is further evidence that "public events" involving NOT ASSOCIATED WITH RESIDENTIAL USE REQUIRE A TEMPORARY OUTDOOR EVENT permit.*

Thanks,

[REDACTED]
Public Interest Coalition

Sierra Club Placer Group

Wise Villa Winery
Advertising A
WINE LUAU

From: WiseVillaWineClub@wisevillawinery.com
<WiseVillaWineClub@wisevillawinery.com>
Subject: Luau & Wine Stroll
Date: Monday, July 16, 2012, 9:16 PM

Hello Wine Club!

I wanted to send out a quick reminder about our Hawaiian Luau coming up on July 28th! It's filling up quick so book now! The 4th of July event booked out a week in advance, so I'd advise you to RSVP early, with a donation click here or click here to RSVP for free! I also wanted to let everyone know that we have changed the start time of this event to 7pm, due to the high temperatures we're expecting! We'll have a cool tasting room and shaded outside seating, but we want to make sure that everyone is absolutely comfortable!

Also, I wanted to see if any of our Wine Club would like to volunteer to assist the Placer County Vintner's Association (of which Wise Villa is a member) with the "Wine Stroll" Wine Tasting event at The Fountains in Roseville on July 21st. Click here for more details or read below, and email us if you are interested in volunteering (I've been told that volunteers receive a ticket to the event to use after their volunteer shift is done).

Cheers!

Aloha From Wise Villa: Hawaiian Luau July 28th 7pm start

Wise Villa will be providing traditional Hawaiian specialties to go along with traditional Hawaiian dancers, music and performers. We know it's Lincoln and we don't have the waves, the palms, or the sand, but come prepared to be whisked away to the islands. We'll have a menu of traditional Hawaiian food to go along with the entertainment, so it should be an amazing evening!

This is a gathering for Wine Club & their friends & family. In order to offer this evening to our Wine Club (in accordance with current county policies regarding events) we are now offering this event 100% free! Since we will be providing so much food, wine, and entertainment, we are giving you the opportunity to donate to help us cover costs. If you would like to RSVP with a \$9 donation (Wine Club) or \$19 donation (General Public) please RSVP HERE to be a part of this friendly summer tradition! If you would like to RSVP without a donation click here. Either way, we'll be happy to have you, and you will receive all of the benefits of this wonderful evening of wine, food, & Hawaiian tradition. Aloha!

Attachment 6

Lisa

From: [REDACTED]
Sent: Monday, July 30, 2012 2:56 PM
To: Crystal Jacobsen; Lisa Camahan
Subject: Wise Villa Event Permit Question

QUESTIONING PLANNING OFFICER
ABOUT WINE LUAU VIOLATING
ORDINANCES



Greetings,

Sorry to bother you on top of your work load, but we have a question on an event held this past weekend.

The following email (pasted below—bold red added) and associated website promotion (attached) indicates that “Public Events” may be held without a permit as long as they are “free.” However, from what we have found, “Public Events” must be held on public property—not private, as this event was (attached).

Also, at the North Auburn MAC meeting, Grover Lee of Wise Villa, where this event was held, mentioned that he had used up “two of his six” allowed events. However, we have been informed by the Placer County staff that Wise Villa does not have an ARP from the Winery Ordinance that would allow six events. Therefore, it’s our understanding that only two events (maximum) would/should be allowed under a Temporary Outdoor Event (TOE) permit, if proper permits were obtained for the TOE.

Can you tell me if this “Luau” event on July 28, 2012 at Wise Villa was permitted, and if so, under which code/ordinance? And if not permitted, can you tell me if this event violated any County’s ordinances, zoning, codes or other regulations?

Attachment 7



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

CODE ENFORCEMENT

Mike Harris
Supervising Officer

NOTICE OF CODE VIOLATION

The property at 7055 Ridge Road APN: 031 161 028
was inspected at 2:45 a.m./p.m. on August 14, 2006 by Mike Harris
and found to be in violation of the Placer County Code, Section 17.10.010 Farm (Zoning District)

Violations:

- Section 17.58.140C Conditions of Approval Minor Use Permit #2511
Section
Section
Section
Section
Section

On or after October 18, your property will be re-inspected and if any violation still exists, enforcement action will follow. You are hereby directed to correct all listed violations by Nov 22, 2006. The property owner may request and be provided a meeting with the Code Enforcement Officer to discuss possible methods and time limits for the correction of identified violations. Please call the Code Enforcement Division at (530) 745-3050.

Comments: Must meet and maintain conditions of approval of Minor Use Permit. Condition #1 prohibits public wine tasting. To allow any future activity, application needs to be submitted and approved by all County Departments to modify the Use Permit.

Advisory comment: All signs displayed must be in conformance with Placer County Code, Section 17.54.170 et seq

Weddings, events, etc. other than personal parties associated with residential use, require County approval - 17.56.300 Temporary Events

Mike Harris
Authorized Signature, County of Placer

10-1-06
Date

PENALTY FOR FAILURE TO COMPLY

The County may charge the property owner for all administrative costs associated with abatement of conditions defined as a Nuisance by Section 17.62.160(A), pursuant to Section 17.62.990 (Recovery of Costs). Failure to correct the above listed violations may result in the issuance of a Citation or other legal action. If an Infraction Citation is issued, conviction of code violations may be punishable by a fine, not to exceed \$500 per violation. The penalty imposed for a conviction under this Section may include probation and/or condition of sentence. The Court is authorized, as a condition of sentence, to impose fines, and/or to order that the property be brought into compliance. Under the Code, each day any violation continues constitutes a separate offense and you can be cited for multiple day violations. This notice of Code Violation may be recorded against the property in the Placer County Recorder's Office pursuant to section 17.62.080B (Notices-Services and Releases). Should you correct the conditions identified as being in violation, you must immediately notify this office so that we can confirm the correction. Where a Notice of Code Violation has been recorded and we have confirmed the correction of the violation(s), we will then record a "Satisfaction Release and Removal of Notice of Code Violation" with the Recorder's Office.

cc: [] Assessor [] Other

Owner: Steve & Noelle Wegner et al Lot: dba: Pescatore Winery
7055 Ridge Rd
Address: Newcastle, CA 95658

Attachment #8

This email is one example of how the Planning Dept and County Officials have prevented the enforcement of County Ordinances against the wineries. Even to this date Michael Johnson is circumventing enforcement claiming winery events with "live music" do not need permits and claiming "free" public events don't require permits.

NEXT PAGE →

From: Tom Miller
To: Bill Schulze
Date: 3/22/2006 7:44:17 AM
Subject: Re: Pescatore Winery MUP 2511

EXHIBIT 92D

There was a general agreement (last summer ?) to hold in abeyance any CE actions because of a proposal crafted by a consortium of vineyard/winery owners (with concurrence of our Ag Commissioner) to amend the current code. Michael- any movement on that revisit ?

>>> Bill Schulze 3/21/2006 8:58 AM >>>
Tom, Michael,

Michael Johnson

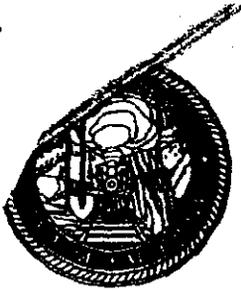
We received a complaint on the above referenced winery. The owner of the winery Steve Wegener has stated that he has met with Tom Miller October 2005 and this action should be on hold. We have received a renewed complaint and inquiry why we have not acted on this matter.

The person filing the complaint has asked Code Enforcement to take legal action as the winery is not operating to the conditions of the MUP. The violation is advertising public wine tasting which is not allowed by the MUP.

EXHIBIT 92C

Please advise,
Thanks,
Bill Schulze

CC: Michael Johnson



**PLACER COUNTY BUILDING DEPARTMENT
CODE ENFORCEMENT DIVISION**

3

Bill Schulze, Chief Building Official 11424 B Avenue, Auburn, CA 95603
(530) 886-3050 FAX: (530) 886-3059 County-wide: 1-800-488-4308
886-3010 www.placer.ca.gov

Copy From "Complaints"

Lonna Giles
265 Welcome Lane
Newcastle, CA 95658

March 27, 2006

LOCATION: 7055 Ridge Rd. APN: 031 161 028
REGARDING: PESCATORE WINERY - MINOR USE PERMIT #2511

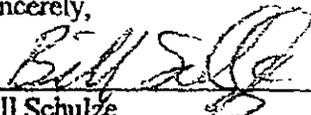
Dear Mrs. Giles,

This office has received your renewed complaint and documentation of March 22, 2006. The reason no action has taken place at this time is because several months ago, the vineyard/winery owners with concurrence of the Agricultural Commissioner, came forward with recommendation to amend the current Code that regulates their uses.

At this time the proposed changes are still under review by the County with the Planning Department as the lead agency. Therefore our Code Enforcement Division has been requested to suspend any action at this time. It is anticipated that there will be some movement on this issue in the near future and we will be better able to provide you with information regarding the direction the County will take, enforcement action or proposed changes to County Code.

I realize this is an inconvenience to you and request your patience for a bit longer. Thank you for your assistance with the matter and should you have further questions you may call our Code Enforcement staff or me.

Sincerely,



Bill Schulze
Chief Building Official

cc: Michael Johnson, Planning Director

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Supplementary document, Appeal of PMPB20120092: Wise Villa Winery Community Center MUP

Carol Rubin, representing Save Placer Farmlands

January 22, 2013

Summary:

- The Placer County Planning Department decision of December 20, 2012 to permit a "Community Center" at Wise Villa Winery must be overturned.
- The Wise Villa Community Center designation contradicts the intent of the Placer General Plan and Farm zoning.
- This facility will cause a noise and traffic burden for county residents.
- Permitting this Private Event Center as a Community Center establishes a precedent that will make it virtually impossible to deny other applications, no matter how inappropriate, and erodes public confidence in the planning process.
- As currently proposed, these event centers do not promote sustainable agriculture.
- No more Community Centers or Private Event Centers should be permitted until an adequate code enforcement mechanism is established.
- There is a place for Private Event Centers in Placer County, but there must be standards set for their location and operation. Encouraging Placer farmers and businesses to establish co-op event centers can benefit all the parties involved. Specific recommendations are presented for Private Event Center parameters.

Arguments supporting denial of the Wise Villa Community Center MUP

1. Establishment of a Community Center at the Wise Villa Winery is contrary to the intent of the Placer County Code and General Plan. The activities the applicant proposes to conduct at the "Community Center" are those normally conducted by a restaurant/bar (preparation, serving and consumption of food and drink):

"The applicant is proposing to host groups of up to 50 people four times per week for agricultural, vineyard or wine/food pairing educational events, and host larger events (51-100 people) twice per month. The larger events will also include the promotion of agriculture and/or wine industry education.

"During wine pairing dinners and larger events, the applicant is proposing to have meals prepared in the tasting room kitchen, although a caterer may supply food at some events."
[Wise Villa Mitigated Negative Declaration, Project Description]

The attempt to conduct a restaurant business in zoning where it is prohibited under the guise of a "Community Center" twists an ineptly worded definition in the County Code to allow a use which any rational person would expect to be forbidden in Farm zoning. Placer County residents do not purchase or own property in the Farm zone with the expectation that a restaurant, bar or meeting hall will appear in their neighborhood because a developer, with the encouragement of county Planning staff, has elected to cynically misinterpret the code language to serve his own purposes. This sort of manipulation undermines the intent and purpose of the county code, erodes confidence in the county planning process, and exacerbates bitterness and mistrust among county residents and government representatives.

2. The location of the proposed "Community Center" will impose a traffic burden upon a peaceful rural neighborhood. While Wise Road itself is a rural arterial route, the feeder routes (Fowler, Garden Bar, and Fruitvale Road) recommended by the applicant's own traffic analysis are rural collectors:

"Guests arriving from the west are expected to use Interstate 80 to Sierra College Blvd to SR 193 to **Fowler Road**, then turn left onto **Fruitvale Road** and right onto **Garden Bar Road** and Wise Road. Alternatively, guests could take SR 65 or Sierra College Blvd to Lincoln and follow McCourtney Road north to Wise Road and drive about 1 mile on Wise Road to the project. Guests who arrive from the east could be directed to use SR 193 then turn right onto **Fowler Road** to reach the site." [TRAFFIC IMPACT ASSESSMENT FOR WISE VILLA WINERY USE PERMIT, PLACER COUNTY, KD Anderson and Associates, Sep 20, 2012, page 5]

Current traffic to the winery is occasional and spread throughout the day. Traffic to the eighteen events/month proposed by the applicant will be concentrated within the hour preceding and following the event, creating significant noise, pollution and inconvenience for residents along the route. Road wear will increase and more sheriff patrols will be required. These costs will be borne by all Placer County residents to benefit this private facility.

3. Permitting this "private event center" and other similar for-profit facilities sets a precedent that makes it almost impossible to control the proliferation of these operations. Because there are no standards for the siting or operation of "private event centers," approval of any one application sets the conditions for approval of subsequent applications. This problem troubled the Planning Commission during its hearing on this MUP, with one of the Commissioners turning to Mr. Carson, whose proposal for a for-profit Community Center had just been denied, and stating "I find it hard to look you in the eye," meaning he was having a difficult time approving the Wise Villa application and denying Mr. Carson's without firm grounds. In fact, as expected, Mr. Carson has appealed the denial of his MUP, and certainly the basis of the appeal will be the perceived capriciousness of a process that has no firm guidelines.

4. Permitting "private event centers" in Farm zoning does not, as has been argued, promote sustainable agriculture. In fact, proliferation of these facilities makes agricultural operations more difficult for all other rural residents by increasing noise, pollution, traffic and crime in rural areas. Ms. Fake of Placer County Extension has argued that these facilities should be permitted because they allow marginal farming operations additional income to tide them over lean times. To the contrary, Planning staff have argued that "private event centers" won't multiply to unmanageable numbers because the amount of capital required to establish and run one of these operations is beyond most small landowners. **These assertions cannot both be true.** None of the applicants for the current proposed "private event centers" (Wise Villa Winery, Gold Hill Gardens, and Rock Hill Winery) are in danger of losing their land to foreclosure without the addition of these facilities. As currently proposed, these private event centers in agricultural zoning do not enhance sustainability, but in fact destabilize it by making their neighborhoods less desirable places to live and farm.

5. Current code enforcement is inadequate for event facilities already established in Placer County. New facilities must not be permitted without adequate redress for neighboring residents if the operators do not follow the conditions of the MUP. For example, Dr. Lee proposes a maximum of sixteen small events and two large events per month at Wise Villa Winery. What recourse do neighbors have if the number of events or number of guests are exceeded? These events are typically held in the evening or on weekends when county offices are closed. The sheriff does not enforce the conditions of the MUP, only code violations. It is unreasonable to expect Placer residents not only to cope with the disruption these operations cause, but also to police them.

Suggested Private Event Center Standards and Workable Solutions

Save Placer Farmlands has never contended that there is no place for private event centers in Placer County. We do believe that these facilities should be well planned (rather than slid through under the guise of a bogus definition) with standards set for their location and conditions of operation. Wise Villa Winery and the other two current applicants are not jeopardized by the denial of "Community Center" MUPs. They are already able to hold several events per year under the Winery and Temporary Event ordinances.

We suggest that Placer County establish a task force composed of representatives of all interested parties to redraft the definitions of "Community Center" and "Private Event Center" and establish standards for each type of facility. This is not a novel undertaking. Many jurisdictions are contending with the "event center" issue and good definitions for "community center" and "private event center" can be found on the internet [Attachment 1]. Alameda County has prepared a comparison of California zoning ordinances regulating wineries [Attachment 2] that is a useful source document.

We note one solution that could be acceptable to rural residents, wineries, agricultural interests and tourism and commerce advocates is the establishment of winery co-ops. One example (the Old Sugar Mill in Clarksburg, Yolo County; Attachment 3) is an association of ten wineries that have consolidated their tasting rooms and event center in a large common facility. This association promotes true sustainability because the lower capital exposure and pooled continuing expenses means wineries of any size can participate. The association can afford a larger facility which is more efficiently used than individual centers. Failure or withdrawal of one member from the association does not leave an abandoned event center and parking lot, unusable for future agricultural purposes, blighting the rural neighborhood.

Placer County should establish standards for these facilities and encourage formation of co-op event centers by all county growers and merchants, not just wineries. We noted in our original appeal justification [Attachment 4] that the two well-tolerated and successful private event centers in western Placer County (Newcastle Wedding Gardens and The Flower Farm) share some important characteristics that contribute to their prosperity:

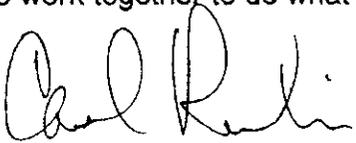
- a. They are located on arterial roadways
- b. They are located adjacent to parcels zoned "Commercial"
- c. They are located within three miles of the nearest city limits
- d. They are located six miles apart.

We suggest that standards for Private Event Centers in Placer County include the following:

1. Allowed in all zones with the following stipulations.
2. Direct access from a freeway or arterial roadway;
3. Within one half mile of a property currently zoned "Commercial"; and/or within three miles of the nearest city limits by the shortest route;
4. Sufficient parking to accommodate an average of two guests per vehicle;
5. Not permitted within one mile of an ecologically sensitive habitat (e.g., salmon spawning stream or habitat of a "threatened" or "endangered" species) or a historically or archeologically significant site (e.g., cemeteries);
6. Each Community Center or Private Event Center shall be required to contribute 0.5% of gross event revenue to fund a compliance hot line staffed every day between the hours of 11 am and 10 pm with a county employee empowered to investigate citizen complaints. The first two substantiated complaints will generate warnings to the facility operator. Upon the third substantiated claim the operator must appear before the Planning Commission and justify why the MUP should not be revoked. Any facility generating substantiated claims in two consecutive years will automatically have the MUP revoked. Compliance with all provisions of the permit (e.g., number of guests, hours of operation, types of events, numbers of events) will be apply and be enforced. Public service events (i.e., benefit events for which the facility receives no income) are exempt from the fee but subject to the enforcement provisions.

7. If in a Residential or Agricultural zone, the following additional conditions shall apply:
- a. located no closer than three miles to another Community Center or Private Event Center;
 - b. twenty acre minimum lot size;
 - c. no building or parking area within 1000 feet of a neighboring dwelling;
 - d. maximum 6000 ft² total for all non-residential buildings on site, maximum height of buildings two stories above ground;
 - e. no events with more than 200 guests permitted, no more than three events per week;
 - f. events must end by 8 p.m.;
 - g. no outdoor amplified sound systems;
 - h. no outdoor stadiums or amphitheatres (i.e., no outdoor events such as kart racing or rodeos are permitted). No events of lewd or obscene nature are permitted (i.e., a strip club).

With these few sensible stipulations, Placer County can protect its rich historical heritage, productive farmland and rural beauty AND promote agritourism, healthy economies for foothill communities and sustainable agriculture. We believe that the conditions outlined above represent a workable solution to the event center issue that will be acceptable to Planning staff, the Agricultural Commission, county residents, the Farm Bureau, Chambers of Commerce, PlacerGrown and the Placer Vintners Association. The Board of Supervisors can demonstrate its commitment to good planning by promoting cooperation and sensible solutions, providing a forum for all of us to work together to do what is best for Placer County.



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Attachments

1. Suggested definitions for "Community Center" and "Private Event Center"
2. Alameda County Community Development Agency Planning Department, Survey of Other Counties' Winery Regulations
3. Old Sugar Mill, from www.oldsugarmill.com
4. Reason for Appeal, PMPB20120092, Wise Villa Winery Community Center MUP, Save Placer Farmlands

Attachment 1:

Suggested definitions:

“Community Center” ... “a government or nonprofit facility used for recreational, social, educational, cultural services and activities. Services may be targeted to certain populations (e.g. youth, seniors) but membership is available to the general public. Examples of services include tax assistance, fitness training, senior meals, after school tutoring sessions, food pantries and public assemblies. This use does not include schools, places of worship, banquet facilities, social or service club, or counseling services. A community center is different than a neighborhood center, which is a use that is accessory to a residential development.” [Wyoming MI City Council, http://www.mlive.com/southwestadvance/index.ssf/2009/11/city_council_approves_community_center.html]

“Private Event Center” ... “means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests. This definition shall not include places of worship, as defined elsewhere in this chapter.” [Section 27-31 Dekalb GA County Municipal Code]



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

Survey of Other Counties' Winery Regulations

County Planning Department staff surveyed eleven other counties in the state to obtain a sampling of how these jurisdictions regulate wineries. The attached matrix contains the results of the survey.

Summary of Survey Results:

- All eleven counties surveyed require a use permit for wineries under at least some circumstances.
- In three of the counties, the type of permit required varies depending on such factors as parcel size, intensity of use, zoning, and general plan designation.
- In San Diego County, boutique wineries are allowed by right.
- Ten of the eleven counties surveyed require a use permit for a tasting room.
- Restrictions on tasting rooms vary from county to county, but include allowing them only in conjunction with an on-site commercial winery, limiting their size to a percentage of the total square footage of the winery buildings, limiting days of operation, limiting the number of patrons at any given time, and allowing tasting by appointment only.
- In San Diego County, a tasting room is allowed by right if it does not exceed 30 percent of the total square footage of the wine production structure.
- All eleven counties require use permits for special events. Restrictions on the number, size, timing, and type of events allowed vary from county to county. Napa County does not allow weddings at wineries.
- Most of the counties address traffic and parking issues through the use permit.
- Butte, El Dorado, and San Diego Counties have restrictions specific to wineries on private roads.

Comparison of County Winery Regulations

	A	B	C	D	E	F	G	H
	Agency	Type of permit required for winery	Wine tasting rooms allowed?	Type of permit required for wine tasting room.	Distinction between different special events in zoning ordinance	Special Events Permit	Traffic measures	Noise standards
1	Butte County	AUP, Minor Use Permit, or UP depending on the size and intensity of the proposal. AUP required for winery when access is only via a private road. The winery shall pay a fair share towards a private road.	Y, limited to three days a week.	On a case-by-case basis based on the type of winery operation and wine tasting room proposal.	No	Y, any Special Event requires a Minor Use Permit for the first event and an AUP for each subsequent event. No Special Events are permitted on Orchard or Field Crop designated in the General Plan. No more than 12 Special Events are permitted per year with a maximum of 12 hours per day. No more than 200 people per event at any one time.	Based on AUP, Minor Use Permit or UP conditions.	Based on Noise Ord.
2	El Dorado County	Depends on zoning, GP designation, parcel size, and commercial vineyard production (5 acre minimum).	Y	UP	No	Y, must apply at least 60 days prior to event. Maximum of 250 persons. Promotional events = 24 events per calendar yr and max. of 250 persons not to exceed three consecutive days. UP or Minor Use Permit when determined by the Ag Commissioner. Temporary Use Permit = Three events per calendar yr, not to exceed 1 per month. Not to last more than three consecutive days and no more than 250 persons. Weddings require Special events permit. No outdoor amplified music permitted.	Winery and wine tasting room access driveway must connect to a public road. If the winery is open to public is located on a private road within an A district, an AUP must be approved. Applicant is required to a fair share for road maintenance. A road maintenance entity or agreement for those on private roads.	If the winery is located on a private road with access to the public, approval must be granted from the Develop. Services. Director, following the recommendation of the Ag. Commission. No outdoor amplified music permitted.
3	Monterey County	UP, possible Initial Study	Y, in A district and in certain commercial districts/	UP in A district and some commercial districts	Not yet. Presently under consideration.	Y, UP	Improvements as UP conditions of approval, such as driveway encroachment improvements, providing a commercial driveway, etc.	Noise set at property line and time of day. This is on a case by case basis based on size of property, facility location, zoning district, proximity to sensitive receptors., topography, etc... Base on Noise Ord.
4								

Comparison of County Winery Regulations

	A	B	C	D	E	F	G	H
5	Napa County	UP, possible Initial Study (must be at least 10 acres).	Y, only with winery.	UP, only permitted with winery. By appt. only, except grandfathered in wineries.	Yes, no weddings allowed.	Y, Special Events Permit. No more than 6 events/yr up to 399 persons. 3 events/yr for ≥400 persons.	Traffic count conducted for wineries. Shuttles service to off-site parking when sufficient parking is not available on-site for special events. Promotional event parking = 1 space per 2.5 persons.	Based on Noise Ord.
6	Placer County	Minor Use Permit in A district (minimum size is 4.6 acres).	Y	CUP, MUP and AUP. Permit type depends on the zoning district.	No, but type of planning application required depends on zoning.	Y, max. 6 events/yr. No special event shall exceed two days.	Case by case basis for traffic modifications depending on proposal and road conditions. Temporary off-site parking is permitted for special events.	Based on Noise Ord.
7	Riverside County	UP, possible Initial Study	Y, only with on-site commercial vineyard at least 10 acres. At least 75% of the net lot must be planted with vineyards prior to building permit issuance.	UP in CV (Citrus/Vineyard) district.	UP Special events facility require on-site commercial vineyard at least 10 acres.	Y, Temp. Outdoor Event. \$378 fee, CEQA exempt.	As per UP conditions.	Based on Noise Ord.
8	San Diego County	Boutique Wineries for packing and processing are allowed by right if located on public road. Otherwise, UP required, possible Initial Study	Y, one wine tasting/retail room is permitted, except commercial winery processing. Pre-packaged food requiring no refrigeration is permitted and can be eaten on premise. No food preparation is allowed at winery, but catered food service is permitted at Marketing Events.	The tasting/retail room is allowed by right if it does not exceed 30% of the total square footage of the wine production structure.	Y, a maximum of 4 winery events are permitted per year and required to end by sunset.	Y, Special Event Permit. Amplified music and public gatherings (such as weddings) are not allowed inside or outside the winery. Outdoor eating areas are limited to accommodate a maximum 5 tables for seating of 10 people. Vehicle with a capacity in excess of 12 passengers are not allowed. Signage is limited to 12 sq. ft. on-site.	Parking will comply with the Parking Requirements in Section 6778, Ag., Industrial, and Wholesale Storage. The on-site driveway and parking area shall be surfaced with Chip Seal, gravel, or an alternative surfacing material appropriate for lower traffic levels.	Based on Noise Ord.

Comparison of County Winery Regulations

	A	B	C	D	E	F	G	H
9	Santa Barbara County	UP, possible Initial Study. Development standards differ between Inland and coastal areas.	Y	UP, floor area of the winery shall not exceed 400 sq. ft. or 10% of the winery development structures located on the premises, whichever is greater. Tasting rooms are granted for wineries that produce less than 20,000 cases per year.	Y, wineries and outdoor entertainment (carnival, crafts fair, etc.) events differ in the planning permit required.	Y, Special Events Permit. The number of special winery events vary on the size of winery and production capacity. Smaller wineries are allowed 4 events per year and attendance not to exceed 150 attendees. Up to 8 special winery events are permitted for larger wineries. The number of special events on winery premises can exceed 12 per year and attendance for each event may exceed 200 persons with a CUP under Tier III (development plan under the Planning Commission) on a case by case basis before the Planning Commission. CUP process can grant events over the allowed annual maximum to up to 40 days.	As per condition of approval.	Based on Noise Ord. Amplified music associated with special events shall not exceed 65 dba at the winery exterior boundary. The dba level can be contested by department review for special events depending on the size of the winery and surrounding environment.
10	Santa Cruz County	Depends on zoning, GP designation, parcel size, and commercial vineyard production. Levels: ASP, CUP (hearing before the Zoning Administration and more intensive process requiring Planning Commission hearing).	Y	AUP, by appt. only with a limit of 12 persons max. at one time. UP, public hearings by Zoning Administrator or Planning Commission based on project proposal on a case by case basis.	No	Y, Special Events Permit required.	As per UP conditions.	Outside operating hours limited to 7a.m - 7 p.m., except during harvest season. Use Permit noise levels. Max. noise standard of 65 dba for a cumulative period of 15 minutes in an hour. Up to 90 dba for a cumulative period of 5 minutes in an hour. A max noise level of 100 dba. These levels shall be reduced by 10 dba between 10 p.m. - 7 a.m. Levels can potentially be increased with CUP.
11	Sonoma County	UP	Y	UP, depending on zoning. Allowed w/o winery.	Doesn't differentiate between what type of special events require a permit, but have a criteria whether one is necessary or not.	Y, UP	Measures and conditions of approval are determined through the UP process. Complaints of weekend traffic, but they do not exceed the LOS standards in rural areas.	Based on Noise Ord.

Comparison of County Winery Regulations

	A	B	C	D	E	F	G	H
12 San Luis Obispo County	UP		Y, MUP in most zoning districts, CUP, in others. Must be within 200 ft. from the winery facilities. This required can be waived if exemptions can be proven. Legally constructed structures built before 1980 can be modified with an AUP. Only 1 tasting room per winery, even for wineries on the same site that share production facilities.	AUP	No, but specific criteria for winery Special Events exists. 20 acres minimum (can apply for a MUP to required lot size). Limited to 40 days per year. Minor Use Permit or Conditional Use Permit required for events with 50 or more persons. Minor Use Permit allows for up to 80 persons for a maximum of 6 events per calendar year. CUP required for events over 80 persons for a max. of 6 special events per calendar year. Applications must be submitted at least 120 days prior to the event. Fines will be applied for those without County approval.	Y, MUP and CUP required.	As per UP conditions. The main driveway to winery with public tours, wine tasting room or special events must be located within one mile of an arterial or collector.	Based on Noise Ord. Outdoor amplified music is only permitted between the hours of 10 a.m. - 5 p.m. and not to exceed 65 Db.

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Old Sugar Mill | Clarksburg, California

The wineries at the Old Sugar Mill, in Clarksburg, California, are a bridge to the rich agricultural heritage of the region, whose vineyards are staking their claim alongside the great wine growing regions of the world.

The Old Sugar Mill is home to a unique community of eight California wineries and their signature wines: Todd Taylor Wines, Three Wine Company, Merlo Family Vineyards and Rendez-vous, Heringer Estates, Clarksburg Wine Company, Elevation Ten, and the Carvalho Family Wines. The majority of the vineyards are located in the Clarksburg AVA (American Viticulture Area), where vineyards share the same morning fog and cool breezes from the San Francisco Bay that shape the growing seasons in the vineyards of Napa and Sonoma.

Eight Wineries | One Location

The Old Sugar Mill is located in the historic town of Clarksburg, fifteen minutes southwest of the Capitol building in Sacramento.

Come and discover for yourself, the wines and wineries of the Old Sugar Mill.

Now open seven days a week

Old Sugar Mill: Location

Old Sugar Mill
35265 Willow Avenue
Clarksburg, CA 95612

Old Sugar Mill: Mailing Address

Old Sugar Mill
Post Office Box 123
Clarksburg, CA 95612

t: 916 744-1615
f: 916.744.1866
email: info@oldsugarmill.com

Wedding & Event Information

[Wedding & Event Information](#)

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Tasting Room Hours

Holiday hours:
We are open Christmas Eve 11am to 5pm, closed Christmas D. and back at it on the day after Christmas 11am-5pm.

We are open New Year's Eve 11am -5pm, closed New Year's D. and back at it on the day after New Year's 11am-5pm.

Individual winery hours may vary

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REASON FOR APPEAL, PMPB20120092, WISE VILLA WINERY COMMUNITY CENTER MUP

A Community Center is not a restaurant, a bar, or a meeting hall.

community center: Noun

A place where people from a particular community can meet for social, educational, or recreational activities. [www.merriam-webster.com]

As shown above, a "Community Center" serves a local community; indeed the example of a grange hall given in the Placer Code definition indicates that this is the intended meaning. The "Event Center" being proposed by Dr Lee at Wise Villa Winery will not serve his neighbors (the "local community"), but transient guests who will travel various distances and then pay to eat meals and drink wine on the premises. The purpose Dr Lee intends for his facility fits the definition of a restaurant/bar:

restaurant: Noun

A business establishment where meals or refreshments may be purchased. [www.merriam-webster.com]

"Restaurants and bars" (land use) means restaurants, bars and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are secondary and subordinate to the principal use of the establishment as an eating and drinking place... [Placer County Code, sec 17.04.030, "Definitions"]

Restaurants and bars are non-allowed uses in Farm zoning. Calling this facility a "Community Center" to evade this proscription sets a dangerous precedent, undermines Placer Zoning standards and erodes the respect of Placer citizens for the planning process.

Michael Johnson, Director of Planning, in his memorandum of June 21, 2012 has acknowledged that the Wise Villa "Community Center" and two other proposed facilities are not really "Community Centers" but "Private Event Centers:"

As County staff has discussed at length, the term "Community Center" conjures images of public buildings that allow for public gatherings, yet this is the only definition in the Zoning Code that addresses such uses. In reality, what is being proposed at Wise Villa Winery, Rock Hill Winery and Gold Hill Gardens are private event centers, in conjunction with agricultural activities on the property, where the facilities are available for rent by private individuals or groups. Unfortunately, the Zoning Code does not include such a definition, which continues to lead to the mischaracterization of the proposed uses as being "community" oriented.

However, rather than holding applications for these mischaracterized facilities in abeyance until the code definitions can be corrected and standards written, the decision has been made at some level in Placer County administration to persist in pretending these facilities are public, community service establishments.

Because there are no objective criteria for assessing a "Community Center" application, approval of the Wise Villa "Community Center" MUP sets a dangerous precedent for other uses. If Dr. Lee is successful in having his eating and drinking establishment approved as a "Community Center," what grounds would the county have for denying an IHOP restaurant application to be a Community Center, and opening a dining establishment in Farm or any Residential zone? Indeed, many uses, such as pool hall, card room ("recreation") or nightclub ("An establishment for nighttime entertainment, typically serving drinks and offering music, dancing, etc."), fit the vague "Community Center" definition currently in the zoning code. Once one non-standard use has been permitted, on what grounds will these applications be denied? The lack of tight definitions and objective criteria for the suitability of "Community Center" applications means that it will be difficult to stop even patently undesirable applications.

The establishment of these entertainment venues in Farm Zoning is contrary to the intent of the Placer County General Plan and Placer County Zoning Codes, which state:

General Plan: AGRICULTURAL LAND USE

Policies:

Goal 1.H:

1.H.1. The County shall maintain agriculturally-designated areas for agricultural uses and direct urban uses to designated urban ... areas...."

Zoning Code: 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.

An Event Center is not an "agricultural use," even if it is coincidentally associated with a *property* zoned for agricultural use. No crop is grown, managed or harvested by the existence of an Event Center. The only association with agriculture at the Wise Villa Event Center is potential *consumption* of a crop, which also occurs at restaurants. By their ephemeral nature attracting a transient clientele, Event Centers in fact destabilize agricultural areas and, because of their inevitable negative effects on water supplies, drainage, air quality, noise and traffic, actually are harmful to agricultural activities.

Our concerns are not misplaced or overblown, as has been suggested by county Planning staff. Two MACs (Meadow Vista and WAC*) and the Placer Agricultural Commission have expressed similar misgivings about the inappropriately broad latitude of the current "Community Center" definition and the lack of standards for these types of facilities. Rural Lincoln MAC is planning a forum on this topic for early next year. During the discussion of the Wise Villa application, Planning Commission members expressed significant reservations about the vague, inappropriate definition, the lack of guidelines for assessing the merits of these applications, and the troubling precedent granting approval of the Wise Villa MUP would set.

An additional drawback to the lack of objective criteria for distinguishing allowed/nonallowed "Community Centers" is the time-consuming, expensive and wasteful process for all parties that results. Without a set of objective criteria for judging the merits of these applications, Planning staff applies undisclosed standards nonuniformly. All applications are accepted (Ms Camahan has stated that to her knowledge no application for a "Community Center" MUP has been rejected by Planning), some minor modifications may be made, a CEQA analysis is prepared, and the application, no matter how inappropriate for the neighborhood, or how outrageous the approved uses are to nearby residents, goes to the Planning Commission. In addition to being extraordinarily wasteful of time and expense for all parties, this process generates enormous mutual animosity among the applicant, the affected citizens and Planning staff. A potential applicant should be able to consult a set of basic standards for these types of facilities; if he cannot meet those standards he will know not to waste his time and money applying for an MUP. Placer citizens (both in Farm and Residential zones, where "Community Centers" are permitted uses) need assurances that the intent of Farm and Residential zoning will be upheld and that they will not end up living next door to *de facto* restaurants and dance halls.

Planning Staff have asserted at the MAC meetings and the Planning Commission hearings on "Community Center" MUPs that the two existing facilities of this type in western Placer County, The Flower Farm (Loomis) and Newcastle Wedding Gardens (Newcastle) are well-tolerated in their neighborhoods. These facilities have four attributes that are key to their successful integration into the surrounding communities:

1. They are located on arterial roadways
2. They are located adjacent to parcels zoned "Commercial"
3. They are located within three miles of the nearest city limits
4. They are located six miles apart.

We propose that these four characteristics would form a good foundation for establishing standards for future private Event Centers.

Save Placer Farmlands has never advocated for a **prohibition** of "Event Centers." We seek reasonable solutions that will promote Placer County agriculture and tourism, but not at the expense of the rest of the County residents. To this end, we request that the Board of Supervisors:

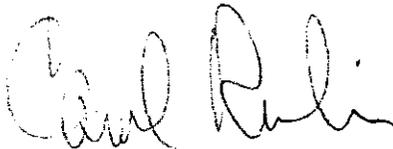
OVERTURN the Planning commission decision of December 20, 2012 that granted Wise Villa Winery a two-year MUP to operate a "Community Center."

HOLD all further for-profit "Community Center" applications until suitable definitions and standards can be written.

CLARIFY what activities constitute "support" of agriculture or are "agriculturally related" in determining appropriate farm zone uses (e.g., can a cattle rancher propose an Event Center that will host rodeos as "supporting" his cattle operation?)

ESTABLISH a task force with representatives of all interested parties to redraft the definitions in the county code and set separate standards for Community Centers and Private Event Centers.

Thank you. Additional material to support this appeal will be forthcoming in the thirty day allotted time.



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* I would like to acknowledge and thank Deputy Director Thompson of Planning Services for his assistance in presenting this issue to the MACs

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January 25, 2013

Hon. Members of the Placer County
Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

Re: Appeal of Planning Commission Approval PMPB 20120092

Dear Honorable Members of the Board of Supervisors:

This firm represents the Public Interest Coalition ("PIC") and the Sierra Club Placer Group ("Sierra Club") and provides comments in support of our clients' appeal of Approval PMPB 20120092 ("Approval") for the Wise Villa Winery. By this appeal, our clients seek to overturn the Planning Commission's decision to grant approval of a Minor Use Permit ("MUP" or "Project") to enable the existing winery to function as a "Community Center". As set forth below, the County's Community Center zoning designation is inappropriate for the private commercial events proposed by this Project. Therefore, this MUP should not be approved until the Community Center land-use designation can be more clearly defined and the County establishes clear guidance requiring this and other similar projects to undergo environmental review in compliance with the California Environmental Quality Act, Public Resources code sections 21000 et seq. ("CEQA").

As explained in more detail below, the County's Initial Study and Mitigated Negative Declaration ("MND") for the Project is wholly insufficient because it fails to adequately analyze many of the potential environmental impacts of approving the MUP. Thus, the Approval is in violation of CEQA and the CEQA Guidelines, Title 14, California Code of Regulations, § 15000 et seq. ("Guidelines"). In addition, the findings made by the Planning Commission for the MUP are not supported by substantial evidence.

The MND fails to provide an adequate analysis of potentially significant project and cumulative impacts that may result from the proposed MUP, particularly with

Board of Supervisors

January 25, 2013

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respect to agricultural lands, water supply and quality, wildfire hazard risks, and greenhouse gas emissions. In some instances, the MND curtails its impacts analysis before engaging in sufficient fact-finding, deferring important inquiries until after Project approval; in other instances, the MND summarily concludes that a less than significant impact will result despite facts to the contrary and a lack of analysis. As a result of this inadequate impacts analysis, the MND fails to identify and analyze feasible and effective mitigation measures capable of minimizing these significant environmental impacts.

Finally, the MND entirely ignores the Project's cumulative and growth inducing impacts, despite undisputed evidence that the Project, in combination with other pending and planned operations in the area, will significantly impact valuable environmental resources. All of these deficiencies support one conclusion: an environmental impact report ("EIR") must be prepared for this Project before the County can consider whether to approve it.

I. CEQA's Low Threshold Requiring Preparation of an EIR.

It is well settled that CEQA establishes a "low threshold" for initial preparation of an EIR, especially in the face of conflicting assertions concerning the possible effects of a proposed project. *The Pocket Protectors v. City of Sacramento* (2005) 124 Cal.App.4th 903, 928. An EIR is required whenever substantial evidence in the administrative record supports a "fair argument" that significant impacts may occur, even if other substantial evidence supports the opposite conclusion. (Guidelines §§ 15064(a)(1), (f)(1) [emphasis added]). An impact need not be momentous or of a long enduring nature; the word "significant" "covers a spectrum ranging from 'not trivial' through 'appreciable' to 'important' and even 'momentous.'" *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 n. 16. The fair argument test expresses "a preference for resolving doubts in favor of environmental review." *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151.

Further, where the agency fails to study an entire area of environmental impacts, deficiencies in the record "enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences." *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311. In marginal cases, where it is not clear whether there is substantial evidence that a project may have a significant impact and there is a disagreement among experts over the significance of the effect on the environment, the agency "must treat the effect as significant" and prepare an EIR. Guidelines § 15064(g); *City of Carmel-By-The-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 245.

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II. The County's Mitigated Negative Declaration Violates CEQA.

The MND's analysis of environmental impacts fails to provide the necessary facts and analysis to allow the County and the public to make an informed decision. Without such detail, the MND is deficient under CEQA. The role of the environmental document is to make manifest a fundamental goal of CEQA: to "inform the public and responsible officials of the environmental consequences of their decision before they are made." See *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 6 Cal.4th 1123. To do this, an environmental document must contain facts and analysis, not merely bare conclusions. See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568. Any conclusion regarding the significance of an environmental impact not based on analysis of the relevant facts fails to achieve CEQA's informational goal.

As set forth below, the MND is riddled with conclusory statements regarding environmental impacts, unsupported by facts and necessary analysis. Furthermore, the MND attempts to defer analysis of environmental impacts to a later date. As discussed below, and noted above, such deferral is not an option. CEQA mandates that environmental impacts be identified and analyzed in the environmental review stage, not at a later date. See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296 (holding that a negative declaration was invalid where a county approved a project while postponing the resolution of uncertainties regarding environmental impacts to a later date).

A. The MND Fails to Adequately Analyze the Proposed Project's Impacts on Agricultural Lands.

Pursuant to CEQA, the Project will have significant impacts on the environment if it convert[s] Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. CEQA Guidelines, Appendix G. The Project site is comprised of important farmland on state and local levels. MND at 5. The MND itself states that "the project site consists of 3.4 acres of Farmland of Statewide Importance, 11.1 acres of Unique Farmland, and an unidentified amount of acreage of Farmland of Local Importance." *Id.* Thus, the majority of the site is comprised of important farmland. The proposed Project would unquestionably facilitate development of non-agricultural, commercial uses in a rural area and may set a precedent for conversion of agricultural land to commercial uses county-wide.

The MND nevertheless fails to analyze the impacts to agricultural lands in any detail. The discussion of impacts is perfunctory and conclusory. *Id.* The MND

concludes that impacts to agricultural lands would be less than significant because the project does not propose a reduction in the amount of *existing* vineyard production on the property. However, this superficial analysis fails to consider the Project's resulting loss of arable soils to pavement and non-agricultural uses.

Further, as discussed below (*infra*, Part E), the MND fails to consider the cumulative effect of granting multiple MUPs to wineries and other farmlands County-wide. The precedent set by the issuance of this MUP, and others like it, would discourage continued investment in agriculture through the domino effect and introduce incompatible uses and the conflicts they create. These potential impacts are far from speculative. Just in the past year, the County has had at least two such permit applications come before it aside from Wise Villa, including the Gold Hills Garden Project and the Rockhill Estates Project. See descriptions of these proposed projects attached as Exhibit A. Thus, it is reasonably foreseeable that other wineries and properties zoned Residential/Agricultural or Farm in the County will follow suit and pursue similar projects. Planning Commissioner Ken Denio aptly expressed grave concerns regarding this MUP at the December 20, 2012 hearing, stating that: "There's just so much gray area...I can almost guarantee you that if we approve this one, that every winery in Placer County is going to come in, and they're going to want the same thing." Planning Commissioner Gerry Brentnall expressed similar reservations stating "...we could be besieged with these things..." and called for objective standards for Community Center uses. Without an analysis of the effects this MUP is likely to have on adjacent and area farmlands, the MND does not provide a sufficient evaluation of impacts to agricultural resources. Likewise, the MND fails to adequately mitigate these impacts.

B. The MND Fails to Adequately Analyze Impacts to Water Quality.

The MND acknowledges that the Project has the potential to degrade water quality both during construction and operation phases. MND at 14. Instead of providing facts or analysis to show that the potential impacts identified will be reduced to insignificance, the MND defers analysis and provides only unsupported conclusions. For example, the MND states that implementation of the Project would result in paving of the private roadway and overflow parking area, thus increasing impervious surfaces. MND at 1. The MND further concedes that "the proposed urban-type development has the potential to result in the generation of new dry-weather runoff containing said pollutants (described as sediment, nutrients, oils/greases, etc.) and also has the potential to increase the concentration and/or total load of said pollutants in wet weather stormwater runoff." MND at 14. Yet, the analysis is silent as to the extent and severity of the potential impact. An environmental document must provide information about the magnitude and

type of environmental impacts; it may not, as this MND does, simply speculate that there may be impacts and hope for the best. See *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal. App. 4th 182, 196-97. Deferring this analysis clearly violates the core purpose of CEQA: to identify the environmental impacts of a project before approving it. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 684-85.

The MND does propose that it will mitigate all water quality impacts through undefined "Best Management Practices." But once more, this mitigation is entirely insufficient. The proposed mitigation measures for water quality impacts are entirely generic, failing to identify specific mechanisms that would be employed to protect water quality and making no reference to the actual conditions on the ground at the Project site. It is apparent that no thought has been given to the question of what measures would work best for reducing water quality impacts on the Project site. There are no performance standards or monitoring programs to ensure that mitigation measures will work, nor any contingency plan in case they do not. Postponing identification of specific mitigation measures is unlawful. *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296. Furthermore, the MND relies on compliance with existing law and other agencies' permitting procedures to mitigate the Project's impacts; the document provides no performance standards to ensure that other agencies' procedures will in fact reduce the Project's water quality impacts to a less than significant level. MND at 14 and 15. This approach is not adequate under CEQA.

A conclusion that a measure will effectively mitigate an impact must be supported by substantial evidence. *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1115-18; see also *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal. App. 3d 61, 79 (measures must not be so vague that it is impossible to gauge their effectiveness). The MND must further analyze how adopting mitigation measures at the Project site will reduce Project impacts below a level of significance. It is not enough for the County to assume that generic best management practices will actually reduce water quality and hydrology impacts to an insignificant level. In the absence of substantial evidence, the measures identified here are plainly inadequate.

In short, the MND fails to provide any support for its conclusion that the Project's impacts on water quality would be less than significant. To the contrary, there is a fair argument that the Project's water quality impacts would be potentially significant. Therefore, an EIR must be prepared to analyze these impacts. A revised document must provide a thorough analysis of these potential impacts.

C. The MND Fails to Adequately Analyze the Project's Impacts on Groundwater Supply and Quality.

The IS/MND's analysis of impacts to water supply and water quality is flawed. First, the IS/MND fails to analyze impacts to existing wells and groundwater users. Despite the Project's intent to employ already scarce groundwater for use in private event centers, the IS/MND fails to include any information on existing wells and fails to analyze the environmental impact the Project's increased water usage might cause.

Furthermore, impacts to water quality have not been adequately addressed. Although the Project would result in having impacts to groundwater resulting from the use of an on-site septic system, the MND fails to adequately analyze these impacts. MND at 8-9. The MND assumes that simply because the Project is proposed to meet existing regulatory standards for septic systems, it will not have a significant environmental impact. This is not the standard under CEQA. In fact, such an interpretation of CEQA was specifically rejected in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 112-113, where the court held that such a reliance on regulatory standards violates the fair argument test of CEQA. Moreover, it is well-known that septic system failures can lead to contamination of both ground- and surface waters. *See generally*, Exhibit C (Ground Water Monitoring and Assessment Program, Effects of Septic Systems on Ground Water Quality - Baxter, Minnesota) and Exhibit B (Lee et al, Septic System Failure, Purdue University Extension.) Thus, where, as here, substantial evidence supports a fair argument that the Project's septic system will cause significant impacts to groundwater, the MND must examine those impacts fully and cannot rely on the Project's compliance with regulatory standards alone to mitigate the impacts.

D. The MND Fails to Adequately Analyze the Proposed Project's Inconsistency with Applicable Land Use Plans and Regulations.

Under CEQA, an impact is significant if it "[c]onflict[s] with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project . . . adopted for the purpose of avoiding or mitigating an environmental effect." (CEQA Guidelines, Appendix G, Part IX). A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is "fundamental, mandatory, and clear," regardless of whether it is consistent with other general plan policies. (*Endangered Habitats League v. County of Orange* (2005) 131 Cal.App. 4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors*(1998) 62

Cal. App. 4th 1336). Even if there is no direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan's policies and objectives. *Napa Citizens for Honest Gov't v. County of Napa* (2001) 91 Cal. App. 4th 342, 378-79 ; see also *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal. 3d 553, 544 [zoning ordinance restricting development conflicted with growth-oriented policies of general plan.]

**(a) The Project is Inconsistent with County Policies
Protecting Agriculture and Scenic Resources.**

The Placer County General Plan contains the preeminent, foundational planning policies adopted by the County, and “provides an overall framework for development of the county and protection of its natural and cultural resources.” (General Plan at 5.) Accordingly, because these policies are meant to guide land development and conservation in the County, development proposals must be consistent with General Plan goals, policies, and standards.

Here, the Wise Villa Winery MUP Project conflicts with several core provisions of the General Plan as well as with the County's Zoning Code. For example, the General Plan sets forth clear goals, policies and mandates to protect agricultural lands from intrusion by nonagricultural uses and other uses that do not directly support the economic viability of agriculture. (General Plan at Section 7, page 122.) Similarly, the Zoning Code includes provisions to conserve agricultural land uses and to accommodate necessary services to support those uses. (Zoning Code at 17.10.010.)

Nevertheless, the MND concludes that the Project is consistent with the General Plan and Zoning Code and that it would not result in any economic or social changes that could result in adverse environmental impacts. MND at 16. The MND fails to provide any evidence to support this conclusion. As explained above, when agricultural land is converted to non-agricultural uses—especially if these uses result in environmental degradation, as does the proposed Project—it facilitates adjacent owners of agricultural lands to take their land out of production. The MND fails to identify or analyze these indirect impacts to agricultural resources and provides no evidence that this Project along with other similar projects will not result in cumulative indirect impacts to agricultural lands in the vicinity. The County has an obligation to analyze the potential for this project to induce conversions on other agricultural lands in a revised document.

In another example, the MND acknowledges that the Project is inconsistent with County standards for sight distance. MND at 21. According to the analysis

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provided, the Project fails to meet the County's minimum standards for site distance when looking west from the site. *Id.* The MND even identifies a measure that would address this impact ("Increasing the sight distance would require relocating a utility pole located at the edge of the cut bank"), yet the MND fails to include the measure as mitigation. *Id.* Nonetheless, the MND erroneously concludes that the Project will not conflict with any existing plans or policies. Again, the MND ignores this inconsistency.

An environmental document cannot rest on unsupported conclusions; it must provide facts and analysis. (*Sundstrom*, 202 Cal.App.3d at pp.306-307; *Oro Fino Gold Mining Corporation v. County of El Dorado* (1990) 225 Cal.App.3d 872, 885). The MND's sparse evaluation of consistency with the General Plan and the Zoning Code fails to meet this standard, as it provides inadequate analysis of specific policies that apply to the Project. Furthermore, while the MND's analysis briefly describes the land use designation and zoning applicable to the site, it simply ignores the Project's inconsistency with numerous other applicable policies (including but not limited to: 1.H.1, 1.H.2, 7.A.1, 7.A.3, and 7.A.10.) and provisions of both the General Plan and Zoning Code. This omission renders the MND incomplete and inadequate under CEQA. A revised analysis, in an EIR, must include a complete listing of *all* applicable policies and regulations, and an analysis of the Project consistency with each provision.

(b) The Project is Inconsistent With the "Community Center" Designation.

The Project site is designated as Agricultural/Timberland in the County's General Plan and is zoned Farm District (F), which the zoning code specifies 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." Placer County Zoning Ordinance §17.10.010; emphasis added. The purpose of this zoning district is clearly to allow activities that are directly related to and necessary to agricultural activities. The Project's proposed uses are neither. While the zoning code conditionally permits Community Centers as a use within the Farm District, it is clear that the zoning code did not contemplate private commercial event centers as part of this use.

The County's Planning Director, Michael Johnson, acknowledged that the term "Community Center" implies "public buildings that allow for public gatherings". Memorandum from M. Johnson to Placer County Planning Commission dated June 12, 2012 at 1 attached as Exhibit D. Webster's dictionary defines Community Center as "a building or group of buildings for a community's educational and recreational activities". See <http://www.merriam-webster.com/dictionary/community%20center>. The definition

of a "Community Center" in the zoning code similarly was clearly designed to accommodate grange halls and other similar public service facilities. Placer County Zoning Ordinance §17.04.030.

In the current case, the Wise Villa Winery (and other applications before the County requesting "Community Center" use), a commercial, for-profit business winery located in a rural area of the County, is requesting an MUP to function as a "Community Center". The uses proposed by the Wise Villa do not fit the description of a "Community Center" but rather resemble the uses of "restaurants/bars" and "theaters/meeting halls." *Id.* The Planning Director himself acknowledges that the facilities proposed by these establishments are not true "Community Centers" but "private event centers" that "are available for rent by private individuals and groups." Exhibit D at 1.

The Planning Director further states that processing the proposed uses at Wise Villa and other wineries as "Community Center" is a "mischaracterization." PIC and the Sierra Club agree. However, instead of taking the required course of denying the proposed Project on the basis that it does not comport with the conditionally allowed use, the Planning Commission has approved this and other similar applications, improperly finding that the wineries' commercial uses qualify as a "Community Center." At the same time, the MND has failed to recognize or analyze this inconsistency.

In sum, the County must prepare an EIR that fully analyzes the Project's potential to conflict with all applicable land use policies and standards, including but not limited to those referenced above.

E. The MND Fails to Provide Any Analysis of the Project's Potentially Significant Cumulative Impacts.

CEQA requires lead agencies to disclose and analyze a project's "cumulative impacts," defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (Guidelines § 15355.) Cumulative impacts may result from a number of separate projects, and occur when "results from the incremental impact of the project [are] added to other closely related past, present, and reasonably foreseeable probable future projects," even if each project contributes only "individually minor" environmental effects. (Guidelines §§ 15355(a)-(b).) A lead agency must prepare an EIR if a project's possible impacts, though "individually limited," prove "cumulatively considerable." (Pub. Res. Code § 21083(b); Guidelines § 15064(i).)

Extensive case authority highlights the importance of a thorough cumulative impacts analysis. In *San Bernardino Valley Audubon Society v. Metropolitan Water Dist. of Southern Cal.* (1999) 71 Cal.App.4th 382, 386, 399, for example, the court invalidated a negative declaration and required an EIR be prepared for the adoption of a habitat conservation plan and natural community conservation plan. The court specifically held that the negative declaration's "summary discussion of cumulative impacts is inadequate," and that "it is at least potentially possible that there will be incremental impacts. . . that will have a cumulative effect." See also *Kings County Farm Bureau*, 221 Cal.App.3d at 728-729 (EIR's treatment of cumulative impacts on water resources was inadequate where the document contained "no list of the projects considered, no information regarding their expected impacts on groundwater resources and no analysis of the cumulative impacts").

In contravention of the above authorities, the MND provides little to no discussion of the Project's cumulative impacts, but simply concludes that they are less than significant. MND at 23. The MND thus completely ignores the cumulative effects of recent development approvals and potential future approvals in the County. Specifically, as previously discussed, the County recently considered the Gold Hill Gardens MUP for "Community Center" uses and has also had a request from Rock Hill Winery for the same permit. The County also recently approved the "Orchard at Penryn" project, which includes construction of 150 units of housing. In addition, in 2008 the County approved an ordinance allowing outdoor events at wineries. Zoning Ordinance §17.56.330. It is unclear whether the events allowed under this MUP would be in addition to the promotional events allowed under §17.56.330. The cumulative effects of the events allowed under this proposed Project combined with the effects of the events allowed under the previously approved provisions for wineries and the effects of the aforementioned projects all must be evaluated in an EIR. These development projects and others before the County, together with the present Project, would have a cumulatively significant impact on the County's rapidly diminishing agricultural resources. In addition, developments such as these would tax the County's water supply, contribute to the degradation of water quality, increase traffic and degrade air quality by locating suburban and urban uses in rural parts of the County. Notwithstanding such obvious evidence, the MND fails to provide any analysis of these potentially significant impacts.

For example, the MND fails to adequately evaluate the Project's cumulative traffic impacts. First, the MND's analysis of transportation impacts is hamstrung by the document's assumptions regarding the travel routes likely to be used by participants of events at the winery. Indeed, the study area for the Project's impacts was limited to Fowler Road even though vehicles going to and from the Project will impact

other roadways and intersections. The MND should have looked past the Project's immediate vicinity and analyzed traffic impacts along the entire routes that site users could reasonably be expected to follow. For example, drivers to the site will also use Garden Bar Road and Fruitvale Road and drivers coming from Interstate 80 are most likely to use SR 193 and Gold Hill Road rather than Fowler Road. The MND fails to evaluate impacts to these roads.

Moreover, contrary to the MND's conclusion, what limited analysis of cumulative traffic impacts is provided indicates that the impacts from the proposed Wise Villa Winery combined with traffic from other known event centers *would* result in significant impacts to Fowler Road. KD Anderson & Associates, Inc. ("KDA"), Transportation Engineers traffic analysis for Wise Villa Winery dated November 5, 2012 at 3. The KDA report states that if the forecast trips "used Fowler Road, the total cumulative Year 2025 traffic volume with both centers (i.e., Gold Hill Gardens and Wise Villa Winery) operating simultaneously would be 4,270 ADT. This volume is indicative of Level of Service ("LOS") C as it exceeds the 4,200 ADT LOS B threshold for rolling terrain." *Id.* Thus, under cumulative conditions, the LOS for Fowler Road would degrade from LOS B to LOS C. According to the Placer County CEQA checklist and the State CEQA Guidelines Appendix G, a project would result in a potentially significant impact on traffic or circulation if it would "cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street." Therefore, degradation of roadway operating conditions from LOS B to LOS C on Fowler Road is considered significant. The County has a duty to "painstakingly ferret out" the Project's impacts. *Env't'l Planning and Information Council of W. El Dorado County v. County of El Dorado*, 131 Cal. App. 3d 350, 357 (1982) It must "use its best effort to find out and disclose all that it reasonably can" regarding the extent of traffic impacts. *Citizens to Preserve the Ojai v. Ventura*, 176 Cal. App. 3d 421, 431 (1986). This MND fails to meet this standard.

In another example, the MND fails to evaluate impacts related to greenhouse gas ("GHG") emissions. CEQA requires agencies to review a project's contribution to greenhouse gas emissions. Among other things, agencies must determine whether a project will increase or decrease greenhouse gas emissions, whether emissions exceed a threshold of significance used by the agency, and whether the project complies with state or local regulations for reducing greenhouse gas emissions. CEQA Guidelines § 15064.4(b). The Placer County Air Pollution Control District's ("PCAPCD") CEQA Handbook also "recommends that air quality modeling analyses quantify all GHG emissions anticipated to be generated by the project, including the project's direct and indirect emissions of GHGs from construction and operations." PCAPCD CEQA

Handbook at 57. The MND ignores its responsibility to properly evaluate and disclose impacts. It does not apply the PCAPCD CEQA Handbook guidelines or discuss project-specific GHG impacts as CEQA requires. Instead it makes conclusory statements that the Project's GHG emissions will not substantially hinder the State's ability to attain the goals identified in AB 32. MND at 11. Yet, the MND provides no evidence to support this conclusion. Having failed to quantify and disclose the Project's GHG emissions, the MND ignores any analysis of GHG emissions from cumulative projects countywide.

In another glaring omission, the MND also neglects to analyze cumulative impacts related to wildfire hazards. As evidenced by the Gladding Fire that occurred in area in 2008, the area is susceptible to wildland fires. *See* News Messenger article "Gladding Fire Torches Three Homes" attached as Exhibit E. Yet, the MND contains no analysis of the Project's impacts together with the effects of other development projects proposed in extreme wildfire hazard areas. Instead, it only asserts that on-site storage tanks will provide fire suppression capability. An analysis of cumulative impacts is particularly important here where the Project will result in, and set a precedent for, more intensive use of rural lands in remote areas. Intensified land uses in remote areas cause an increase in the number of fires and vastly increase the cost of fighting wildland fires. Studies illustrate the heightened risk of development and intensification of land use in areas where fire is a natural part of the ecology and flammable vegetation exists. As more intensive land uses encroach on open spaces, it causes an increase in the number of fires and more loss of life. *See* generally, Exhibit F Dangerous Development: Wildfire and Rural Sprawl in the Sierra Nevada, Sierra Nevada Alliance.

In order to conclude, as the MND does, that impacts relating to wildfire hazards would be less than significant, the MND must provide evidence and analysis. At a minimum, an EIR for the Project should include documentation from CalFire that: (a) response times from area stations to the site will not exceed national standards; (b) CalFire staffing levels for fire and ambulance are adequate to serve the Project and would not be adversely impacted by the proposed Project; (c) CalFire equipment is adequate to serve the proposed Project; (d) water improvements are adequate and that the water system will meet distance and fire flow requirements; and (e) that CalFire's resources are adequate to serve increased urbanized uses County-wide.

F. The MND Fails to Provide Any Analysis of the Project's Potentially Significant Growth-inducing Impacts.

CEQA requires an EIR to provide a "detailed statement" of a project's growth-inducing impacts, which include aspects of the project that "may encourage and facilitate other activities that could significantly affect the environment." § 21100(b)(5);

Guidelines § 15126.2(d). Thus, the EIR must examine “the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly.” Guidelines § 15126.2(d). Likewise, CEQA requires analysis of the project’s ability to “remove obstacles to population growth.” *Id.* The County must also identify adequate measures to mitigate the Project’s growth-inducing impacts. See Guidelines § 15126.4(a)(1).

If upheld, this decision will set a precedent to allow wineries and other agriculturally-zoned properties county-wide year-round use of those properties as Community Centers. If the Board grants this MUP, it will be more difficult to deny later applications for Community Center zoning to private commercial enterprises in the future. There is currently no provision or requirement that the properties granted Community Center zoning retain existing agricultural operations in the future (e.g., through implementation of an agricultural conservation easement.) Thus, land owners may decide to reduce agricultural operations in favor of more lucrative commercial ventures. If the County upholds approval of this MUP, the County is likely to experience a proliferation of applications from wineries and other property owners requesting an expansion of uses to function as a “Community Center” leading to adverse impacts and cumulative effects county-wide. These impacts must be evaluated and mitigated in an EIR.

II. The Planning Commission’s Findings are Not Supported by Substantial Evidence.

The County cannot make the necessary findings to grant the requested permit. Under Placer County Code section 17.58.140.A 1-10, in order to lawfully grant an MUP, the County must find that:

1. The proposed use is consistent with all applicable provisions of this chapter and any applicable provisions of other chapters of this code.
2. The proposed use is consistent with applicable policies and requirements of the Placer County general plan, and any applicable community plan or specific plan, and that any specific findings required by any of these plans are made.
3. The establishment, maintenance or operation of the proposed use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County;

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4. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

...

9. As required by Section 18.16.040 of this code (Environmental Review) when a proposed negative declaration has been prepared for the project that, on the basis of the initial study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment; or

10. As required by Section 18.20.070 of this code (Environmental Review) when a final environmental impact report has been prepared for the project, that the project as approved will not have a significant effect on the environment, or that the granting authority has:

a. Eliminated or substantially lessened all of the significant effects on the environment, where feasible (as defined and used in Section 21061.1 of the California Public Resources Code); and

b. Determined that any remaining unavoidable significant effects on the environment are acceptable due to specified overriding considerations.

As explained above, the Project is inconsistent with the County's Zoning Code uses described as "Community Center" and with the General Plan. Further, the Project is incompatible with the surrounding area because it would introduce increased wildfire risks and traffic hazards and will not be consistent with the character of the immediate neighborhood because it introduces a suburban/urban uses and related traffic, light and noise to a rural area. In addition, as discussed throughout this letter, the Board is obliged to deny the requested MUP because the MND prepared for the project is wholly insufficient; the County must prepare an EIR that properly analyzes the environmental impacts from, and alternatives to, the project. Therefore, because the Project does not meet the Zoning Code standards for issuance of MUPs, it cannot be lawfully approved.

III. Conclusion

This MUP violates CEQA and relies on findings which are not based on substantial evidence. Because of these infirmities, and because of the precedent this MUP sets for county-wide commercial uses in agricultural areas, we urge a denial of this Community Center designation request until parameters and restrictions of a Community Center land-use designation can be more clearly defined and the County establishes clear

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guidance requiring this and other similar projects undergo environmental review to comply with CEQA. We therefore respectfully request that the Board of Supervisors deny the MUP.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Amy J. Bricker



Carmen J. Borg

List of Exhibits:

- Exhibit A: Descriptions of Proposed Community Center: Rock Hill Staff Report, May 17, 2012 and County of Placer Planning Commission Agenda, December 20, 2012.
- Exhibit B: Effects of Septic Systems on Ground Water Quality- Baxter, Minnesota.
- Exhibit C: *Septic System Failure*. Brad Lee, Don Jones and Heidi Peterson. Home and Environment, September 2005.
- Exhibit D: Memorandum: Planning Director's Determination – "Community Centers" June 12, 2012.
- Exhibit E: *Gladding fire torches three Homes* by Cheri March – The News Messenger. September 4, 2008.

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Exhibit F: Dangerous Development: *Wildfire and Rural Sprawl in the Sierra Nevada*.
Sierra Nevada Alliance, 2007.

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COUNTY OF PLACER
Community Development Resource Agency

PLANNING

HEARING DATE: June 21, 2012
TIME: 9:00 a.m.

TO: Zoning Administrator
FROM: Development Review Committee
SUBJECT: Minor Use Permit/Variance (PMPB/VAA 20120073) – Rock Hill Winery

PLAN AREA: Horseshoe Bar/Penryn Plan

GENERAL PLAN DESIGNATION: Rural Estate 4.6-20 acre minimum

ZONING: RA-B-X 10 Acre Minimum (Residential/Agriculture, combining minimum Building Site of 10 acres)

STAFF PLANNER: Lisa Carnahan, Associate Planner

LOCATION: The project is located at 2970 Del Mar Avenue in Loomis, APN 032-070-062.

APPLICANT: Donald DuPont

PROPOSAL:

The applicant requests approval of a Minor Use Permit (MUP) in order for the Rock Hill Winery to function as a "Community Center", and a Variance to the paving requirement in order to allow for an all-weather surface consisting of asphalt grindings over compacted base throughout the circulation and parking areas.

CEQA COMPLIANCE:

The project is categorically exempt from environmental review pursuant to the provisions of Section 15301 of the California Environmental Quality Act Guidelines and Section 18.36.030 of the Placer County Environmental Review Ordinance (Existing facilities). The Zoning Administrator will be required to make a finding to this effect.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate agencies, public interest groups, and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff (including the Department of Engineering and Surveying), Public Works, and Environmental Health were transmitted copies of the project plans and application for review and comment. Comments received from County staff have been incorporated into this report. Three public comments were received as of the time of preparation of this report, and will be discussed at the hearing.

BACKGROUND:

The 14-acre subject property is currently developed with a 6,000 square foot main winery building, which still requires final building permit approvals prior to public occupancy. The winery building was constructed on the hillside, and consists of a main floor with two ADA restrooms, a small kitchen for warming/preparing food, a public wine-tasting area, and an upstairs balcony area. Eight acres of vineyards, a single-family dwelling, a mobile home and various agricultural accessory buildings cover the majority of the remaining area. Per the applicant's statement, winery production is expected to peak at approximately 2,000 cases per year.

The property is bordered by Sierra College Boulevard and an undeveloped portion of the City of Rocklin on the west, and residential/agricultural land to the north, east and south. The south and east sides of the property border Del Mar Avenue. The main cobblestone/concrete entrance off of Del Mar Avenue is approximately 20 feet wide. A secondary ingress/egress access also connects to Del Mar Avenue. The closest residence to the winery building is located approximately 385 feet to the northeast. The topography of the site slopes down from Sierra College Boulevard and levels out for the remainder of the parcel.

On February 16, 2012, the Placer County Zoning Administrator approved an Administrative Review Permit which allowed winery production of less than 20,000 cases per year, and allowed wine tasting as well as six *wine-related* "Promotional Events" to occur per year on the premises.

The applicant is requesting to expand the uses allowed at the site to enable the winery to function as a Community Center. A "Community Center" is defined in the Placer County Zoning Ordinance as including a multipurpose meeting facility typically consisting of one or more meeting or multipurpose rooms and a kitchen that are available for use by various groups for such activities as meetings, parties, weddings, receptions dances, and so forth.

The applicant is proposing to expand cooking capabilities with this application, and will be submitting plans for a kitchen without a hood. This type of kitchen will allow for minimal cooking facilities for up to 100 guests. During regular wine-tasting, the applicant proposes to have small pairings such as bread, olive oil, cheese and crackers. For events with over 100 people, meals would be prepared off-site and heated up on site by caterers.

The applicant is proposing hours of operation of 12:00 p.m. (noon) to 10 p.m., daily, throughout the year. Normal wine tasting and vineyard tour hours will be 12:00 p.m. to 6:00 p.m. daily, whereas events will typically not be scheduled before 2:00 p.m. and will take place normally on weekends. The applicant is proposing a maximum number of patrons at any event of 200, although normal event useage would be 125-150 patrons. During the events, up to six workers may be employed. There is no outdoor amplified sound proposed, although the applicant would like the ability to host non-amplified outdoor music on the rear deck or in the tent.

This project was originally scheduled for the May 17, 2012 Zoning Administrator hearing, but was continued to the June 21, 2012 hearing date so that the project could be heard by the Penryn Municipal Advisory Committee (MAC). The project was presented as an

informational item to the MAC. Public comment was received and was responded to, as directed by the MAC chairperson. In order to address the concerns of the citizens who spoke at the MAC meeting, the applicant subsequently agreed to limit his events during the period of November 1st to April 30th to no more than two per week, and events during the period June 1st to October 31st to no more than three per week.

ANALYSIS:

The main parking area near the winery building includes concrete parking areas to accommodate 10 vehicles and five additional handicapped parking spaces (including one van space), and a gravel/broken asphalt area for approximately another 50 vehicles. An overflow parking area is proposed for the area near the barns, and would consist of approximately another 54 parking spaces on gravel/broken asphalt, and 14 parking spaces on the concrete area adjacent to the 125-foot long barn, for a total of approximately 133 parking spaces for the entire property. This number of parking spaces will be more than adequate to serve the maximum amount of 200 patrons allowed. Per the winery ordinance, only 80 spaces would be required to serve an event of 200 patrons.

A 40-foot by 60-foot, fire-safe, outdoor tent structure near the winery building is proposed for additional outdoor tasting activities, or for large event activities. The applicant proposed to utilize the tent structure for up to 180 days during the Spring and Summer.

An onsite sewage system to accommodate 200 patrons per day was constructed with the approval of the Placer County Environmental Health Department. The applicant will not be permitted to utilize the facility for events until such time as he connects to the Placer County Water Agency (PCWA) treated water system. Portable toilets will not be allowed for events approved through this Minor Use Permit.

All activities on the premises will be required to comply with the Placer County Noise Ordinance. As a condition of approval, no outdoor amplified music or vocal systems will be allowed. If there are complaints from nearby neighbors of excessive noise emanating from the winery, and it is determined that the events are not complying with the Noise Ordinance, approval of this Minor Use Permit will be subject to revocation.

In order to reduce potential impacts of light intrusion on nearby neighbors, night lighting will be required to consist of only security and safety lighting around the building, walkways and entrance. All fixtures will be required to be of a fully cut-off, fully-shielded reflector style which meet Dark Sky recommendations. These features will result in a less than significant impact to nighttime views in the area.

RECOMMENDATION:

The Development Review Committee recommends that the Zoning Administrator **approve** this Minor Use Permit (PMPB/VAA 20120073) based upon the following findings and recommended conditions of approval.

FINDINGS:

CEQA

The project is categorically exempt from environmental review pursuant to the provisions of Section 15301 of the California Environmental Quality Act Guidelines and Section 18.36.030 of the Placer County Environmental Review Ordinance (Existing facilities).

Variance:

Having considered the staff report, supporting documents and public testimony, the Zoning Administrator hereby finds that:

1. Because of special circumstances applicable to this property, including the need to utilize large agricultural equipment throughout the circulation and parking areas, specifically tracked vehicles (non-rubber tired vehicles) that damage an asphalt surface, the strict application of the provisions of Chapter 17 would deprive the property of privileges enjoyed by other winery properties in the vicinity and under identical zoning classification. The applicant's proposed deviation from the requirements of the Zoning Ordinance, to provide 6 inches of compacted asphalt grindings over 90% compacted soil instead of asphalt concrete, will not adversely affect water quality of the site or area since the grindings will prevent mud and dirt from being tracked off of the site onto County roadways and also promote infiltration of runoff on site. The proposed surfacing will provide a year-round all-weather surface that is relatively dust-free.
2. The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other agricultural properties in the vicinity and in the zone district.
3. The granting of this Variance does not authorize a use that is not otherwise authorized in the zone district in which the property is located.
4. The granting of this Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, or injurious to nearby property or improvements.
5. The Variance is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan.
6. The Variance, as granted, is the minimum necessary departure from the applicable requirements of Chapter 17 to grant relief to the applicant, consistent with sections 1 and 2 above.

Minor Use Permit:

Having considered the staff report, supporting documents and public testimony, the Zoning Administrator hereby finds that:

1. The proposed use of the winery as a "Community Center" facility is consistent with applicable policies and requirements of the Placer County General Plan and Horseshoe Bar/Penryn Community Plan.

2. The proposed "Community Center" project at the winery is consistent with all applicable provisions of the Placer County Zoning Ordinance.
3. The establishment, maintenance and operation of the proposed year-round "Community Center" at the Rock Hill Winery facility will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
4. The proposed use of the winery as a "Community Center" facility will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
5. The proposed use of the winery as a "Community Center" facility will not generate a volume of traffic beyond the design capacity of all roads providing access to the project site.

RECOMMENDED CONDITIONS OF APPROVAL:

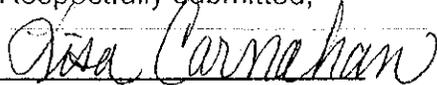
1. Approval of this Minor Use Permit and Variance (PMPB/VAA 20120073) allows the applicant to utilize the Rock Hill Winery as a year-round "Community Center" facility for activities such as meetings, parties, weddings, receptions dances, and other similar events. (PLN)
2. Hours of operation shall be 12:00 p.m. (noon) to 10 p.m., daily, throughout the year. (PLN)
3. The number of events during the period November 1st to April 30th shall be limited to no more than two per week. The number of events during the period June 1st to October 31st shall be limited to no more than three per week. (PLN)
4. The maximum number of patrons at any event shall be 200. (PLN)
5. All activities on the premises will be required to comply with the Placer County Noise Ordinance. No outdoor amplified music or vocal systems are allowed. If there are complaints from nearby neighbors of excessive noise emanating from the winery, and it is determined that the events are not complying with the Noise Ordinance, approval of this Minor Use Permit will be subject to revocation. (PLN)
6. The applicant shall receive final approval for the Building Permit through the Placer County Building Department, prior to opening the 6,000 square foot winery building to the public. (PLN)
7. The applicant shall only be allowed that signage which is normally allowed in the Residential Agriculture zone district. (PLN)

8. Night lighting shall only consist of security lighting around the buildings, parking driveways and walkways. All fixtures will be required to be of a fully cut-off, fully-shielded reflector style which meet Dark Sky recommendations. (PLN)
9. The applicant shall provide landscaping screening on the south side of the tent structure. This landscaping shall include evergreen bushes which grow a minimum of 8 – 10 feet tall, spaced 5 feet on center. The applicant shall also provide vegetative screening in order to minimize the public's view of the overflow parking lots near the agricultural buildings. This landscaping shall consist of evergreen bushes planted perpendicular to the secondary access, near the existing residence, garage building and the existing farm labor housing. The applicant shall submit a landscaping and irrigation plan to the Planning Services Division for review and approval within 30 days of approval of the MUP. (PLN)
10. A minimum of 80 on-site parking spaces shall be provided. The applicant may provide more than the minimum number of parking spaces required on site, as long as all drive aisles are maintained at a width of 25 feet, and all parking spaces are sized per the Zoning Ordinance. On street (Delmar Avenue) parking for events is not permitted. All parking shall be provided on-site. (PLN/ESD)
11. Stationary sources or processes (i.e. certain types of engines, boilers, heaters, etc.) associated with this project shall be required to obtain an Authority to Construct (ATC) permit from the APCD prior to the construction of these sources. In general, the following types of sources shall be required to obtain a permit: 1). Any engine greater than 50 brake horsepower, 2). Any boiler that produces heat in excess of 1,000,000 Btu per hour, or 3) Any equipment or process which discharge 2 pounds per day or more of pollutants. All on-site stationary equipment requiring a permit shall be classified as "low emission" equipment and shall utilize low sulfur fuel. Developers / contactors should contact the APCD prior to construction for additional information. (PLN –AQ)
12. The applicant shall defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project known as the Rock Hill Winery Minor Use Permit/Variance (PMPB/VAA 20120073) shall, upon written request of the County pay, or at the County's option reimburse the County for, all reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition. (PLN)

13. The existing winery building must conform to the requirements contained within the 2010 California Building Code and 2010 California Fire Code as adopted by and amended by the County of Placer. (Loomis Fire District)
14. The existing winery building must conform to fire protection standards adopted by the Loomis Fire Protection District. (Loomis Fire District)
15. The project shall operate per the usage statement submitted with the minor use permit application. The project shall have a maximum of 200 patrons. (EH)
16. Contact Environmental Health Services, pay required fees, and obtain an approved Site Evaluation Report and Construction Permit, and as approved, install on-site sewage disposal system for the winery and event center. Connect the winery and event center to the new system. (COMPLETED) (EH)
17. Road cuts, grading, or new structure construction must not conflict with the approved sewage disposal area and replacement area and maintain required setback distances specified in Placer County On-Site Sewage Manual, Chapter 36, Table 1. (EH)
18. The approved on-site sewage disposal system area and the 100% replacement area must remain unaltered and available, free of vehicular traffic, parking, structures of any type, or soil modification. (EH)
19. Submit to Environmental Health Services, for review and approval, a "will-serve" letter or a "letter of availability" from PCWA for domestic water service. The applicant shall connect the winery and event center to this treated domestic water supply prior to occupancy final on the building. (EH)
20. Prior to approval of a Building Permit for the kitchen, contact Environmental Health Services, pay required fees, and apply for a plan check. Submit to Environmental Health Services, for review and approval, complete construction plans and specifications as specified by the Division. (EH)
21. Contact Environmental Health Services, pay required fees, and obtain a permit to operate a food establishment prior to opening for business. All food handling operations shall comply with the requirements of Placer County Code and California Uniform Retail Food Code. (EH)
22. Submit to the Environmental Health Services a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service. (EH)
23. Submit to Environmental Health Services, for review and approval, bacteriological analysis on the water from the existing well serving the caretakers residence. (COMPLETED). (EH)
24. Disposal of all winery production liquid and solid waste shall be in accordance with local and state rules and regulations. Contact the California Regional Water Quality Control Board regarding their filing and discharge requirements. (EH)

25. This application is subject to and must comply with all conditions of approval for PARP 20120001 prior to holding the first event or prior to occupancy of any building permit, whichever occurs first. (ESD)
26. All event center parking spaces and circulation areas shall be surfaced with a minimum of 6 inches of compacted asphalt grindings (or an approved equivalent) over 90% compacted soil and sized in accordance with the requirements of the County Zoning Ordinance (Article 17.54.070 of the Placer County Code). (ESD)
27. The existing residential circular driveway connecting to Delmar Avenue shall be constructed to a Plate R-17, LDM Minor residential standard. The design speed of the roadway is 35 mph or as otherwise specified by the DPW. The Plate R-17 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 7, but said section shall not be less than 3 inches Asphalt Concrete (AC) over 8 inches Class 2 Aggregate Base (AB) unless otherwise approved by the ESD and/or DPW. An Encroachment Permit shall be obtained from DPW and the work shall be completed prior to holding the first event or occupancy of any building permit, whichever occurs first. (ESD)
28. This project will be subject to the payment of traffic impact fees that are in effect in this area (Newcastle/Horseshoe Bar/Penryn Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County Department of Public Works prior to occupancy of Building Permit:
 - A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
 - B) South Placer Regional Transportation Authority (SPRTA)
 - C) Placer County/City of Roseville JPA (PC/CR)The current estimated fee is \$26,618.63 for the 6,000 square foot event center (DUE = 0.731). The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs. (ESD)
29. This Minor Use Permit and Variance (PMPB/VAA 20120073) shall expire on May 27, 2014, unless previously exercised with a final inspection and approval of the building permit for the winery. (PLN)

Respectfully submitted,

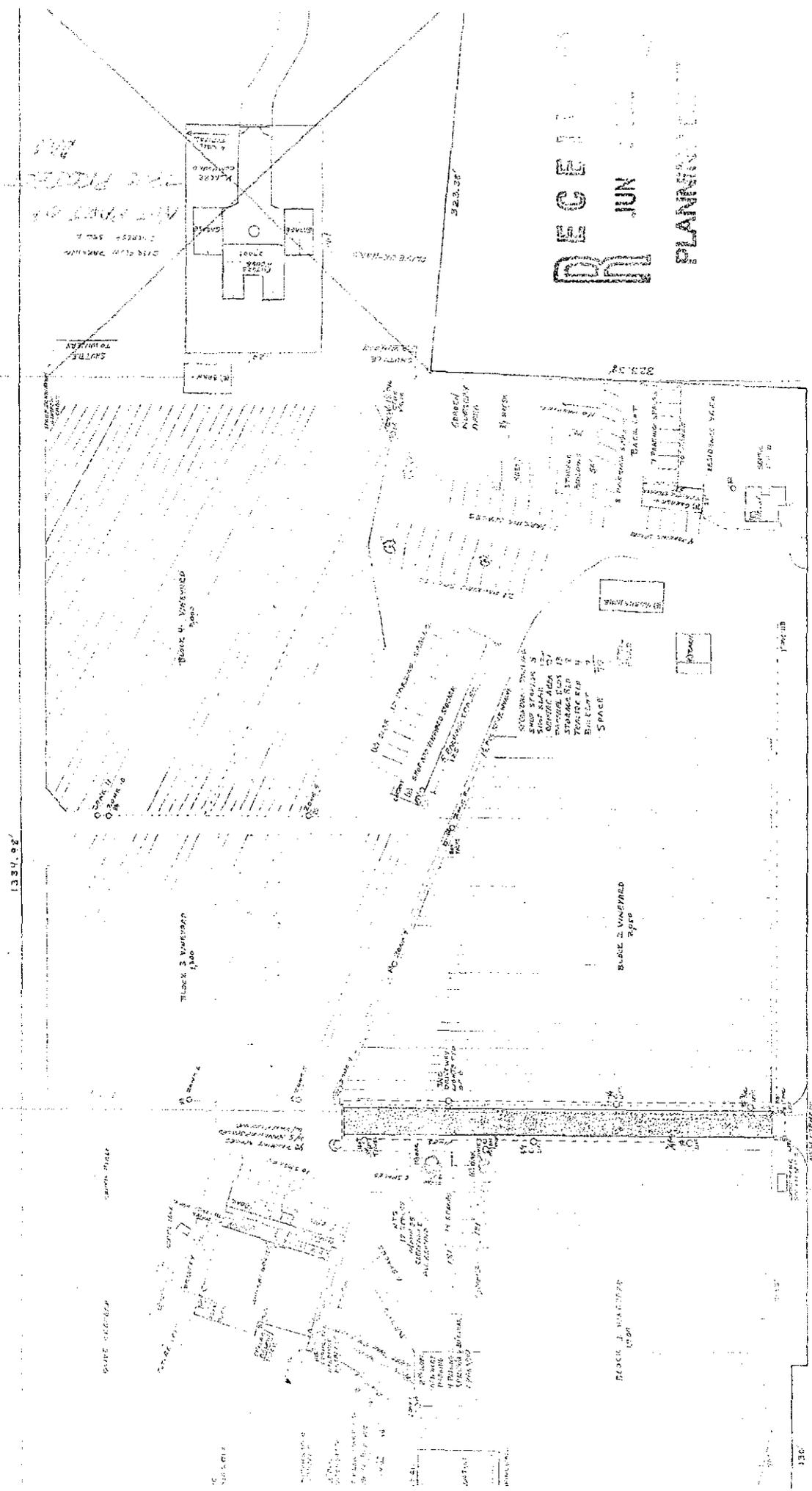


Lisa Carnahan
Associate Planner

ATTACHMENTS:

- Attachment A - Site Plan
- Attachment B - Usage Statement from Applicant
- Attachment C - Variance Request from Applicant

cc: Rebecca Taber - Engineering and Surveying Department
Laura Rath - Environmental Health Services
George Blind - Loomis Fire District
Donald DuPont - Property owner/applicant



RECEIVED

PLANNING DEPARTMENT

PROJECT: BLOCK 11 VENTURED
 2000 DULLES AVE
 LEVITTOWN MD 20884

OWNER: DONALD F. DEWITT
 7708 CEDAR HILL RD
 LEVITTOWN MD 20884

DISPOSITION: WITH PLANNING DEPT
 JULY 03-07-08 08:00 AM

SCALE: 1" = 50' 0"

1334.92'

748.22'

**MUP USAGE STATEMENT FOR
2970 DEL MAR AVE.
ROCK HILL WINERY**

Subject Property:

Property consists of 14 acres located in unincorporated Loomis, Placer County. Bordering Sierra College to the west and Del Mar Ave. to the south and east. The northern boundary is shared with Neil and Jo Ann O'Donnell the former heirs of the property. Currently there is an 1,110 sq. ft. house, a mobile home for agricultural labor dwelling, 6 old barns and out buildings and a new 6,000 sq. ft. metal winery building. Future plan to construct a 2,850 square foot future residence at the east end of the property set back 100 feet from Del Mar Ave. Requesting to allow the existing caretaker residence to remain in its present location.

Intended Use:

To operate a winery, tasting room and an event center year around. Adjacent to the main winery there is a fire rated 40 feet by 60 feet tent, which will be used as a secondary event area and remain up during Spring and Summer for 180 days per year. The primary functions of the facility will be as a winery with day to day wine tasting, and wine sales. Events will typically be held on weekends not before noon and ending not later than 10:00 P. M. Typical events may be, fund raisers, weddings, receptions, Wine maker dinners, reunions, corporate events, and art exhibits. The food for event over 100 people will be prepared off site and reheated on site by Caterers. Smaller events under 100 people such as food pairing and Winemakers dinners will have food prepared on site in the 300 square foot, hood less commercial kitchen.

Planning:

Presently the winery is visible by just three neighbors. It is the first private property on the left hand side of Del Mar Ave off of Sierra College which reduces the traffic impact for neighbors in that area of the Loomis Basin. The facility has five ADA parking spaces including one van parking space. Four ADA spaces are located on the south side of the winery and one on the north side of the winery at ground level without the need for ADA complaint ramps of the south side. For events there will be as many as six employees. Music will be kept primarily indoors for events with outdoor music located in the tent or rear, deck the music will be non-amplified.

Environmental Health:

The existing newly constructed septic system limits the number of patrons for non-wine event to 200. For the six larger wine events, which are covered under a separate, previously approved administrative review Permit PARP 20120001, portable toilets are required. At the time that the six-inch water main is installed for the fire sprinklers PCWA domestic water will also be installed. This is scheduled to take place at the end of May 2012.

Engineering and Surveying:

The main parking adjacent to the winery has 10 concrete parking spaces and an asphalt grindings parking lot with room for 52-parked cars. The main entry is 20-foot wide concrete road. The interior roads are compacted base with 6 inches of asphalt grindings. Over flow parking is located at to the east of the winery adjacent to the existing barns all weather compacted asphalt grindings. There are 50 parking spaces along side the barns and between existing barns and an additional 13 concrete parking spaces parallel with the existing 125-foot long barn. Total number of parking spaces at the facility is 140. The main entry will be asphalted with a 20-foot culvert with head walls. The existing east entry is a double entry and will be asphalted. A variance is requested to allow the use of compacted asphalt grindings rather than asphalt. This will provide a year around dust free road and not detract the rural agricultural look of a working vineyard. More importantly if asphalt is use serious damage to the asphalt surface and cultivation equipment will be certain as space is limited between the vineyard blocks, AKA vineyard Avenues. The aggressive tread and tracks of heavy equipment with cultivation disks and tillers are not compatible with finished surfaces as equipment is moved regularly between vineyard blocks.

Wood Hill Vineyard

CA-W-20386
Subsidiary of DuPont Investments LLC
2970 Del Mar Avenue
Loomis, CA. 95650
(916) 410-7105

Variance Application Continued

4. Describe requested variance and provide grounds for request.

Request a variance to circulation road and parking areas. Allow compacted asphalt grindings rather than asphalt or concrete to avoid agricultural equipment and road damage. The subject property has five agricultural blocks, which are accessible by vehicles and tractors by the perimeter road around each block. Tractors specifically crawlers and disks damage the surface when crossing from one block to another. Additional benefit is that this surface produces a year around surface, which is dust free. This surface is consistent with the rural ambiance we are trying to retain in an agricultural setting.



COUNTY OF PLACER
PLANNING COMMISSION
ACTION
AGENDA
DATE
December 20, 2012

OFFICE OF
Planning Services
Division
3091 County Center Drive Suite 140
AUBURN, CALIFORNIA 95603
TELEPHONE: 530/745-3000
FAX: 530/745-3080
www.placer.ca.gov

****SPECIAL HEARING DATE****

Meeting was held in the Planning Commission Chambers, 3091 County Center Drive, Dewitt Center, located at the corner of Bell Road and Richardson Drive, Auburn CA 95603

9:00 am
9:00am – 9:09am

FLAG SALUTE

ROLL CALL: Jeffrey Moss (Chairman), Miner Gray (Vice Chairman), Larry Sevison (Secretary), Ken Denio, Gerry Brentnall, Richard Roccucci and Richard Johnson (*All present*)

REPORT FROM THE PLANNING DIRECTOR

Karin Schwab, Deputy County Counsel, provided updates on projects in court. The Homewood case had a Federal trial. It was an eight hour trial and the judge has taken the case under submission. In the state case on Homewood, we did prevail at the trial level, but it has been appealed. The Timberline project in Auburn prevailed at trial level and has also been appealed.

Michael Johnson, Agency Director, reported on the following updates to the Commission: Orchard at Penryn project was considered by the Board on multiple occasions and after testimony from more than 50 persons, the Board closed the hearing and took action to approve the project as approved by the Planning Commission and denied the appeals. A reminder that there is an at-large appointment for the west slope that is open for consideration that will be considered by the Board at their January 8th meeting.

Special meeting - The Planning Commission will hold a hearing on January 17th Special Planning Commission in Tahoe to discuss the Tahoe Basin Community Plan update.

At the Board's January 8th meeting, they will hear the Appeal of the Headquarter House RV Park Conditional Use Permit, Amendment to the Auburn/Bowman Community Plan and Rezone.

Question: The Board this week considered a proposal for the Regional University proposal. What were they considering? Michael Johnson indicated that Regional University continues to be a work in progress. Regional University continues to look for opportunities to land a 4-yr University for its approved project in the west part of the County. A reimbursement agreement, which provides a mechanism for processing cost of that project, was being considered. Board action taken was to consider the potential to provide reimbursement and direct staff to move forward and bring back to the Board within the next 90 days.

PUBLIC COMMENT - The opportunity to discuss with the Planning Commission, matters not included on the current agenda. *No public comment.*

**CONSENT:
MINOR USE PERMIT/ VARIANCE/ MODIFICATION TO BUILDING ENVELOPE
(PMPB 20110228)
GOLD HILL GARDENS
MITIGATION NEGATIVE DECLARATION
SUPERVISORIAL DISTRICT 2 (WEYGANDT)**

Consider the modified Conditions of Approval for the Gold Hill Gardens Minor Use Permit consistent with the Planning Commission's actions to approve certain portions of the proposed project on November 8, 2012. At this hearing, the Planning Commission heard staff's presentation and testimony from the applicant and the public. At the conclusion of the testimony, the Planning Commission closed the public hearing, adopted the Mitigated Negative Declaration, took action to deny the Community Center portion of the project including the related Variance and the Variance to allow one of the cottages 90 feet from the centerline of the Nevada Irrigation District overflow channel, and approved the remaining portions of the project. The Planning Commission requested that staff return on the consent agenda with modified conditions of approval reflecting their decision.

The subject property, Assessor's Parcel Number 031-050-046, comprises approximately 11.5 acres, is zoned F-B-X-10 (Farm, combining minimum Building Site of 10 acres) and is located at 2325 Gold Hill Road in the Newcastle area. The Planning Services Division contact is Melanie Jackson, who can be reached at (530) 745-3036.

MOTION VOTE 6:0:1 Commissioner Sevison moved, Commissioner Denio second (Commissioner Brentnall abstained as he did not attend November 8th hearing); To approve the consent item.

Chairman Moss read the Appeal rights.

1) 9:05 AM
9:10am - 9:11am

**VESTING TENTATIVE SUBDIVISION MAP MODIFICATION / CONDITIONAL
USE PERMIT MODIFICATION (PSM 20120079)
NORTHSTAR HIGHLANDS II
INITIAL STUDY TO A PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT
REPORT
SUPERVISORIAL DISTRICT 5 (MONTGOMERY)
(THE APPLICANT IS REQUESTING A CONTINUANCE TO AN OPEN DATE.)**

Consider a request from East West Partners on behalf of Northstar Mountain Properties, LLC and CNL Income Northstar, LLC. for approval of a modification to a Vesting Tentative Subdivision Map and Conditional Use Permit to allow 18 lots/phases where 17 lots/phases were previously approved. The revised project includes the development of 446 residential units where 576 units were previously approved (count does not include the 32 employee housing units for which no change is proposed). The residential units consist of a combination of whole and fractional ownership including 50 townhomes (where 22 townhomes were originally approved), 10 new single-family lots, and 386 condominiums (where 554 were originally approved). The revised project also includes up to 147 commercial condominiums (where 200 were originally approved), 4,000 square feet of commercial space (no change from original approval) and 32 employee housing units (no change). The Planning Commission will also consider an Initial Study to a previously certified Environmental Impact Report for this project.

Project Location: The project is located on the west side of State Route 267, at Northstar in the Martis Valley area.

APN's: 110-030-068 (62.8 acres), 110-050-047 (128.7 acres), 110-050-071 (113.2 acres), 114-090-001 through 114-090-019 (Home Run Townhomes)(4.3 acres), and 110-081-014 (Employee Housing)(47.3 acres).

Total Acreage:

Zoning: FOR-B-X 160 ac. min. (Forestry, combining minimum Building Site of 160 acres), RM-B-X-DS 20 ac.min. PD = 5.8 (Residential Multi-Family, combining minimum Building Site of 20 acres, combining Design Sierra, combining Planned Residential Development of 5.8 units per acre), RM-DS PD = 15 (Residential Multi-Family, combining Design Sierra, combining Planned Residential Development of 15 units per acre), RS-B-X-20 ac.min. PD =

0.72 (Residential Single-Family, combining minimum Building Site of 20 acres, combining Planned Residential Development of 0.72 units per acre), FOR-B-X 160 ac. min. (Forestry, combining minimum Building Site of 160 acres), RES-DS-PD = 5.8, (Resort, combining Design Sierra, combining Planned Residential Development of 5.8 units per acre), TPZ (Timberland Production)

Community Plan Area: Martis Valley Community Plan

MAC Area: North Tahoe Regional Advisory Council

Applicant: East West Partners

Owner: All properties with the exception of APN: 110-081-014 (which is owned by CNL Income Northstar, LLC.) are owned by Northstar Mountain Properties, LLC.

County Staff:

Planning: Gerry Haas (530) 745-3084

Engineering and Surveying: Phil Frantz (530) 745-3110

Environmental Health: (530) 745-2300

MOTION VOTE 7:0 Commissioner Brentnall moved, Commissioner Denio second; To continue the item to the Special meeting on January 17th to be held in Tahoe at 10:05 am.

2) 9:10 AM
9:11 am - 9:22 am

**CONDITIONAL USE PERMIT (PCPA 20120299)
DUTCH BROS. COFFEE – GRANITE BAY VILLAGE SHOPPING CENTER
CATEGORICAL EXEMPTION
SUPERVISORIAL DISTRICT 4 (UHLER)**

Consider a request from Lex Coffroth, Architect on behalf of Auburn Douglas, LLC, for approval of a Conditional Use Permit to allow a 367 square foot drive-thru coffee kiosk within the existing parking lot of the Granite Bay Village Shopping Center. The Planning Commission will also consider a finding that the project is Categorical Exempt from the California Environmental Quality Act (CEQA) per Section 18.36.050 (Class 3 (c), new construction or conversion of small structures) of the Placer County Environmental Review Ordinance (CEQA Guidelines Section 15303).

Project Location: The project is located south east of the intersection of Auburn-Folsom Road and Douglas Boulevard, in the Granite Bay area.

APN: 047-150-051,

Total Acreage: 11.16

Zoning: CPD-DC (Commercial Planned Development, combining Design Scenic Corridor)

Community Plan Area: Granite Bay Community Plan

MAC Area: Granite Bay Municipal Advisory Counsel

Applicant: Lex Coffroth, Architect

Owner: Auburn Douglas, LLC

County Staff:

Planning Roy Schaefer: (530) 745-3061

Engineering and Surveying: Phil Frantz (530) 745-3110

Environmental Health: Laura Rath (530) 745-2300

MOTION VOTE 7:0 Commissioner Brentnall moved, Commissioner Roccucci second; To approve the Conditional Use Permit subject to the CEQA findings and the Conditional Use Permit findings that are in the staff report and the conditions attached.

Chairman Moss read the Appeal rights.

3) 9:30 AM
9:30 am - 10:07 am

**CONDITIONAL USE PERMIT (PCPJ 20110376)
CABIN CREEK BIOMASS FACILITY PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT
SUPERVISORIAL DISTRICT 5 (MONTGOMERY)**

Consider a request from Placer County Planning Services, for approval of a Conditional Use

Permit to allow for the construction and operation of a two-megawatt (MW) electric power generation facility at the Eastern Regional Materials Recovery Facility (MRF) and Transfer Station. The facility would utilize gasification technology to convert excess woody biomass material into a synthetic gas, which would then fuel an internal combustion engine/turbine that would generate electricity. The Planning Commission will also consider certifying a Final Environmental Impact Report prepared for the project.

Project Location: The project is located on approximately two miles south of Interstate 80 (I-80) and the Town of Truckee at 900 Cabin Creek Road, 0.30 miles west of State Route (SR) 89 in the Squaw Valley area.

APN: 080-070-016

Total Acreage: 148.41 acres

Zoning: FOR-SP (Forest, combining Special Purpose)

General Plan Area: Placer County

MAC Area: Surrounding area - Squaw Valley MAC and North Tahoe Regional Advisory

Applicant: Placer County Planning Services

Owner: Placer County

County Staff:

Planning: Gerry Haas (530) 745-3084

Engineering and Surveying: Sarah Gilmore (530) 745-3110

Environmental Health: Justin Hanson (530) 745-2300

MOTION VOTE 7:0 Commissioner Sevison moved, Commissioner Denio second: To certify the Environmental Impact Report for the Cabin Creek Biomass Facility project and adopt the Statement of Findings as set forth in Attachment D; and the Mitigation Monitoring and Report Program as set forth in Attachment E; and approve a Conditional Use Permit to allow for the construction of a two megawatt biomass electric generating plan, subject to the following findings and attached recommended conditions of approval including the new modified condition "Biomass truck deliveries shall should avoid travel through the Town of Truckee on either Donner Pass Road or West River Road, unless an emergency, road closure, or other unique circumstance would necessitate travel on these roadways. Further, biomass truck deliveries on SR 89, between Cabin Creek Road and I-80, shall be prohibited on federal holidays and Sundays.", also including the CEQA findings one through four and the Conditional Use Permit findings one through four on page nine in the staff report.

Chairman Moss read the Appeal rights.

4) 10:00 AM

10:07 am to 12:10 pm

11:30-11:35 brk

MINOR USE PERMIT/VARIANCE (PMPB 20120092)

WISE VILLA WINERY COMMUNITY CENTER

MITIGATED NEGATIVE DECLARATION

SUPERVISORIAL DISTRICT 2 (WEYGANDT)

Consider a request from Grover Lee, for approval of a Minor Use Permit to allow the existing winery to also function as a year-round Community Center, and a Variance to the paving requirement to have all-weather surfacing for the over-flow parking areas within the vineyard. The Planning Commission will also consider adoption of a Mitigated Negative Declaration prepared for the project.

Project Location: The project is located at 4100 Wise Road in the Lincoln area.

APN: 031-310-036 and 031-310-037

Total Acreage: 20 acres

Zoning: F-B-X-10 ac. min. (Farm, combining minimum Building Site of 10 acres)

General Plan Area: Placer County

MAC Area: Rural Lincoln

Owner/Applicant: Grover Lee

County Staff:

Planning: Lisa Carnahan (530) 745-3067

Engineering and Surveying: Sarah Gilmore (530) 745-3110

Environmental Health: Laura Rath (530) 745-2300

MOTION VOTE 7:0 Commissioner Brentnall moved, Commissioner Johnson second: To adopt the Mitigated Negative Declaration; approve the Minor Use Permit for the Wise Villa Winery Community Center; and approve the Variance to the surfacing requirement; including, all conditions [with modification to condition #42] the CEQA findings and all other findings contained in the staff report. Condition 42 shall read as follows: "This Minor Use Permit is valid for two (2) years and shall expire on December 30, 2014 unless approval of a modification of this permit is granted by the Planning Commission prior to the expiration date."

Chairman Moss read the Appeal rights.

5) 10:30 AM
12:10 pm – 12:29 pm

**ZONING TEXT AMENDMENT (PZTA 20110258)
SINGLE ROOM OCCUPANCY RESIDENTIAL HOUSING UNITS – HOUSING
ELEMENT IMPLEMENTATION
NEGATIVE DECLARATION
ALL SUPERVISORIAL DISTRICTS**

Consider a request from the Placer County Planning Services Division to provide a recommendation to the Board of Supervisors on revisions to the Placer County Zoning Ordinance to establish a new definition and requirements for Single Room Occupancy (SRO) Residential Housing Units. SRO complexes with 30 units or fewer would be allowed with Zoning Clearance in the HS (Highway Service) and RES (Resort) zoning districts. Approval of a Minor Use Permit would be required in RM (Residential Multi-Family), C1 (Neighborhood Commercial) for all SRO developments and with 31 units or more in HS (Highway Service) and RES (Resort) zoning districts. Approval of a Conditional Use Permit would be required for C2 (General Commercial) and CPD (Commercial Planned Development) for all SRO developments. The proposed Zoning Text Amendments will implement the Housing Element Program G-4. This item was continued from the September 27, 2012 Planning Commission meeting per direction from the Planning Commission to come back at a later date with modifications to the proposal.

The Planning Commission will also consider providing a recommendation to the Board of Supervisors for adoption of a Negative Declaration prepared for the Zoning Text Amendment.

MAC Area: All MACs

Applicant: Placer County Community Development Resource Agency

County Staff:

Planning: Crystal Jacobson (530) 745-3085

Cathy Donovan (530) 745-3170

MOTION VOTE 7:0 Commissioner Brentnall moved, Commissioner Denio second: To forward a recommendation to the Board of Supervisors for adoption of a Negative Declaration and approval of amendments to the Placer County Zoning Ordinance as set forth in Attachment 1, subject to the CEQA findings and Zoning Text Amendment findings in the staff report.

MEETING ADJOURNED 12:30 PM

Effects of Septic Systems on Ground Water Quality - Baxter, Minnesota

Individual sewage treatment systems (ISTS or septic systems) have the potential to impact ground water with chemicals such as nitrate, chloride, and phosphorus. Once in ground water, these chemicals have the potential to move and spread.

In 1998, the Minnesota Pollution Control Agency's Ground Water Monitoring and Assessment Program (GWMAP) began studying impacts of septic systems on ground and surface water quality. The purpose of these studies is to provide MPCA and local government staff with information useful for assessing potential impacts from septic systems. This information can be used in land use planning.

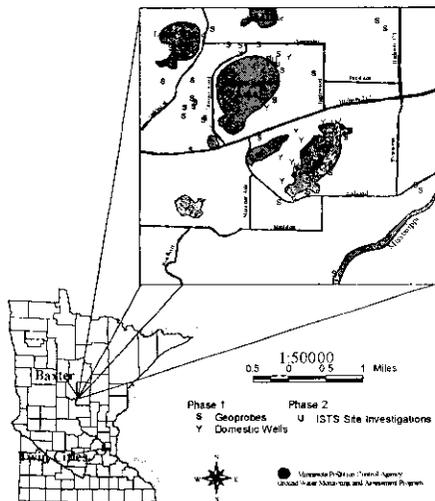
Baxter Study Objectives

In 1998, we conducted a ground water study in Baxter, Minnesota. The Baxter-Branierd area has experienced rapid growth in recent years, including residential development with septic systems (unsewered areas). We chose Baxter because of these changes in land use and because there are numerous recreational lakes in the area that could be impacted by discharges from septic systems. The objectives of the study were to

- compare ground water quality beneath sewered and unsewered residential areas; and
- evaluate ground water quality within individual septic plumes.

Study Design

Figure 1 illustrates the location of the study area. The study area encompasses approximately 10 square miles. To compare water quality beneath sewered and unsewered areas, we sampled 40 domestic and 12 temporary wells at a variety of depths within the aquifer underlying the study area. Sampling was primarily for nitrate, but included other chemicals such as chloride, phosphorus, and sodium.



The septic systems studied did not meet the 3-foot vertical separation distance from the bottom of the drainfield to the seasonally high water table. This separation distance is necessary to provide treatment of most contaminants. Due to the seasonal nature of the water table it is not known what percent of the time the system is compliant with the separation distance. It is also

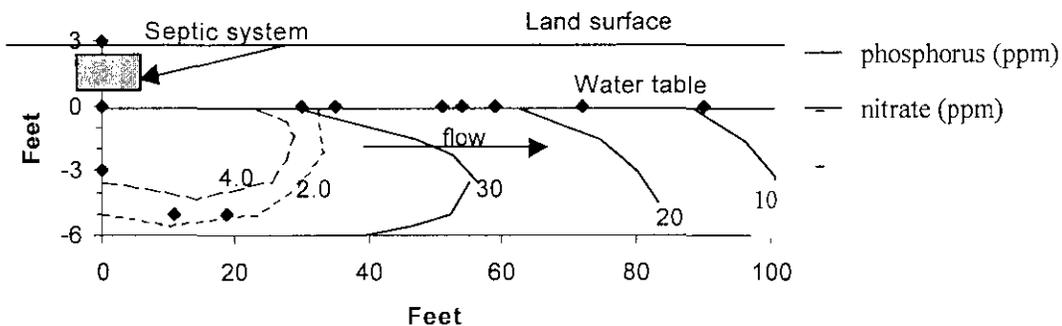
unknown how seasonal variation of the water table affected the characteristics of the plumes studied.

For the second part of the study, we selected seven septic systems. These were sites located on lakes (See Figure 1). We drilled 15 to 25 holes at each site to define the horizontal and vertical extent of plumes originating from each septic system. We sampled for Volatile Organic Compounds (VOCs), bacteria, and a wide variety of inorganic chemicals.

What did we find?

Concentrations of nitrate were higher in unsewered areas (2.0 mg/L or parts per million) than in sewerred areas (0.78 mg/L). There were three exceedances of the drinking water standard (10 mg/L) in shallow wells under unsewered areas, but only one exceedance in a domestic well. Concentrations of most other chemicals were statistically equal between the two areas.

Chemical concentrations in septic effluent and within septic plumes were similar to concentrations found in other studies in the literature. Septic effluent is characterized by concentrations of ammonia, chloride, phosphorus, sodium, potassium, boron, VOCs, and bacteria that are higher than background concentrations in ground water. These chemicals can reach ground water beneath the drainfield, except for ammonia, which is converted to nitrate in the soil zone. Within a septic plume, concentrations of phosphorus, bacteria, and VOCs decreased rapidly and rarely traveled more than 30 feet from the drainfield. Chloride, nitrate, sodium, and boron traveled much further, from about 30 to over 500 feet. Nitrate concentrations within the plume exceeded the drinking water standard throughout much of the plume. No plume extended to an adjacent lake. A typical plume is shown in Figure 2.



Conclusions and Recommendations

Both non-complying and complying septic systems can impact ground water quality. Within individual plumes, concentrations of nitrate exceeded the drinking water standard. Concentrations of phosphorus and bacteria decreased rapidly within the plume.

Caution should be exercised when applying the results for Baxter to other areas. The Baxter area may not be typical of many unsewered areas in Minnesota. Additional studies should be conducted in older, larger subdivisions, and adjacent to lakes that are more sensitive to nitrate contamination than the lakes in the Baxter area.

What is next?

We will attempt to replicate these studies in other areas of the state, so that we can develop a better understanding of septic impacts on water quality in a variety of different settings. In 1999, we will conduct septic system studies near St. Cloud and in Washington County.

Home & Environment

Septic System Failure

Brad Lee, Don Jones, and Heidi Peterson

Department of Agronomy and Department of Agricultural and Biological Engineering,
Purdue University

Introduction

When properly designed, maintained, and used, septic systems can provide adequate treatment for most pollutants. There are approximately 800,000 septic systems in Indiana, and the Indiana State Department of Health (ISDH) estimates that approximately 200,000 of these residential wastewater disposal systems are inadequate and have failed or are failing to protect human and environmental health.

This publication examines the various types and causes of septic system failures and their environmental effects.

In 1990, the ISDH adopted Rule 410 IAC 6-8.1 (http://www.in.gov/isdh/regsvcs/saneng/laws_rules/410_iac_6-8_1/410_iac_6-8_1.htm), which established guidelines for septic system construction and repair. A study that examined septic system permits issued by one Indiana county suggests the rule has improved new septic system performance (Stout, 2003). The study shows that nearly one in three of all septic systems built between 1950 and 2001 required repairs, typically within 12 years of construction. But between 1990 (the year the ISDH rule was adopted) and 2001, less than 3 percent of new septic systems required repairs, significantly fewer than in previous decades.

Still, more than half the occupied homes with septic systems are more than 30 years old, according to the U.S. Census. Many of the aging septic systems in these homes — built long before the ISDH rule — report the most problems and failures.

The most commonly reported cause of septic system failures is soil wetness (seasonally high water table), according to a survey of Indiana county sanitarians and environmental health specialists (Taylor, et al., 1997). Other common causes were undersized systems, system age, and limited space for the soil absorption field.

While improved septic system designs and more stringent oversight have resulted in fewer failures, homeowners may mistakenly believe their septic systems are working properly so long as the toilets flush properly and there is no smell in the

yard or adjacent ditches. However, septic systems fail in other, less obvious ways, so homeowners (especially those with septic systems built before 1990) should learn to recognize the most common types and causes of septic system failures.

Types of Failures

There are four basic categories of septic system failure (modified from Brown, 1998):

Sewage Backflow

Sewage backflow — septic system rejects sewage until it backs up into a home — is the most commonly reported failure category. Such failures are obvious and typically command a homeowner's immediate attention. Because they are usually noticed and addressed so quickly, sewage backflow failures seldom cause much harm to the environment. However, if the system is not quickly repaired, it can become a health hazard.

Sewage in the Yard

Another common category of septic system failure is when poorly treated sewage surfaces on the surface of the yard, in nearby ditches, on the neighbor's lawn, or elsewhere in the immediate environment (Figure 1). When it occurs in densely



Figure 1. This image shows an example of a failing septic system. Effluent can be seen surfacing on top of the lawn at left.



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populated neighborhoods, such failures are usually obvious. Sewage in the yard can degrade surface water and is a health hazard.

Decline in Water Quality

A home's plumbing and septic system drainfield may appear to be working properly and nobody in the neighborhood will notice foul odors or excess wetness around the drainfield. But with this category of septic system failure, water supply sampling indicates a significant degradation in groundwater quality. Frequently, a downhill neighbor's water supply well will be affected, not the water supply of the failing system's owner. Such failures are not obvious and homeowners may perceive that their septic systems are working satisfactorily.

Gradual Environmental Degradation

There is little scientific evidence indicating that septic system failures are causing Indiana's waters to degrade at such a rate that it would pose a problem to this or the next generation. However, computer modeling and long-term monitoring indicate that septic system use in certain areas will result in gradual environmental degradation. This is a very difficult problem to identify, especially without extensive and costly long-term monitoring. Because such septic system failures are difficult to identify and quantify, there are no regulations regarding them.

Environmental Impacts

A septic system's effect on the environment can be difficult to measure. We can estimate that every failing septic system can discharge more than 76,650 gallons of untreated wastewater into Indiana's groundwaters and surface waters per year. That means that the 200,000 failing systems in Indiana estimated by the ISDH are introducing approximately 15.3 billion gallons of raw sewage into the environment annually.

Untreated wastewater contains excessive nutrients (nitrogen and phosphorus) that can harm native plant and fish populations in Indiana's surface waters. Wastewater's excessive organic matter content also can choke off the oxygen supply in streams and rivers. Microbial populations in these surface waters can exceed the U.S. Environmental Protection Agency's body contact standards, abruptly halting recreational use of beaches, lakes, and streams.

Common Causes of Failures

One of the most critical factors in septic system performance is the nature of the soils used for the septic system soil absorption field (see Purdue Extension publication HENV-7-W, *Indiana Soils and Septic Systems*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-7-W.pdf>). ISDH Rule 410 IAC 6-8.1 now requires a professional soil scientist to carefully

evaluate a home site before a new septic system permit is issued (see Purdue Extension publication HENV-11-W, *Obtaining a Septic System Permit*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-11-W.pdf>). Other common causes of failure include improper design, and poor system use, management, and maintenance by the homeowner. Minimize failures by carefully and deliberately considering all aspects septic system construction: site selection, design, installation, maintenance, and use.

Hire reputable individuals to design and install your septic system. County health departments will provide you with the names of registered soil scientists and installers who work in your county. After contacting a septic system professional, ask for references from previous customers and contact these homeowners to ask them about their septic system's performance.

Once built, be sure to maintain the septic system. Use water conservatively, avoid driving over the septic system, and have your septic tank pumped and cleaned every 3-5 years. For more information, see Purdue Extension publication HENV-2-W, *Increasing the Longevity of Your Septic System*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-2-W.pdf>.

When Problems Occur

If your septic system needs repair, it is imperative that you contact your local county health department and report the situation (a list of Indiana health departments is available at http://www.in.gov/isdh/links/local_dep/index.htm). The county health department can help you identify the problem and provide a list of professionals in the area who can assist you. In addition to helping you, health departments use reports of failing systems to develop future septic system designs that will better function in Indiana soils.

References

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- Stout, H.M. 2003. *Soils and Onsite Wastewater Treatment System Performance in Northern Indiana*. Master's thesis, Purdue University, West Lafayette, IN.
- Taylor, C., J. Yahner, and D. Jones. 1997. *An Evaluation of Onsite Technology in Indiana*. A report to the Indiana State Department of Health. Purdue University, West Lafayette, IN.

Visit the Home & Environment Web site for science-based information about homes and the home environment: <http://www.ces.purdue.edu/HENV>.

Other Purdue Extension bulletins in this series

- HENV-1-W, *Septic System Failure*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-1-W.pdf>.
- HENV-2-W, *Increasing the Longevity of Your Septic System*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-2-W.pdf>.
- HENV-3-W, *Turfgrass Color: Indicator of Septic System Performance*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-3-W.pdf>.
- HENV-4-W, *Septic System Distribution Boxes: Importance of Equal Distribution in Trenches*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-4-W.pdf>.
- HENV-5-W, *Septic Tanks: The Primary Treatment Device of Your Septic System*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-5-W.pdf>.
- HENV-6-W, *Grandfathered Septic Systems: Location and Replacement/Repair*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-6-W.pdf>.
- HENV-7-W, *Indiana Soils and Septic Systems*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-7-W.pdf>.
- HENV-8-W, *Gravel and Gravelless Trench Soil Absorption Fields*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-8-W.pdf>.
- HENV-9-W, *Water Use and Septic System Performance*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-9-W.pdf>.
- HENV-10-W, *Septic Systems in Flooded and Wet Soil Conditions*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-10-W.pdf>.
- HENV-11-W, *Obtaining a Septic System Permit*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-11-W.pdf>.
- HENV-12-W, *Seasonally High Water Tables and Septic Systems*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-12-W.pdf>.
- HENV-13-W, *Septic System Additives*, <http://www.ces.purdue.edu/extmedia/HENV/HENV-13-W.pdf>.

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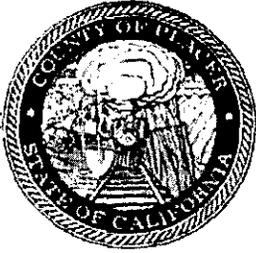
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COUNTY OF PLACER
Community Development / Resources Agency

Michael J. Johnson, AICP
Agency Director

Administration

MEMORANDUM

DATE: June 12, 2012

TO: Placer County Planning Commission

FROM: Michael J. Johnson, AICP
Community Development / Resources Agency Director

SUBJECT: Planning Director's Determination - "Community Centers"

BACKGROUND

At the May 22, 2012 and June 5, 2012 Board of Supervisors meetings, questions were raised during the 'Public Comment' section regarding community/event centers associated with wineries in farm and agricultural zoning districts. As stated by the speakers during 'Public Comments', there appears to be a growing concern regarding the potential for "large-scale" events at wineries. The speakers expressed concerns that recent "community center" applications for Wise Villa Winery, Rock Hill Winery and Gold Hill Gardens were "attempts to get around County zoning regulations".

Currently, most wineries within the County are located within the F (Farm) zoning district. As set forth in Section 17.10.010 (Farm Zoning District) of the Placer County Code, "Community Centers" are identified as a conditionally permitted use, subject to the approval of a Minor Use Permit. As defined in Section 17.04.030 (Definitions) of the Placer County Code, "Community Centers" are:

"Multipurpose meeting and recreational facilities typically consisting of one or more meeting or multipurpose rooms, kitchen and/or outdoor barbeque facilities, that are available for use by various groups for such activities as meetings, parties, weddings, receptions dances, etc."

As County staff has discussed at length, the term "Community Center" conjures images of public buildings that allow for public gatherings, yet this is the only definition in the Zoning Code that addresses such uses. In reality, what is being proposed at Wise Villa Winery, Rock Hill Winery and Gold Hill Gardens are private event centers, in conjunction with agricultural activities on the property, where the facilities are available for rent by private individuals or groups. Unfortunately, the Zoning Code does not include such a definition, which continues to lead to the mischaracterization of the proposed uses as being "community" oriented.

The processing of "Community Center" uses within the Farm Zoning District is not a new issue to the County. In recent years, several such facilities have been approved by the Zoning Administrator and/or the Planning Commission, including the Newcastle Wedding Gardens on Taylor Road in Newcastle, and the Flower Farm at Horseshoe Bar Road/Auburn-Folsom Road in Loomis. Both of these facilities are private venues that host weddings and other private events. As the County has a very defined public review process for the consideration of "Community Center" uses, it is important to note that, contrary to comments made that project applicants are trying to "get around County zoning regulations", all "Community Center" applications are discretionary actions subject to extensive staff analysis and public review. Both the Newcastle Wedding Gardens and the Flower Farm applications were approved after providing for public review and comment.

ANALYSIS

As set forth in the County's General Plan, County staff continues to work with property owners to further agricultural and economic development opportunities within the County. The County's General Plan has numerous programs and policies that specifically address furthering agricultural and economic development, including:

Land Use Policy 1.N.1

Foothills Policies

The County shall support development of tourist and recreational facilities that extend the Foothill's area's tourist season.

Agricultural and Forestry Resources

Policy 7.A.10

The County shall facilitate agricultural production by allowing agricultural services uses (i.e., commercial and industrial uses) to locate in agriculturally-designated areas if they relate to the primary agricultural activity in the area.

Policy 7.A.13

The County shall encourage multi-seasonal use such as private recreational development.

Policy 7.C.4

The County shall permit a wide variety of promotional and marketing activities for County-grown products in all agricultural zone districts.

Policy 7.C.6

The County shall ensure that land use regulations do not arbitrarily restrict potential agricultural related enterprises which could provide supplemental sources of income for farm operators.

Planning Director's Determination – "Community Centers"

June 12, 2012

Page Three

While it has taken many years to materialize, the General Plan's vision to develop tourist and economic development opportunities that promote the County's wineries and agricultural amenities is now being realized. As shown by the existing "community centers" that have been approved within Farm zoning districts, these activities can co-exist with surrounding rural residential land uses, subject to the application of specific conditions of approval. That stated, each discretionary application is reviewed on its own merits, and decisions to recommend or not support an application are based upon the specific facts associated with that particular application.

"Community Center" uses are currently permitted by right in all commercial zoning districts, the Highway Services zoning district, and the Resort zoning district. "Community Centers" are conditionally permitted in all residential zoning districts, the Office Park zoning district, and the Farm zoning district with the approval of a Minor Use Permit. All conditionally permitted uses are discretionary actions, meaning that the decision-making body has the ability to apply conditions of approval or, if deemed appropriate, deny the application. All Minor Use Permits require environmental analysis, and public hearing notices are posted in the local newspaper and are mailed to all surrounding property owners.

DETERMINATION OF THE PLANNING DIRECTOR

As set forth in Section 17.58.120(D) of the Placer County Code (Referral to Planning Commission), the Planning Director has the ability to refer a Minor Use Permit (which are typically considered by the Zoning Administrator) to the Planning Commission for a public hearing when it is deemed necessary because of unique or unusual circumstances. Given the recent concern raised regarding "Community Center" uses, it is the determination of the Planning Director that all "Community Center" applications be reviewed by the Planning Commission to assure the highest level of public review and scrutiny. Because the Planning Commission represents broad community interests, I have concluded the community is best served having the Planning Commission act as the decision-making body on "Community Center" uses.

As is required of all applications reviewed by the Planning Commission, applications for the consideration of a "Community Center" will be presented to the local Municipal Advisory Council prior to any hearing before the Planning Commission. Additionally, the hearings before the Planning Commission will be publicly-noticed in the local newspaper, and notification of the hearing will be sent out to all interested parties and property owners within 300 feet of the subject property. As with all actions by the Planning Commission, the action of the Planning Commission may be appealed to the Board of Supervisors for final determination.

It is important for the Planning Commission to know that staff is very aware of the concerns being raised regarding "Community Centers", and staff will continue to assure that the highest level of public participation is provided to all "Community Center" applications, both to the project applicants as well as to other interested parties.

Should you have any questions regarding this Planning Director's Determination, please do not hesitate to call me at 530-745-3000.

cc: David Boesch, County Executive Officer
Holly Heinzen, Chief Assistant County Executive Officer
Board of Supervisors
Gerald Carden, Chief Deputy County Counsel
Karin Schwab, Deputy County Counsel
Loren Clark, Assistant Community Development/Resource Agency Director
Paul Thompson, Deputy Director, Planning Services Division

<http://www.lincolnnewsmessenger.com/article/gladding-fire-torches-three-homes-0>

Thursday Sep 04 2008
0 comments

Gladding fire torches three homes

Wind-whipped flames burn more than 500 acres, force evacuations
By: Cheri March The News Messenger

At least three homes were destroyed as wind-whipped flames ripped through 500 acres of dry rangeland in rural Lincoln on Monday. Approximately 10 other structures and multiple vehicles and pieces of farm equipment also were lost in the fast-moving blaze, which was first reported off Gladding Road at approximately 12:40 p.m. Monday. Monday afternoon, Ruben Ayala squinted through the smoke near his home off Wise Road, trying to catch a glimpse of his house as airplanes and helicopters continually dropped fire retardant. Fire engines lined the roads, their crews battling the main fire and the hot spots that started as the wind threw hot ashes into dry grass. At approximately 1 p.m. Monday, Ayala said, he came home to find firefighters battling a grass fire next to his house. They told him to evacuate, and he only had time to grab his dogs before retreating to a neighbor's house. "They told me they'd be there to protect it," he said. Nearby residents all stood outside their homes, watching the blaze and hoping it didn't come any closer. "Our cars are packed up," said Carolyn De Witt, one of Ayala's neighbors. "This is the closest something has ever come to our house." The De Witts smelled the smoke before they ever saw any flames, and from 1:30 p.m. onward, they stood out front and watched the fire steadily approach, hoping the winds would die down and allow fire crews to get it under control. At one point, their power went out, and hot ashes were hitting their cars. De Witt said her husband built their house, and to think of it going up in smoke was heartbreaking. "That's the most sickening thing to think about," she said. "We keep the fields down," she added. "All we can do is mow the grass and keep it as short as possible." Late Monday, an evacuation center was opened at Carlin C. Coppin Elementary School; volunteers from the Red Cross and Lincoln CERT were on hand to assist residents, offering water and a place to regroup. As dusk fell, Jennifer Caszatt held her 8-week-old baby, Mary Jane, as she and other members of the Harmon family waited for word on when they could return to their home near Mt. Pleasant. "We were afraid it was going to blow back up at us and we didn't want to take any chances," Caszatt said. "We just threw (the baby's) clothes and bassinet in the car and grabbed the dog and took off." Most road closures were lifted and evacuees were allowed to return to their homes by approximately 8:30 p.m. Monday. By Tuesday afternoon, flames were 80 percent contained and expected to be fully extinguished by midnight, though crews would continue checking for hot spots for several days, said Cal Fire spokesman Daniel Berlant. Berlant said Monday's low humidity and dusty winds fed the destruction, spreading the fire nearly to Highway 193. At its peak, more than 400 personnel were on scene – including teams from Sac Metro, South Placer, Roseville, Rocklin, Foresthill, Newcastle and Placerville – as well as 52 engines, four air tankers, four helicopters, four dozers, four water tenders and eight hand crews. "Unfortunately we lost three homes, but

there were 400 homes that were threatened,” Berlant said. “There was a lot more potential for destruction. Nobody was hurt.” Long after the last evacuees trickled back into their homes Monday night, Helen and Harley Hutchinson returned to the smoldering remains of their century-old farmhouse on Tuesday to pick through rubble and keep an eye out for their missing pets. Though the couple believes a pair of kittens inside the home perished, their outdoor cats and two dogs fled. “The only important thing now is the animals,” Harley Hutchinson said. “There’s nothing left to save.” Just a chimney, concrete steps and a windmill were left standing at the McCourtney Road address. Along with the home, the couple lost two barns, several outbuildings and several trucks and ranch equipment. “It’s just starting to sink in now,” Helen Hutchinson said. “Everything is gone. The house across the street is fine. It’s amazing how the wind blows.” Son Mike Hutchinson, who is housing his parents, stared sadly at the place his childhood home once stood. “It was an old ranch house,” he said. “I grew up here. My great-grandmother lived here.” Another neighbor, Julie Hueftle, said she knows the pain the Hutchinsons are going through. She lost her own home 15 years ago. In the moment, evacuees often don’t think to grab a checkbook, identification or birth certificate, let alone family heirlooms, she said. Harley Hutchinson, for instance, lost all of his diabetic medication. “There’s so much you can do ahead of time,” Hueftle said. “These guys lost everything.” Hueftle said she is raising funds to help Helen and Harley Hutchinson, who were unable to insure their home because of its age. Donations can be made at U.S. Bank to an account in the name of Harley Hutchinson. Correspondent Brandon Darnell contributed to this story.

Keywords:

lincoln

gladding fire

harley hutchinson

ruben ayala

carolyn de witt

DANGEROUS DEVELOPMENT

Wildfire and Rural Sprawl in the Sierra Nevada



SIERRA NEVADA ALLIANCE

Keeping light in the range

September 2007

Dangerous Development

Wildfire and Rural Sprawl in the Sierra Nevada



SIERRA NEVADA ALLIANCE

Executive Summary

Wildfire and population growth are on a collision course in the Sierra

New research by Sierra Nevada Alliance finds that large numbers of people are moving to very high fire hazard areas of the Sierra, leading to more wildfires, more taxpayer expense, and more loss of life.

In the next 20-40 years, even more people and homes will be in harm's way. The population of the Sierra is expected to triple by the year 2040, and new research by Sierra Nevada Alliance finds that 94% of the land slated for rural residential development is classified as very high or extreme fire hazard by the California Department of Forestry and Fire Protection (also known as CDF or CalFire).

At the same time, climate change is already making summers in the Sierra hotter and drier, leading to an increase in the frequency and severity of catastrophic wildfire (Westerling, 2006).

The combination of population growth and climate change in our fire-prone region is creating a "perfect firestorm" where increasing numbers of people and homes will be at greater risk of catastrophic wildfire.



The Sierra's population is growing -- and so is the risk of catastrophic wildfire. Photo by Maria Mircheva.

New Findings of This Report:

- Between 1990 and 2000, the number of people living in *very high* or *extreme* fire threat areas of the Sierra grew by 16%.
- 94% of the land slated for rural residential development in the Sierra is classified by CalFire as *very high* or *extreme* fire threat.
- Between 1990 and 2000, the Sierra's wildland urban interface (or WUI) grew by 131,000 acres, a 12% increase.
- Better community planning can help reduce the number of lives and homes at risk.

This report examines the relationship between land use planning and wildfire prevention in the Sierra. We hope this report will help the public, decision makers and conservation leaders assess where and how we grow, to make better choices that will keep our homes and communities safer.

Local governments in the Sierra, along with state and federal agencies, must take action to limit the spread of residential development into dangerous areas. We must also end subsidies that encourage reckless development at taxpayer expense.

Fire is natural & unavoidable in the Sierra

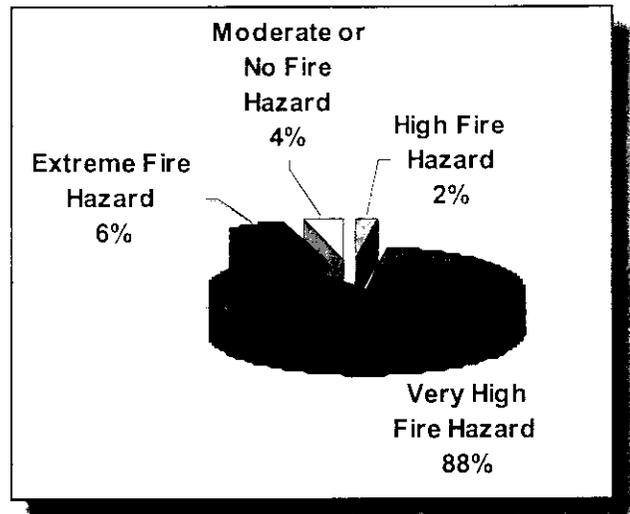
The Sierra Nevada is a fire-dependent landscape. California's Mediterranean climate of wet winters and hot, dry summers creates the exact conditions for fire to flourish. Sierra plants, animals and forests evolved with fire for thousands of years, and have adapted to not only survive with fire, but to depend upon it. The health of the Sierra landscape depends upon frequent, low-intensity fires that thin crowded forests, recycle nutrients, and increase biodiversity (Barbour, 1993).

Decades of fire suppression and logging have created a tinderbox

After the gold rush, fire suppression became the standard practice, and these small, low-intensity fires were regularly put out. This seemingly good idea has had disastrous consequences. After 100 years of fire suppression and logging large, fire-resistant trees, Sierra forests have become virtual tinderboxes, crowded with dead brush and small trees. (Barbour, 1993). The continuing conversion of mature, fire-resistant forests to plantations and other industrial logging practices are compounding the fire threats in the Sierra Nevada, taking what was a fire-adapted forest system and making it much more vulnerable to catastrophic fire. Unlike the small, low-intensity fires that used to be the norm, Sierra wildfires today are much more likely to become catastrophic crown fires that char everything in their path.

The Sierra is growing – into wildfire areas

The Sierra is the third-fastest growing region of California, and that growth is putting more people directly in the path of catastrophic wildfire. By 2040, the population of the Sierra will triple to 1.5 million - 2.4 million residents (Sierra Nevada Ecosystem Project, 1996). New research by Sierra Nevada Alliance finds that 94% of the land slated for rural residential development is in areas classified by CalFire as very high or extreme fire hazard.



This figure depicts fire hazard on lands slated for rural residential development in the Sierra.

Unsafe growth patterns increase fire danger

The wildland urban interface -- the area where houses and wildlands meet, and where catastrophic wildfires are likely to destroy lives and property -- is growing rapidly in the Sierra. New research by Sierra Nevada Alliance finds that between 1990 and 2000, the wildland urban interface (WUI) in the Sierra grew by 12%. As the size of the wildland-urban interface grows, so does the risk of catastrophic wildfire that destroys lives and property.

The WUI in the Sierra is characterized by low-density housing development scattered in a sea of flammable vegetation. This pattern of low-density development, with one house every 2-80 acres, is often referred to as “rural ranchette” development. Ranchette development in the WUI makes it more difficult and more costly for fire managers to prevent wildfires and protect homes and lives when major fires do occur.

Climate change is increasing wildfire danger

At the same time that population growth is putting more people in fire hazard areas, climate change is already making summers in the Sierra hotter and drier, leading to an increase in the frequency and severity of catastrophic wildfire (Westerling 2006). CalFire predicts that these impacts will become more severe in coming years (CalFire 2003), leading to a “perfect fire storm” where increasing numbers of people and homes will be at greater risk of catastrophic wildfire.



The 2007 Angora fire destroyed 242 homes near South Lake Tahoe. Photo by Autumn Bernstein.



Poorly-planned growth is putting more homes in the path of wildfires like the 2007 Angora Fire. Photo by Eric Winford.

Taxpayers are subsidizing unsafe growth

Costs of fire prevention have increased exponentially in recent years as state and federal firefighters spend more time and money protecting new homes in wildland areas. The vast majority of these costs are shouldered not by the affected homeowners, but by state and federal taxpayers. A recent federal audit found that the US Forest Service is spending up to \$1 billion annually to protect private homes adjacent to national forest land (USDA Office of Inspector General, 2006). CalFire's fire protection expenditures increased an average of 10% per year between 1994 and 2004, and much of that increased cost was due to increasing numbers of homes in wildland areas (California Legislative Analyst's Office, 2005).

Current policy is failing at-risk communities

Our current policy framework doesn't do enough to minimize risks to lives, assets, watersheds, wildlife and ecosystem health. In most parts of the Sierra, land use planning in wildfire areas focuses on site-specific requirements such as clearing defensible space and building with fire-retardant materials. Site-specific building policies are important, but fire-safe planning must look at the bigger picture: planning the *neighborhood* and the *community*.

"Fire-smart growth" can save lives and money

Development in high fire threat areas of the Sierra is inherently dangerous. However, community design can play a large role in minimizing exposure and reducing losses. Infill and clustered development, aka "fire-smart growth," has numerous advantages over low-density ranchette development when it comes to fire safety. These factors should be considered by counties, cities and developers when planning for new development in the Sierra.



Taxpayers are subsidizing fire protection for homes in high fire hazard areas. Photo by Shasta Ferranto.



*Better planning can make our communities safer.
Photo by CanyonFlorey.com*

Principles for planning fire-safe communities

This report recommends that planning in high fire threat areas should adhere to five fire-safe planning principles. Implementation measures for each of these five principles are explored in chapter six of this report.

1. Make new development pay its own way:

Landowners contemplating development in high fire threat areas should be required to pay the full cost for fire protection.

2. Cluster development in and around existing communities: Local governments should encourage infill development and concentric outward growth while discouraging low-density sprawl and leapfrog development in high fire hazard areas.

3. Don't build in unsafe places: Even within an area of high fire hazard, some places are more dangerous than others. New development should be curtailed in places that will put new or existing residents at greater risk.

4. Manage the forested landscape to restore resiliency and reduce fire risk: State, federal and local agencies should support responsible forest management practices that restore forest health and reduce the risk of catastrophic crown fire in the WUI.

5. Improve planning and budgeting processes to fully address risks: All levels of government involved in wildland fire prevention and protection need to improve planning and budgeting to prepare for coordinated wildfire prevention and response.

Conclusion: Better planning is the key

The threat of catastrophic wildfire in Sierra communities has increased dramatically in recent years, and will only get worse unless local, state and federal agencies, in partnership with Sierra residents, NGOs and community groups, work together to address the underlying issues of poor planning and unfair subsidies that encourage irresponsible development.

We can build thriving communities that are safer and sustainable, by making an upfront investment in good planning that will save lives and money in the long run. Or we can continue with business as usual, and deal with the consequences every fire season to come. The choice is ours.

Dangerous Development

Wildfire and Rural Sprawl in the Sierra Nevada

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Acknowledgements

Written by Autumn Bernstein, Land Use Coordinator for Sierra Nevada Alliance.

Many people that gave their time, energy, wisdom and experience to this report, including Bob Johnston, Warren Alford, Zeke Lunder, Ray Griffiths, Craig Thomas, Paul Mason, and Tim Ingalsbee.

Several outstanding research interns spent their summers helping put this together, including Sarah Ford, Michela Adrian and especially Nicole Gibson.

We are indebted to those researchers who assisted with data analysis and/or shared their data: Bob Johnston of UC Davis Dept. of Environmental Science & Policy, Nate Roth at the UC Davis Information Center for the Environment, GreenInfo Network, and Shelley Schmidt at the University of Wisconsin SILVIS lab. Thanks also to Shasta Ferranto for her help with spatial analysis.

Zeke Lunder, Eric Winford, John Pickett, Maria Mircheva, Shasta Ferranto, Canyon Florey and Darin Dinsmore allowed me to use their photos. Thanks to Canyon Florey for cover art, layout and design. (CanyonFlorey.com)

Thanks to Ellen Hickey and Shannon Raborn who got the ball rolling on this report.

Lastly, thanks to the staff and board of Sierra Nevada Alliance, especially Joan Clayburgh, Kay Ogden, Terry Manning, Bob Johnston and Addie Jacobson.

The author bears responsibility for any factual errors. Recommendations and views expressed are those of Sierra Nevada Alliance and do not necessarily represent those of funders, reviewers or others who offered assistance to this report.

About Sierra Nevada Alliance

The Sierra Nevada Alliance has been protecting and restoring Sierra land, water, wildlife and communities since 1993. The Alliance is a network of conservation groups that are based or work in the Sierra Nevada region. There are over 85 member groups that span the entire 400 mile mountain range.

The Alliance's Planning for the Future Campaign works to ensure that future growth protects our natural resources, working landscapes and rural communities.

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Foreword:

Lessons from the Angora Fire

by Autumn Bernstein, Land Use Coordinator

Sunday, June 24, 2007: When I saw the first plumes of smoke rising over the ridge behind my house, I went inside to make a sandwich.

It might sound crazy, but I've spent my entire life in California. After a while, you get used to seeing little plumes of smoke. You don't panic. You listen for the sirens, you keep one eye on the sky, you turn on the news, but you don't panic. Most of the time, these little fires are put out before they can become destructive. Most of the time, but not this time.

While I was in the kitchen slicing cheese and toasting bread, I felt a great gust of wind shuddering across the side of the house. I walked back outside and saw that the little plume of grey smoke had suddenly become a billowing orange column, arcing over my house and blocking out the sun. The wind blew again – it was coming my way, fast and hot.

I never got to eat that sandwich. My stomach was still growling as I drove down the road with my pets, laptop, sleeping bag, and a copy of *East of Eden* I'd bought at a garage sale that morning. As I drove, I thought about all the things I'd left behind, and wondering if they'd still be there tomorrow. Six days later, when I was allowed to return home, the hunk of cheddar cheese was still on the counter, the bread still in the toaster.

I live on Angora ridge near South Lake Tahoe. The fire came to the very edge of my neighborhood, within ¼ mile of my home. I am one of the lucky ones. 242 families lost their homes, and over a thousand experienced the same fear and suspense that I did, before returning to find homes and possessions intact.

I'd spent the last two years researching and writing this report on wildfire and rural development, only to have my own terrifying first-hand experience with wildfire just weeks before this report was scheduled to be released. It brought home the lessons of this report in a very personal way that I couldn't have imagined before.

My house was saved because of the remarkable efforts of the firefighters that kept the fire at the perimeter of our neighborhood. It was also saved because the US Forest Service had recently completed fuel treatment in the forest directly adjacent to our neighborhood, helping to create a defensible space around our homes. And it was saved because I simply got lucky.

Fire is natural and unavoidable in the Sierra. Equally natural and unavoidable are the impulses of people like myself, who want to make a home in this beautiful landscape. How do we reconcile this apparent contradiction?

Defensible space is one solution, and that issue has gotten a lot of attention in the aftermath of the Angora fire. But there is another, larger issue that has been largely ignored: How can we use the tools of urban planning to build safer communities?

While I love my home, I question whether or not my neighborhood should have been built in the first place. It is an isolated, leapfrog subdivision perched atop a steep, fire-prone ridge, surrounded by dense forests. All of these factors make it an extremely dangerous place in the event of a wildfire.

New subdivisions like mine are popping up all over the Sierra, with little thought about the implications for fire safety. Worse still, isolated rural ranchettes are sprawling across the landscape, putting people in even more remote, hazardous areas. This pattern of 'rural sprawl' increases the likelihood that more homes will be destroyed and more lives will be lost as wildfire makes its inevitable march across the landscape.

2007 is shaping up to be one of the worst fire seasons in recent memory. It is also the year that I stopped being a fire observer, and became a fire survivor. It is an experience I hope never to repeat. But unless we Sierrans start asking hard questions about where and how we grow, I fear that many more of us will have our own survivor stories to tell, and they won't all have happy endings.

Chapter 1

History and Ecology of Wildfire in the Sierra

The Sierra Nevada region

The Sierra Nevada is a 400-mile region characterized by tall granite peaks, coniferous forests and rolling, oak- and chaparral-covered foothills. It includes portions of 22 California counties and is home to approximately 600,000 people. The Sierra is also home to over half the plant and animal populations of the state, and provides 60% of California's drinking water.

The forest that John Muir saw

Fire is an integral part of the Sierran landscape. Before the arrival of Europeans, low-intensity ground fires were commonplace and rarely catastrophic. Several studies have shown that prior to 1875, fires occurred every 8-15 years in pine forests, and every 16-30 in wetter fir forests (Barbour, 1993).

When fire was commonplace in the Sierra, our forests, woodlands and chaparral areas looked quite different than they do today. The forests were more open and park-like, with big, mature trees and carpets of grass and wildflowers, and much less woody brush and fewer small trees than we see today.

John Muir described the forests of the Sierra as:

"[among] the grandest and most beautiful in the world. . . The giant pines, and firs, and Sequoias hold their arms open to the sunlight, rising above one another on the mountain benches. . . The inviting openness of the Sierra woods is one of their most distinguishing characteristics. The trees of all the species stand more or less apart in groves, or in small irregular groups, enabling one to find a way nearly everywhere, along sunny colonnades and through openings that have a smooth, park-like surface," (Barbour ibid).

This open, park-like setting was due largely to the beneficial influence of fire. It is hard to imagine today,



*Low-intensity ground fires were common in the Sierra before 1850.
Photo by Zeke Lunder.*

when wildfires frequently char everything in their path, but fires used to be far less destructive and were in most cases beneficial. The frequent ground fires cleared away brush and smaller trees, but left the larger trees intact. Fire also cleared away the layer of dead leaves, pine needles and brush that covered the ground, leaving behind bare soil and stimulating the regeneration of grasses, wildflowers and other small plants that might otherwise be unable to grow.

Because fires came through frequently, brush and dead wood were eliminated before they could accumulate to dangerous levels. When brush piles up and small trees clutter the forest, they form a "ladder" which allows fire to climb from the ground into the treetops, resulting in catastrophic crown fires that kill the large trees and threaten homes and lives. In the Sierra before European arrival, such fires were less common than they are today and large, old trees survived dozens or even hundreds of fires (Barbour, ibid).

The Giant sequoia and fire

In some cases, fire also has a more specialized role in ensuring the health of Sierra ecosystems and even the survival of species. One example is the Giant sequoia,

which is the world's most massive living organism and is found nowhere else in the world outside the Sierra. With its huge size and majestic stature it is hard to imagine that the Giant sequoia is actually quite vulnerable.

But its lifecycle is intimately dependent upon fire. Giant sequoias produce huge amounts of cones, but unlike the cones of most conifers, these cones do not automatically open and release their seeds. Instead, the cones remain green, hanging onto the parent tree and holding their seeds for as long as twenty years. Hot air from a ground fire causes the cones to open and rain seeds upon the forest floor – up to 8 million seeds per acre fall after a fire (Harvey, 1980).

Survival and successful germination of Giant sequoia seeds also depends upon fire. The seeds have a hard time germinating and growing to maturity in the litter of needles and leaves which usually covers the forest floor. When fire has exposed the bare soil and reduced the amount of shade in the forest, then the seeds can germinate and grow successfully.

Land managers who steward Giant sequoia groves now understand the importance of fire and use controlled burns to ensure the long-term survival of the species. Since the reintroduction of fire into Kings Canyon National Park, the number of seedlings per acre has grown from virtually zero to 22,000 (Harvey *ibid*).

Native Californians and fire

For as long as there have been people in the Sierra, there has been management of fire. The Sierra Nevada has been inhabited for at least 10,000 years by peoples of the Miwok, Paiute, Washo, Maidu, Yokuts, Nisenan, Konkow and Mono cultures, and virtually all of these tribal groups actively managed the landscape until the arrival of Europeans. They used a variety of tools and techniques, but the tool that was most widely used, and had the most dramatic effect on the appearance and ecology of the Sierra, was fire. Indeed, it now appears that Native Americans used fire to manage forest throughout the New World (Mann, 2006).

Foothill areas were routinely burned to reduce brush and stimulate the production of herbaceous plants and tubers, which were important to the diet

of Native Californians, both because people ate the plants directly, and because they provided food for deer, elk and other game. Fire also helped maintain the productivity of oak woodlands, important for the acorns they provided, and stimulated the growth of shrub shoots, used for basketry, buildings and, in the case of fruit-producing shrubs like chokecherry and manzanita, food. Burning was also important to Native Californians because it reduced the risk of catastrophic crown fires that destroyed homes and food-producing trees, and eliminated habitat for game and fish. According to UC Davis ethnobotanist M. Kat Anderson, “burning to keep the brush down” was a maxim adhered to by all Sierran peoples (Anderson, 1996).

The impacts of regular and widespread burning by Native Americans were significant. Approximately 100,000 Native Americans lived in the Sierra Nevada before the arrival of Europeans, and virtually every tribal group regularly burned large areas. While it is impossible to know how many fires were historically caused by lightning and how many by Native Americans, it is likely that both natural fires and human-caused fires played an important role in shaping the Sierra. What is clear is that the open, park-like forest which so enchanted John Muir and other early settlers was not a pristine wilderness, but a landscape that was managed by those who inhabited it for thousands of years (Anderson, 1996).

Changing regimes: fire suppression and logging

As Europeans moved in and replaced Native Americans as California's land managers, the fire regime in the Sierra changed dramatically. It became the norm to extinguish fires caused by lightning or other natural causes and deliberate human-caused fires were seen as a menace rather than as a management tool. Fire suppression became the official policy of the Forest Service in 1905 and the California Department of Forestry followed suit in 1924.

In addition, the widespread industrial logging which began during the mining era has also changed the composition of Sierra forests. The practice of clearcutting replaced diverse forests with vast plantations of small trees that are all the same age. Most of the Sierra's national forests and private

forestlands were clearcut regularly for decades. Today, clearcutting continues on a large scale on some private forestlands. The Sierra Nevada Ecosystem Project (SNEP) characterized the effect of logging in this way:

"Timber harvest, through its effects on forest structure, local microclimate, and fuel accumulation, has increased fire severity more than any other recent human activity." (SNEP, 1996).

The results of a century of fire suppression and logging large, fire-resistant trees have been dramatic. Sierra forests and woodlands today are more crowded and shrubbier. Shade-tolerant trees such as the white fir have thrived under these conditions and

Fire suppression has changed the behavior of fires, but the effects vary by forest type. For example, high elevation red fir forests historically experienced fairly long intervals between fires, so the recent departure from the natural fire regime has been less pronounced in these forests. By contrast, fires were historically far more frequent in lower-elevation ponderosa pine forests, so the effects of fire suppression in this forest type have been more pronounced.

Beyond fire suppression: new methods for fire management

In recent years, fire and land managers in the Sierra and throughout the West have become aware of the unintended consequences of fire suppression and

logging, and they are taking proactive steps to undo the damage of a century's worth of mismanagement. The removal of brush and small trees, in conjunction with prescribed burning, are techniques now widely used to restore forests to a condition similar to that which existed before fire suppression.

Making a forest more fire safe usually involves cutting young trees and tall brush first, which are then piled and burned safely. Once these fuel sources are removed, a ground fire is set to burn the remaining small brush and accumulated debris on the forest floor (pine needles, fallen branches, etc.).

After the ground fire has run its course, what remains are large, living trees and bare soil – a forest in which catastrophic crown fire is less likely to occur. The following spring, the forest floor turns green as shrubs re-sprout and annual herbs and wildflowers flourish in the rich, newly-fertile soil.

While these new management techniques are widely believed to be effective at both restoring forest health and preventing catastrophic fire, they are resource-intensive, requiring large amounts of both capital and labor. Over time, brush and small trees will accumulate once again, so effective fuel reduction programs require an ongoing investment of resources. In addition, fuel treatments are more difficult and costly to implement on steep slopes and in fragile areas such as stream environments. Efforts to



This scene from the aftermath of the 2007 Angora fire is typical of a crown fire in a dense, crowded forest. Photo by Autumn Bernstein.

vastly expanded their numbers and range, while fire-dependent species such as the Giant sequoia have suffered (Barbour, *ibid*). High meadows have been invaded by thickets of conifers (Taylor, 1990), and oak woodlands have been overtaken by deerbrush (Barbour, *ibid*).

In these conditions, the likelihood of catastrophic crown fire has increased dramatically. Dense stands of young, small trees are very flammable. Accumulated brush and dead wood are also highly flammable. Taken together, small trees, brush and dead wood form a "ladder" that allows fire to climb from the ground into the canopy and spread quickly from tree to tree. This type of fire is difficult to control.

implement fuel reduction programs on a large scale are complicated by funding shortfalls, competing management priorities and the mishmash of state, federal and private lands.

The continuing hazard of timber plantations

The conversion of forests to plantations continues on some private forestlands in the Sierra, increasing fire hazard in adjacent forests and communities. Tree plantations stocked with densely-stocked, even-aged, nursery-grown conifers have their needles and branches close to the ground and tend to have interlocking crowns; consequently, they form a continuous aerial fuel mass that can easily ignite and spread as a crown fire. This is why plantations are susceptible to severe fire damage even from low-to-moderate intensity fires.

Because young timber plantations pose such extreme fire risks and fuel hazards, they must be managed with complete fire exclusion. It takes just a few scattered plantations to put whole areas at risk of uncharacteristically severe fire, and thus, plantations zones are managed for fire exclusion, causing hazardous fuel loads to accumulate over time. The presence of these plantations compels adjacent public land management agencies to design expensive thinning treatments near plantations to increase successful suppression operations and induces fire fighters to take risky actions to aggressively fight fires burning in plantation zones—even fires that otherwise could have been used for fuel treatment and ecological benefits (Ingalsbee, 1997).

The new threat: Rural development

In recent years, the Sierra has begun to experience a development boom, fueled by retirees and second homeowners. In contrast to previous eras where growth was clustered around small, tight-knit towns, today's population growth is characterized by low-density rural "ranchette" development and leapfrog subdivisions where houses are scattered across the landscape. In some parts of the Sierra, rural residential development is outstripping all other types of development by a ratio of 10 to 1 (California Department of Conservation, 2006). This type of development makes forest management with regular



*Sierra forest before and after mechanical fuel treatment.
Photos by Zeke Lunder.*



controlled burning very difficult. Rural development also puts more lives and homes in danger. This new threat to fire management is the central issue explored in this report.

Conclusion

In recent decades, forest managers and residents in the Sierra have begun to recognize the integral role of fire in Sierra forests. We now understand that fire cannot be eliminated or suppressed – it must be carefully managed. In the next chapter, we explore how population growth and wildfire are both on the rise in the Sierra, with potentially dangerous consequences.

Chapter 2

Wildfire and Population Growth on a Collision Course

For the last several decades, the number of people living in high fire threat areas of the Sierra has increased dramatically, resulting in increasing conflicts between people and fire. That growth is projected to continue over the next forty years. Other factors, such as climate change and the conversion of private forestland to highly-flammable plantations, are also contributing to a 'perfect firestorm' where more lives and homes will be at risk of catastrophic wildfire.

Ranchettes and the wildland urban interface

In many parts of the rural west, including the Sierra, the predominant form of new development is low-density "rural ranchettes" where houses are scattered at low densities (1 house per 2-80 acres) in a sea of wildland vegetation.

In many parts of the Sierra, ranchette development is the only game in town. For example, between 2002 and 2004, 261 acres of ranchland in Amador County were converted to urban development (commercial, industrial and medium density housing). During that same time period, 3,100 acres of agricultural land in Amador County were converted to ranchettes. In other words, ranchette development is outstripping urban development by a ratio of 10 to 1 (California Department of Conservation, *ibid*).

This type of development creates a 'wildland urban interface' (see sidebar) that is extremely problematic for fire management. Preventing and fighting wildfire in the wildland urban interface (WUI) is extremely difficult and resource-intensive.

Fires in the WUI tend to burn fast and fierce, and cause many homes to be lost at once. A case in point is the 2007 Angora fire, which began in the WUI and spread quickly to adjacent homes. All 242 houses and 67 commercial buildings destroyed by the fire were lost during the first twelve hours (Norman, 2007). In the 1990 Painted Cave fire in Santa Barbara, 479 homes were destroyed, most within two hours of the initial report (Cohen, 2000).

What is the Wildland Urban Interface?

The wildland urban interface, or WUI, is a term developed by fire managers to designate places where development is interspersed with areas that are prone to wildland fire. The USDA defines the WUI as "the area where houses meet or comele with undeveloped wildland vegetation."

There are two types of wildland urban interface: In areas where developed cities share a distinct boundary with the adjacent wildland, the WUI is known as interface WUI. In areas where low-density development is intermingled with wildland vegetation, it is know as intermix WUI.

Source: USDA and USDI. 2001. Urban wildland interface communities within vicinity of Federal lands that are at high risk from wildfire. Federal Register 66: 751-777.

The wildland urban interface in the Sierra and the rural West is growing larger, and exposing more people to risk, every year. Population growth and wildland fire are, quite literally, on a collision course in the Sierra.

Fire and population growth: Recent trends in the western US

In states throughout the West, increasing numbers of homes are being built in high fire threat areas, dramatically increasing the size of the wildland urban interface. According to a study by researchers at the University of Wisconsin, in the Rocky Mountain states (AZ, CO, ID, KS, MT, ND, NE, NM, NV, SD, UT, WY), the number of homes in the WUI grew by 67.8% between 1990 and 2000 (Radeloff, 2005).

As the number of homes has grown, so has the sheer size of the wildland urban interface itself. From 1990 to 2000, the WUI in the Rocky Mountain states grew by 2,089,895 acres, an increase of 30.2%. In Nevada, the number of homes in the WUI grew by a whopping 91.7% during the same time period (Radeloff, *ibid*).

At the same time that the size of the wildland urban interface is growing, the frequency and severity of wildfires in the West is also growing. In 2006, a study in Science reported there were four times as many wildfires in the last sixteen years than during the previous sixteen years. The total area burned by those fires also increased dramatically, by 65%. Much of this increased fire activity was concentrated in mid-elevation forests in Northern California and the Northern Rockies (Westerling, 2006).

The same study also found that the recent increase in wildfire activity is correlated with an increase in average spring and summer temperature. This indicates that global climate change has probably begun to increase the frequency and severity of wildland fire in the western US (Westerling, *ibid*). Projections of further temperature rises, then, most likely will entail further increases in wildfire.

Fire and population growth: Recent trends in California

California is infamous for wildland fires that take lives, destroy homes, and char vast expanses of wildlands. The 2003 Old Fire killed six people, destroyed 1,000 homes and scorched about 100,000 acres in the San Bernardino Mountains above San Bernardino (USFS, 2003). Three years later, the Esperanza Fire killed five people, destroyed 34 homes, and charred 42,000 acres in the same area (CalFire, 2006). Thirty-six firefighters with the U.S. Forest Service and California Department of Forestry have died battling California wildfires since 1990.

Part of the reason California wildland fires are so destructive is that California has the most homes in the wildland urban interface of any state. According to the University of Wisconsin study, between 1990 and 2000, the number of homes in California's wildland urban interface increased by 14.5%, to 5.1 million. There are a total of 12 million homes in California, meaning that nearly one out of every two California homes is in the wildland urban interface. (Radeloff, *ibid*).

There are 8 million acres of WUI in California. Of those 8 million acres, about 5.5 million are classified by CalFire as high, very high, or extreme wildfire threat (see sidebar) (California LAO, 2005).

The real and potential economic costs of fire in California's WUI are staggering. CalFire estimates that the replacement value for homes in the wildland urban interface

is \$107 billion for the structures alone. On average, 703 homes in

California are lost to wildfire every year, at a cost of \$163 million (California Fire Plan, 1996).

These averages belie the enormous social and economic costs associated with large, devastating fires. The costs of the 2003 Old, Grand Prix and Padua fires, including, among other things, firefighting expenditures, private insurance payments, and FEMA assistance, were estimated by the Forest Service at \$1.3 billion (Dunn, 2003).

Nearly one out of every two California homes is in the wildland urban interface.

CalFire's Fire Threat Classes

CalFire's Fire and Resource Assessment Program (FRAP) has developed a rating of wildland fire threat based on the combination of potential fire behavior (Fuel Rank) and expected fire frequency (Fire Rotation) to create a 4-class index for risk assessment. Impacts are more likely to occur and/or be of increased severity for the higher threat classes.

The Fire Threat classes are: Extreme, Very High, High, and Moderate. Areas that do not support wildland fuels (e.g. open water, agricultural lands, etc) are omitted from the calculation and are considered 'Non-fuel.' Most large urbanized areas receive a moderate fire threat classification to account for fires carried by ornamental vegetation and flammable structures.

CalFire is currently in the process of developing new hazard severity zone maps for California which will contain more current information. However, at the time of publication, these new maps were not finalized.

Source: http://frap.cdf.ca.gov/projects/fire_threat/

**Fire and population growth:
Recent trends in the Sierra Nevada**

Much of the Sierra, particularly the western foothills, are classified by CalFire as “very high” or “extreme” fire threat. These areas are also the fastest-growing parts of the Sierra.

According to new research by Sierra Nevada Alliance, between 1990 and 2000, over 88,000 people—a 16% increase—moved into areas of the Sierra Nevada categorized by CalFire as either a “very high” or “extreme” fire threat.

Our data show that approximately 97% of the population growth in the Sierra took place in these very high or extreme fire threat areas.

Table 2.1 on page 8 shows the growth in population in “very high” and “extreme” threat portions of Sierra Nevada counties between 1990 and 2000.

At the top of the list is El Dorado County, where over 140,000 people now

live in these high fire risk areas, an increase of over 27,000 since 1990. Nevada and Placer Counties follow with 92,000 and 77,000 people respectively.

Between 1990 and 2000, 97% of the Sierra’s population growth was in areas considered very high or extreme fire threat by CalFire.

Table 2.1 Population growth in very high and extreme fire threat areas (in Sierra portions of counties)

County	1990	2000	change	% change
El Dorado	113,029	140,261	27,232	24%
Nevada	78,461	91,981	13,520	17%
Placer	66,241	76,877	10,636	16%
Tuolumne	46,732	52,449	5,717	12%
Butte	31,913	35,975	4,062	13%
Calaveras	25,339	30,005	4,666	18%
Amador	24,646	27,998	3,352	14%
Lassen	22,927	25,319	2,393	10%
Madera	18,453	24,303	5,850	32%
Plumas	19,062	20,064	1,001	5%
Mariposa	14,294	17,120	2,826	20%
Kern	15,330	15,754	424	3%
Fresno	13,030	15,652	2,622	20%
Tulare	12,388	13,196	808	7%
Mono	9,000	11,756	2,756	31%
Inyo	10,479	10,325	-155	-1%
Yuba	7,911	8,488	577	7%
Tehama	4,720	4,538	-182	-4%
Sierra	3,133	3,357	224	7%
Alpine	991	1,075	85	9%
Total	538,079	626,492	88,413	16%

Methodology: These data were compiled using GIS to compare CalFire’s fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

The Sierra's wildland urban interface is growing quickly

As population in high fire threat areas grows, so too does the size of the wildland-urban interface. For this report, Sierra Nevada Alliance analyzed regional data from the University of Wisconsin study (Radeloff, *ibid*) to identify how quickly the WUI in the Sierra grew between 1990 and 2000. (Note: this analysis only includes the 13 'core' Sierra Nevada counties. See sidebar for details). This is the first time this WUI data for the Sierra has been analyzed at this regional scale. The results are consistent with state and national trends: Between 1990 and 2000, the area of the WUI in the core Sierra region grew by 11.55% -- 131,000 acres.

Table 2.2 on page 9 shows the size of the WUI in each core Sierra Nevada county in 2000. Not surprisingly, the counties with the largest populations also have the largest WUI.

Climate change is increasing the prevalence of wildfire

Even as the Sierra's wildland urban interface is growing, wildfire in the region is becoming more prevalent, according to a recent study published in *Science*. In the last sixteen years, wildfire

Between 1990 and 2000, the area of the WUI in the core Sierra region grew by 11.55% -- 131,000 acres.

activity in the Sierra and Northern California has increased "substantially."

Most of this increased wildfire activity happened in years where spring came early, leaving the forests very dry by late summer and vulnerable to wildfire. The study found that mid-elevation forests are particularly sensitive to these changes, which are brought on by increasing temperature, a direct result of global climate change (Westerling, *ibid*).

Core and Peripheral Sierra Counties

The 'core' Sierra Nevada counties are those whose populations and land area are entirely or almost entirely within the Sierra Nevada. These include: Alpine, Amador, Calaveras, El Dorado, Inyo, Lassen, Mariposa, Mono, Nevada, Placer, Plumas, Sierra and Tuolumne.

Peripheral Sierra Nevada counties are the foothill counties whose population and land area are predominately in the Central Valley: Butte, Yuba, Tehama, Madera, Fresno, Tulare and Kern.

Table 2.2
Area of the Sierra Nevada
Wildland Urban Interface in 2000
(in acres)

County	Area of WUI
El Dorado	280,129
Placer	204,784
Nevada	190,892
Calaveras	138,588
Tuolumne	112,350
Mariposa	92,268
Amador	80,067
Lassen	54,006
Plumas	52,409
Mono	35,534
Inyo	16,401
Sierra	6,230
Total:	1,263,658

Source: Radeloff, 2005

Projections for the future: More growth in very high risk areas

The California Department of Finance predicts that by 2040, the population of the Sierra will triple to somewhere between 1.5 million and 2.4 million residents.

According to new research by Sierra Nevada Alliance, nearly all of this growth will happen in areas of 'very high' fire threat. We used GIS mapping to identify the amount of land currently designated for rural residential development (parcels from 2 acres to 80 acres in size) that is also classified as very high, or extreme fire threat by CalFire. The results are troubling:

94% of the land designated for rural residential development in the Sierra is in areas classified as very high or extreme fire threat.

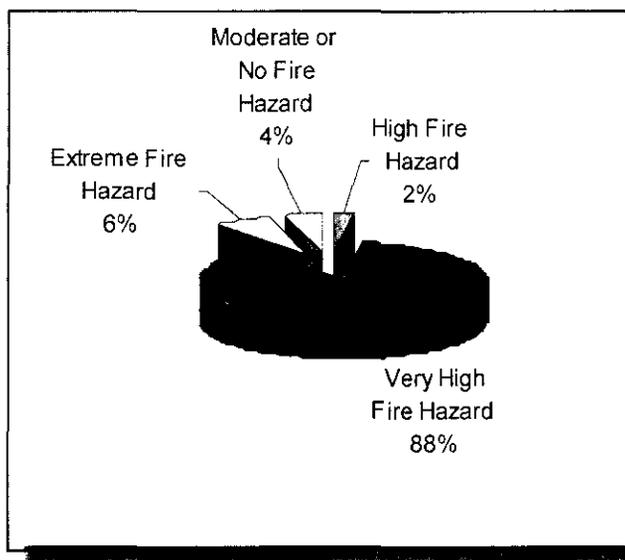
The maps in Appendix C (pages 42-45) illustrate the extent of lands slated for development in high fire threat areas. A summary of results for each county is in Table 2.3 on page 11. More detailed results for each county can be found in Appendix A. Figure 2.4 on page 10 shows the breakdown of lands slated for development by fire threat.

Our analysis clearly shows that the problem of population growth in high fire threat areas of the Sierra will only increase in coming years. As more people move into these areas, the size of the wildland urban interface will increase, bringing with it increased risk of catastrophic wildfire and loss of life and property.

Climate change will compound threat

This problem will be compounded by global warming, which will lead to larger and more frequent wildland fires in the Sierra. According to a 2003 California Department of Forestry report, fire behavior models predict "a sharp increase in both ignitions and fire spread under warmer temperatures combined with lower humidity and drier fuels. . . the net result being an expected increase in both fire frequency and size," (CalFire, 2003).

Figure 2.1 Fire Threat on Lands Designated for Rural Residential Development in the Sierra Nevada



As noted earlier, there is already ample evidence to demonstrate that climate change is already leading to drier, hotter summers and increased frequency and severity of wildfire.

Conclusion: The risk of catastrophic wildfire will grow exponentially

As more and more people look for a home in the Sierra, the compounding effects of climate change and the expansion of the wildland-urban interface will continue to put more lives and property at risk, unless we take a hard look at where -- and how -- we grow. In the next chapter we explore how population growth and development in the wildland-urban interface affects fire management.

Table 2.3 Percentage of rural residential land that lies within very high or extreme fire threat areas

County	Land Designated for Rural Residential Development	Amount in Very High or Extreme Fire Threat Areas	% in Very High or Extreme Fire Threat Areas
Lassen	537,779	487,753	91.0%
Nevada	247,686	247,686	100.0%
Madera	218,865	216,744	99.0%
Fresno	207,052	206,459	99.7%
El Dorado	177,611	177,611	100.0%
Amador	176,857	176,857	100.0%
Butte	155,434	155,434	100.0%
Shasta	158,592	155,184	97.9%
Calaveras	144,477	144,462	100.0%
Yuba	128,766	128,766	100.0%
Plumas	163,127	120,039	73.6%
Placer	103,340	103,340	100.0%
Tulare	99,864	99,596	99.7%
Mariposa	95,663	95,663	100.0%
Modoc	127,126	87,161	69.0%
Tuolumne	64,226	64,069	100.0%
Kern	67,806	39,523	58.3%
Mono	36,552	31,779	86.9%
Inyo	24,613	13,143	53.4%
Tehama	11,478	11,478	100.0%
Alpine	10,683	9,913	92.8%
Sierra ^a	0	0	0.0%
Total	2,957,596	2,772,658	93.7%

Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004). Our analysis only includes those portions of the counties that lie within the Sierra Nevada region, as defined by the Sierra Nevada Ecosystem Project study area boundary. We focused on lands classified as low density residential (density range 1 house per 2-20 acres) and very low density residential (density range 1 house per 20-80 acres). We then overlaid CalFire's statewide Fire Threat map to compare areas where high, very high or extreme fire threat overlap with areas classified for rural residential development. This analysis does not distinguish between lands that are already developed and lands that are not yet developed. Also, we did not examine other land classifications, such as commercial, industrial, medium or high density residential, which constitute a very small fraction of development in our region. The General Plan data used for this analysis were compiled in 2000.

Note: Sierra County's General Plan does not designate any areas for rural residential development. However there are some areas in which the General Plan does not reflect the reality on the ground. Because of pre-existing entitlements and grandfathered zoning, there are growing rural residential areas in Sierra County (Duber, 2007). This analysis looked only at General Plans, and therefore does not reflect the full potential for rural residential development in Sierra County or, indeed, in other Sierra Nevada counties.

Chapter 3

How Does Development Affect Wildland Fire?

Development in high fire threat areas affects every aspect of the fire cycle, from prevention to ignition to recovery. As we plan for future growth in the Sierra, thoughtful consideration of how and where we build new homes and businesses, will have a huge impact on our ability to co-exist with fire.

Impact # 1: Development leads to more ignitions.

In California, 90-95% of fires are caused by humans. The vast majority of these ignitions are unintentional: Cars, equipment, and debris burning are among the major culprits. Statewide, just 5% of fires are caused by lightning (CalFire, 2005).

Human-caused fires are most numerous in the wildland-urban interface, where people are living in close proximity to flammable vegetation (Cardille, 2001). As the density of people living in the WUI increases, so too does the number of ignitions. CalFire estimates that an increase in density from one house every 50 acres to one house per acre increases the number of ignitions by 189% (CalFire, 1997). A study of wildfire in the Great Lakes region found that the number of ignitions also increases with road density (Cardille, *ibid*).



Traditional Sierra neighborhoods, like this one in Quincy, have numerous advantages for fire protection. Photo by Autumn Bernstein.

Impact # 2: Development makes it more difficult and costly to fight fires. Protecting houses and other structures in the wildland-urban interface is expensive and difficult, and firefighters are often put in dangerous places they would not otherwise be (Rice, 1991). In the Esperanza fire, for example, five firefighters were killed while trying to protect homes on steep slopes where fire moves quickly.

When a wildland fire occurs, local, state and federal firefighting agencies must make it their highest priority to protect homes from the fire. Thus when there are homes in the path of a major wildland fire, protecting those homes necessarily diverts resources away from fighting the blaze directly. (Winter, 2001). When there is a fire truck parked in the driveway of every home, there are fewer trucks doing 'perimeter control' fighting the fire directly.

This cost difference can be dramatic, as illustrated by two recent fires in Wyoming, one of which occurred in the WUI, and the other in an undeveloped wilderness. The Boulder Creek Fire of 2000 charred 4,500 acres in the Gros Ventre Wilderness, far away from developed areas, and cost \$750,000 to extinguish.

In contrast, the Green Knoll Fire of 2001 charred 4,470 acres in the Bridger Teton National Forest near the town of Jackson, where homes were at risk. Firefighters saved 240 homes at a cost of \$13 million, or roughly \$54,000 per house. This fire was over 17 times more costly than the Boulder Creek fire, despite being the same size (Stanionis, 2006).

Impact # 3: Development limits options for fuel reduction and fire prevention. Once homes are introduced into a high fire threat area, fire managers no longer have the same range of options to manage fire and reduce fuels. In undeveloped areas, fire managers may allow naturally-caused fires to burn, thus reducing the fuel load and allowing the natural fire cycle to run its course. During periods when fire danger is low (late fall or early spring) they may also set prescribed burns for the same reasons.

The incursion of homes into a wildland area makes it vastly more difficult to do prescribed burns or allow natural fires to burn, requiring more hand-thinning and other labor-intensive techniques that allow for fuel removal without using fire that could spread to homes. This increases the costs of fuel reduction and means that limited resources are spread more thinly across the landscape, thereby increasing the risk of catastrophic wildfire (California LAO, *ibid*).

Clustered vs. low density development: which is better for living with fire?

Development that is clustered in a traditional town design avoids many of these problems. Historic Sierra towns like Auburn, Jackson, Quincy and Truckee were built at urban densities, with little or no wildland vegetation remaining within the historic town areas.

The advantages of infill and town-centered development include:

Compact neighborhoods have a smaller boundary to defend. When houses are clustered together rather than spread out, the perimeter of the community is smaller, and thus firefighters have a smaller boundary to defend in the case of an approaching wildland fire. When the community is spread out over dozens or even hundreds of square miles, it takes many more resources to defend every home.

There's usually less wildland fuel in a town. At higher densities, brush, small trees and other wildland vegetation are reduced and/or discontinuous, so there is often less wildland fuel that can cause a fire to start or spread. The prevalence of irrigated landscaping and paved surfaces also contributes to reducing fuel load in urbanized areas. There is an important caveat, however: once a fire is established in a developed area, the houses themselves become a source of fuel, and firebrands can quickly spread fire from house to house (Sapsis, 1999). This was true of the Angora wildfire.

There are fewer ignitions in a town. Numerous studies have shown that as population increases in wildland areas, the number of ignitions also increases. However, once development reaches an urban or suburban density, it has been shown that the number of

ignitions drops off dramatically (Cardille, *ibid*). This may be due to the decreased amount of flammable fuel in urban settings. Burning yard waste and using machinery such as tractors and large mowers are also two major sources of ignitions, and these practices are also less common in urban areas.

Infill and compact development gets more bang for the fuel reduction buck. Fuel reduction programs are very expensive and resource-intensive. These costs are magnified at low densities, where many acres often need to be cleared for the sake of protecting a single home. At higher densities, residents in a neighborhood or town can pool their resources and invest in fuel reduction projects around the perimeter of the neighborhood or town, thereby sharing both the benefits and the costs.

Infill and compact development allows for faster response times. Houses in and around a town generally have better road networks and are located in closer proximity to fire stations. In low-density areas, homes may be located along roads that are too narrow, too steep, and lack the turnarounds necessary to accommodate large fire equipment (Rice, *ibid*). Proximity to fire stations is also an issue. Fires that start in remote wildland-urban interface areas take longer to access, and thus are more likely to develop into major fires before crews can reach them (Cardille, *ibid*). Clustered development makes it easier to locate fire stations within closer proximity to all the homes in the area. These two factors – better roads and proximity of fire stations – make it easier for fire crews to respond quickly to fires and protect assets in a clustered development (Sapsis, *ibid*).

Water and power are more available in central areas. Towns and denser neighborhoods more often have centralized water supply and better infrastructure, compared to rural development which usually relies upon wells for water and often loses electricity during major fires. Wells are hard to access, especially if the electricity isn't working, and wells also have a lower capacity and are less reliable than municipal water systems. These factors can be important in ensuring that firefighters have quick, easy access to water and electricity to power well pumps. (Sapsis, *ibid* and Rice, *ibid*).

Compact development uses fire protection resources more efficiently. Where homes are closer together, less equipment and crews are needed to defend the same amount of homes. When fire threatens homes that are scattered throughout the WUI, one fire truck and crew might be parked outside every single wildland home in the vicinity of a fire to protect it. In a town setting, the same truck and crew could defend a larger number of homes, thereby freeing up resources to protect other areas or attack the fire directly (Rice, *ibid*).

A tale of two foothill communities

To illustrate how clustered development is better for fire protection than sprawling development, let's take a hypothetical example. Imagine you have two Sierra foothill communities of 1000 homes each. Both communities are located in identical environments: a mix of mid-elevation forest and chaparral. Both have a historic town center that is one square mile across (640 acres), and both have recently added 1,000 new homes. In one community, let's call it Ranchetteville, those new homes are low-density ranchettes. In the other community, Townville, those 1,000 new homes were added in a compact, town-centered fashion. Let's examine the fire implications of each.

Ranchetteville:

Maximum risk, Minimal protection

In Ranchetteville, the new development is a 5,000 acre ranch adjacent to the historic town center that has been divided into 1,000 parcels. Each new home is on a 5-acre ranchette, intermixed with forest and chaparral. There is a fire station along the main road leading through the area, and most homes are accessed via a maze of paved and dirt roads, some public, some private. Conditions on these roads vary according to the landowner, the time of year, the grade and the

county budget for road maintenance. There is no centralized water district, so every home has its own well and septic system.

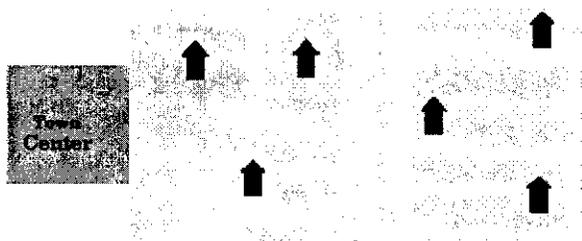
Because this new development is so large, it has increased the length of the perimeter of Ranchetteville by 9.8 miles, an increase of 245%. Local fire managers in Ranchetteville have a very large boundary to defend in the case of a wildland fire.

The average rate of ignitions in this new community is very high, since there are so many people driving cars, burning debris, and using heavy equipment in this forested, low-density setting. The cost-benefit ratio of fuel-reduction projects in this community is very low, because the perimeter of the community is long, and there is a large amount of flammable wildland vegetation within the community itself. Large amounts of forest must be cleared and thinned around every home. The fire station has a large territory to cover, and thus the average response time is relatively long, increasing the likelihood that fires will burn out of control before firefighters can respond. Road conditions, water supply and power generation are all challenges. In the case of a large fire, many trucks and crews are needed to protect homes.

Townville: Lower risk, more protection

In our other hypothetical community, the new 1,000 homes were added a traditional, compact neighborhood design on 480 acres directly adjacent to the historic town center. Each home is on slightly less than half an acre. All homes are connected to a municipal water system, and the number of people living in close proximity means that the road network is smaller and better maintained, and every home is within easy reach of the fire station.

Figure 3.1 Ranchetteville

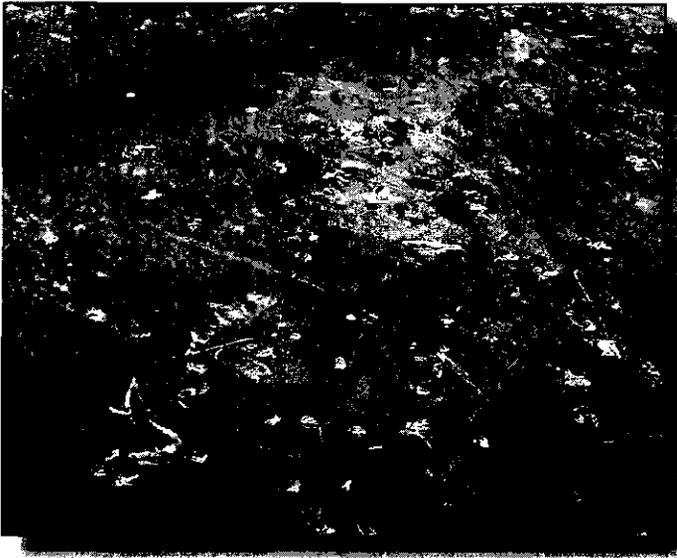


In Ranchetteville, new development is scattered on 5-acre parcels far from the existing town center.

Figure 3.2 Townville



In Townville, new development is clustered around the existing town center.



Low-density development near the town of Arnold illustrates what Ranchetteville might look like. Photo by Darin Dinsmore.

Tuolumne City, near Sonora, illustrates what Townville might look like. Photo by Darin Dinsmore.

Table 3.1 Perimeters of Ranchetteville and Townville after new development

	Ranchetteville	Townville
Number of new homes	1,000	1,000
Average parcel size	5 acres	.48 acres
New perimeter to defend	9.8 miles	2.5 miles

In this case, the perimeter of Townville has grown by 2.5 miles, an increase of just 62% for the same amount of population growth. Fire managers in Townville have a much smaller perimeter to protect in the case of a wildland fire.

Within both the community itself and the surrounding wildland, the average rate of ignitions is lower. This is because there is less wildland vegetation within the community itself – landscaped yards, driveways and roads provide fuel breaks.

The cost-benefit ratio of doing fuel reductions in this community is high, because the perimeter is small and there is less wildland vegetation within the community itself. Fire managers might want to extend fuel treatment into the surrounding wildlands, but the bare-bones area that must be treated to keep the community safer is dramatically smaller than in the case of Ranchetteville.

When a fire starts inside the community, fire crews can respond quickly because the fire station is within

easy reach of every home. Water and power are in ready supply. In the case of a large wildland fire bearing down on the town, crews have a much smaller perimeter to defend, and smaller numbers of trucks and crews are needed to defend each home. Thus, more resources can be directed toward the fire itself.

Conclusion: Town-centered development can save lives, assets and money

Development in high fire threat areas of the Sierra is inherently dangerous, and the risk of catastrophic wildfire and its associated loss of life and property is, to a certain extent, unavoidable. However, community design can play a large role in minimizing exposure and reducing losses. Town-centered development has numerous advantages over low-density, rural residential development when it comes to fire safety, and these factors should be considered by counties, cities and developers when planning for new development in the Sierra.

Chapter 4

Subsidizing Disaster: Who Pays for Protecting Unsafe Development?

The costs of fighting wildfire are staggering, and they continue to grow every year. Protecting and rebuilding homes in the wildland urban interface adds substantially to these costs, much of which are borne by the taxpayers and the public at large.

The federal government, the State of California and local governments all have a role in managing wildfire in the Sierra and each of them plays some role in subsidizing unsafe development. Currently the state and federal governments shoulder a disproportionately large burden of fire protection costs, while it is local governments that are approving development that compounds fire danger. Figure 4.1 on page 16 shows a breakdown of fire agency budgets.

Automatic aid agreements

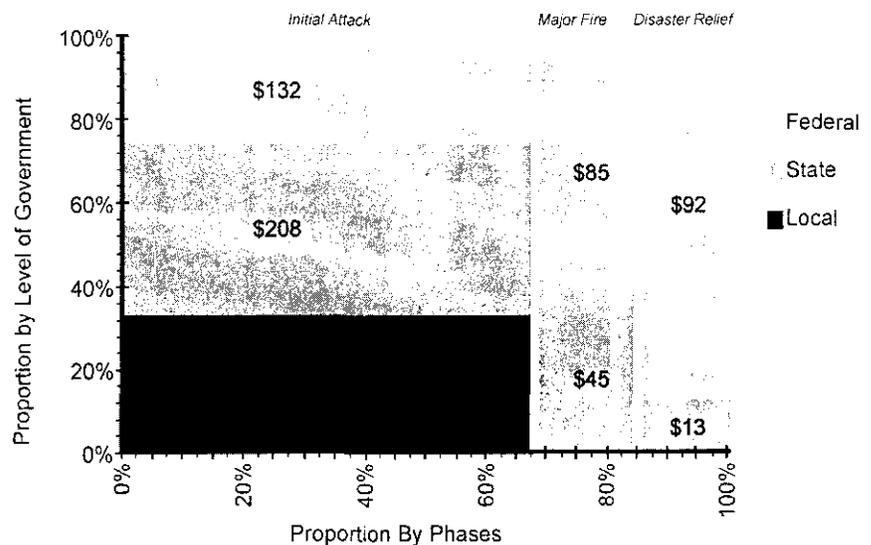
Most fire protection agencies in the Sierra operate under agreements that the closest firefighting unit will respond to a fire, regardless of whose jurisdiction it falls in. Thus, if a fire breaks out on national forest land and the nearest fire station is operated by the California Department of Forestry and Fire Protection, then CalFire will respond until the Forest Service is able to take over. The Forest Service will then reimburse CalFire for the costs it incurred in fighting the fire.

Local Governments:

Stretching thin resources even thinner

Fire Responsibility: Local government agencies – in the Sierra, usually county governments- are responsible under state law for providing fire

Figure 4.1
State, local and federal wildlife agency budgets



protection in densely populated communities (known as 'Local Responsibility Areas' and defined as more than 3 houses per acre). To do so, most local governments have established fire districts and/or fire departments that protect homes and businesses within fixed geographic boundaries. Local governments also frequently take the lead in protecting homes and structures in wildland areas known as State Responsibility Areas, or SRAs, discussed below.

Some Sierra counties, cities and fire districts contract with CalFire to provide fire protection and emergency services in Local Responsibility Areas, rather than have their own separate fire departments. These contracts are referred to as "Schedule A" agreements. These agreements are common in rural Sierra counties with small populations, where it makes better economic sense to pay CalFire to provide these services. In these instances, CalFire is reimbursed by the county or city for providing local fire protection.

Annual spending on wildfire in California: For the last several years, California counties have experienced double-digit increases in fire protection spending. In 2004-2005, California counties spent \$352 million on fire protection, a 12.5% increase over the year before (California State Controller, 2007).

Where the money comes from: Local fire agencies are usually funded by the County's general fund, special property taxes, or special assessment districts. As a result of Proposition 13 and other state fiscal policies, local governments in California have far fewer discretionary funds than they did 30 years ago. As a result, general funds are stretched thinner, even while development puts more and more pressure on existing fire resources.

How local governments are subsidizing unsafe development: Every time a new house is built in the WUI, that home is added to the growing pool of homes sharing a finite resource: the local fire response system. This includes fire stations, trucks and engines, firefighters and dispatchers, roads, fuel reduction programs and emergency water supplies. Increasing the number of homes in a fire district without increasing the capacity of the district itself means longer response times, fewer proactive inspections, and fewer fuel reduction and community education programs.

Thus, existing residents are subsidizing every new home that is built in their district. A report by the California Legislative Analyst's Office found that:

"As the number of structures in and adjacent to wildland areas continues to grow, the costs for structure protection in connection with wildland fires have increased significantly." (California LAO, ibid)

Some jurisdictions now levy impact fees on every new home to offset the additional burden on local fire districts. However, nationwide studies of impact fees consistently find that most impact fees fall far short of fully offsetting the true costs of new development. A study by Virginia Tech found that impact fees need to be increased an average of 8 to 22 times.

**State of California:
Robbing Peter to protect Paul?**

Fire responsibility: The California Department of Forestry and Fire Protection, also known as CDF or CalFire, is responsible for fire protection on all rural lands in California that are not owned by the federal government. This includes private forest and ranchlands and rural lands owned by the state and local governments. These lands are known as "State Responsibility Areas," or SRAs. There are 31 million acres classified as SRAs in California. Less than 1% of SRAs are public land. Figure 4.2 lists the acreage of SRAs in all Sierra counties. Other state agencies, including the Office of Emergency Services, Department of Corrections, and Department of the Youth Authority also play a limited role in fighting fires in conjunction with CalFire (California LAO, ibid).

**Table 4.2
State Responsibility Areas (SRAs) by County
(includes entire county, not just Sierra portion)**

County	Acres	County	Acres
Alpine	38,200	Modoc	628,600
Amador	291,400	Mono	198,100
Butte	525,100	Nevada	386,900
Calaveras	526,700	Placer	384,400
El Dorado	564,600	Plumas	428,800
Fresno	763,500	Shasta	86,900
Inyo	218,600	Sierra	794,800
Kern	1,764,500	Tehama	1,276,600
Lassen	1,028,200	Tulare	603,000
Madera	373,000	Tuolumne	356,100
Mariposa	442,900	Yuba	213,700
Total		11,894,600	

When the SRA system was originally set up during World War II, State Responsibility Areas in the Sierra were sparsely populated timber and ranchlands, where very few lives and homes were jeopardized by wildfire. They were considered worthy of statewide protection because of the timber and watershed values they provided. Today, however, SRAs include some of the fastest-growing parts of the Sierra.

CalFire's role is supposed to be fighting wildland fire, while local fire districts protect homes and structures. In practice, however, protection of life and property is rightly CalFire's top priority and frequently local districts lack the capability to protect all homes, so CalFire often winds up playing this role as well.

In some counties, CalFire is the sole fire protection agency, having entered so-called 'Schedule A agreements' to provide all the County's fire protection services, even in local responsibility areas. These are usually very rural counties that lack the tax base and/or population density to sustain an independent fire district. These counties essentially 'contract' out their fire protection to CalFire.

CalFire's role doesn't stop there. As rural parts of the Sierra become increasingly developed, CalFire's costs for responding to non-fire (usually medical) emergencies in those areas also increases. According to the California Legislative Analyst's Office:

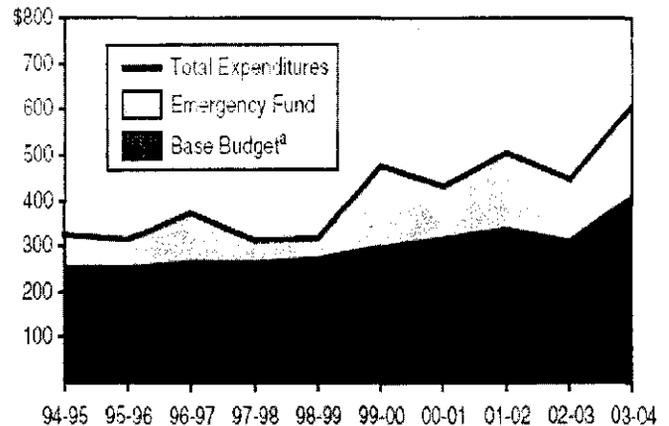
"In the fast-growing foothill region of the Sierra, CalFire reports that the number of its life protection-related emergency responses more than doubled between 1993 and 2000 – increasing from 10,000 to 25,000 responses." (California LAO, ibid).

Annual spending on wildfire: \$500 million

Where the money comes from: CalFire's firefighting programs are almost exclusively funded by the State of California's General Fund. Reimbursements from local fire districts account for 3% of CalFire's budget. Another 3% comes from federal trust funds, and the remaining 94% comes from the General Fund (California LAO, ibid).

How the State of California is subsidizing unsafe development: CalFire's firefighting operations are funded almost exclusively by the General Fund – in other words, by California taxpayers. But where is the public benefit to justify this public financing? The SRA system was originally set up to protect undeveloped wildlands that provide benefit to the general public by providing quality drinking water and timber. Besides, the cost of fighting fires in undeveloped wildlands remained relatively low for many years.

Figure 4.3
CalFire's Wildland Fire Protection Expenditures 1994-2004 (in millions)



^aDefined as total expenditures exclusive of E-Fund expenditures.

Source: California LAO, ibid

But as development increases in SRAs, bringing with it increased hazards and costs, who is paying for those increased costs, and who is benefiting?

In theory, local fire districts reimburse CalFire for costs incurred in protecting homes and structures, but these reimbursements cover only 3% of CalFire's annual budget. Meanwhile, the costs of fighting fire in SRAs have increased an average of 10% per year over the last decade, and much of this increased cost is due to increasing numbers of homes in SRAs. According to the Legislative Analyst's Office, "Increasing development in the WUI translates into increased fire protection costs." (California LAO, ibid).

Figure 4.3 shows CalFire's increasing expenditures for wildland fire protection between 1994 and 2004. The budget is divided into two figures: base budget and emergency fund. The base budget includes the day-to-day costs of operating CalFire facilities, fighting fires, payments to contract counties, and fire prevention costs. When additional resources are needed to fight large fires, these come out of the Emergency Fund.

As development continues in SRAs, these costs will also continue to rise, increasing the disparity between who pays for fire protection -- all taxpayers; and who benefits -- homeowners in the WUI.

Federal Government: Protecting more than just national forests

What they do: The USDA Forest Service is primarily responsible for managing fire on federal lands. In the Sierra, there are 8.5 million acres of land managed by the Forest Service (Sierra Nevada Ecosystem Project, 1996). Like CalFire, the Forest Service areas of responsibility co-mingle with private lands in many places, so the Forest Service also has agreements with local agencies to help respond to nearby fires, even if those fires don't occur on federal land (California LAO, *ibid*).

The federal government also plays a role in post-fire recovery, usually through the Federal Emergency Management Agency. FEMA provides loans and grants to assist fire victims in rebuilding their homes and businesses.

Annual spending on wildfire (nationwide): \$1-1.5 billion (USDA Office of Inspector General, *ibid*).

Where the money comes from: The USDA Forest Service is funded primarily by general fund allocations from Congress, with limited reimbursements from local fire districts.

How the federal government is subsidizing unsafe development: A 2006 audit by the USDA's Inspector General found that protecting WUI homes adjacent to federal land was responsible for 50-95% of the \$1 billion spent annually by the Forest Service to suppress large wildfires nationwide. (USDA Office of Inspector General, 2006). If that number is correct, then the federal government is providing subsidies of \$500 million to \$1 billion per year for individual homeowners in the wildland urban interface.

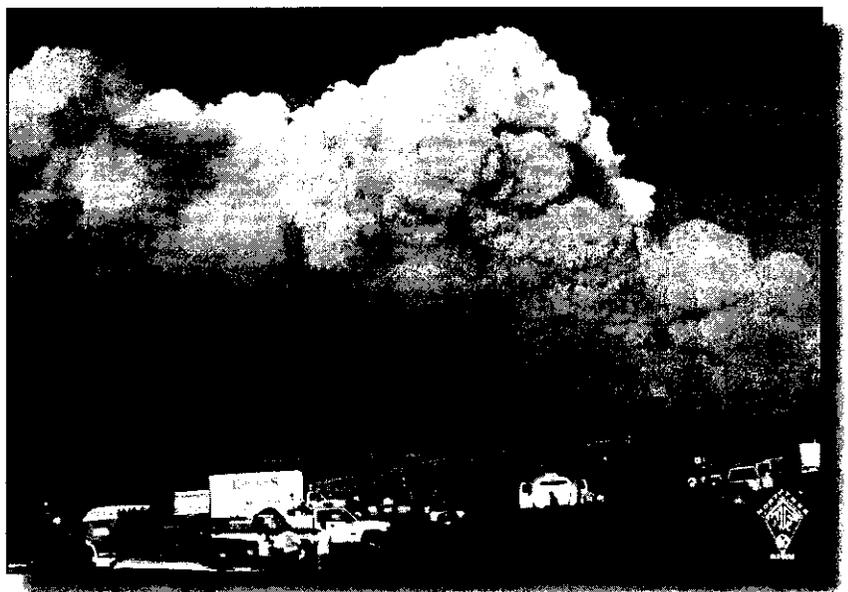
By doing so, the audit contends, the Forest Service is removing incentives for homeowners to take responsibility for their homes. The audit recommends that state and local governments that approve development in the WUI should shoulder more financial

responsibility for fire suppression in those areas. (USDA Office of Inspector General, *ibid*).

Conclusion: State, federal and local agencies are all subsidizing unsafe development

Local, state and federal agencies all play an important role in fire management in the Sierra. CalFire and the US Forest Service are larger and better funded than local fire districts, so when a major wildfire sweeps through the region, these two agencies often shoulder most of the burden. Both agencies are funded by the taxpayers at large, not the individual WUI homeowners whose homes are in danger. Thus, homeowners in the WUI are essentially getting a public subsidy from the state and federal governments to build homes in unsafe places.

Local governments are also responsible for subsidizing unsafe development because they are the agencies which approve new development in the first place. Local governments can help ensure that new development pays a fair share of fire protection costs, by imposing impact fees on new homes that flow to local fire districts. However, very few local governments in the Sierra charge any impact fees whatsoever, let alone fees that are adequate to cover the costs of fire protection.



State, federal and local agencies all play a role in subsidizing unsafe development in fireprone areas. Photo by Zeke Lunder.

Chapter 5

Why current land use policy is failing at-risk communities

The interrelationship of fire and development in the WUI is not news to fire managers, land use planners and decision makers. However, the status quo doesn't do enough to ensure that we are minimizing the risk to lives, assets, watersheds, wildlife and ecosystems.

Current fire prevention policy focuses on site-specific solutions such as clearing defensible space, selecting building sites to minimize fire danger, and building with fire-retardant materials. In this chapter we discuss the limitations of this approach, and argue that fire-safe planning must evolve to look at the neighborhood and community scale.

The current policy framework:

Site-specific requirements

Currently, fire-safe planning relies primarily upon building and zoning codes that apply to individual homes and/or building sites, or sometimes new subdivisions. This system places the burden of responsibility on individual homeowners or developers, who implement the standards at a site- or subdivision-specific level during and after construction. When new homes are sold, the owners are responsible for ensuring the homes stay up to code.

These codes often mandate that new homesites provide adequate road access, water and power. Non-flammable building materials and fire-retardant vegetation may be required. Builders may be required to site a new building away from steep slopes, ridgelines or other especially hazardous areas. Homeowners may be required to maintain defensible space around the home by cutting trees and shrubs.

The creation of these codes has been an important step toward improving fire safety and decreasing losses of life in the WUI. However, current research and the historical record show that this site-specific approach to fire safe planning has serious shortcomings.

For example, many of the 1,000 homes that burned in the 2003 Old and Grand Prix Fires in Southern

California were in compliance with local fire safety codes. In the 18 months after these devastating fires, cities and counties in the Inland Empire issued permits for another 2,500 homes in areas of 'extreme' or 'very high' fire danger (Miller, 2005).

Homeowner reluctance:

An obstacle to implementing codes

One major problem confounding the success of firesafe codes targeted at individual homeowners is the reluctance of the homeowners themselves. Numerous studies have shown that fire safety programs focused on changing individual homeowner behavior have limited success,

because many homeowners are concerned about the cost and aesthetics of firesafe strategies, and they question the effectiveness of the programs (Nelson, 2005).

Many of the 1,000 homes that burned in the 2003 Old and Grand Prix Fires in Southern California were in compliance with local fire safety codes

Nationwide, the majority of new homeowners in the WUI take no action to reduce their home's risk of wildfire (National Academy of Public Administration, 2002).

Yet most firesafe building and zoning codes are predicated on the assumption that homeowners in high fire risk areas will keep their homes up to code. While many codes impose fines on homes that are out of compliance, enforcement of the codes in most parts of California is sporadic at best, due to lack of funds. Enforcement duties generally fall upon local fire departments that often don't have the resources to enforce the code.

For instance, in 2004 Riverside County firefighters issued 20,000 warning notices to homes that were out of compliance with fire safety codes, but were

unable to follow up on most of the warning notices. In total, only 15 citations were issued (Miller, *ibid*)

Clearly, the current practice of requiring individual homeowners to implement fire safety practices is important and shouldn't be discarded. However, given the documented shortcomings of these programs with regard to homeowner reluctance and lack of enforcement, planning and zoning codes need to look beyond individual homes and building sites to ensure that new development is safer.

What we're missing: The big picture

What all these zoning and building codes fail to do is look at fire in the larger planning context. In every community there are areas which are more dangerous to develop and areas which are safer. Topography, vegetation, slope, proximity to existing emergency services, roads, and municipal water supply are just some of the features which can help determine which areas are safer for development, and which are more dangerous. By looking at fire danger at the scale of the entire community, rather than the individual property, city planners and fire managers can direct growth into safer areas, and limit development in areas of extreme hazard (Schwab, 2005).

Disconnect between who approves development and who protects it

So why are local governments not looking at fire in this larger context? Why are they relying upon site-specific planning for fire safety?

One major reason is the disconnect between who approves new development and who pays the cost of protecting that development from fire. As discussed in the previous chapter, state and federal agencies shoulder the vast majority of firefighting costs in California's wildlands. However, it is local governments – in the Sierra, usually counties – who are responsible for developing land use policies and zoning codes and approving development. As the California Legislative Analyst's Office puts it:

“The decisions on where and how these homes are built are generally made at the local level. However, the consequences of these decisions are experienced at both the state and local level. . . when a large wildland fire threatens a development,

*firefighting resources for structure and life protection beyond those available at the local level are often needed. The cost of those additional resources is generally borne by state taxpayers rather than local residents.” (California LAO, *ibid*).*

Local governments in California, especially rural counties like those in the Sierra, are cash-strapped and often struggle to sustain important programs like health care and road maintenance as well as public safety. The reasons for this poor fiscal situation are many and complicated, but the end result is that cities and counties across California, particularly in rural areas, are desperate for cash. New development of any kind generates short-term revenue that local governments can use to meet their budgets. This creates a powerful incentive for local governments to approve new development despite potential consequences to public safety and the environment.

Because local governments shoulder just a fraction of the costs of fighting wildland fire and receive most of the short-term economic benefits of approving new development, there is little financial incentive for them to keep development out of dangerous areas.

The myth of subdivision rights

In addition, some local government officials operate under the mistaken assumption that landowners have a legal right to subdivide and develop their land as much as they wish, regardless of the impacts to the community as a whole. This assumption is not legally correct, as State and Federal Courts have repeatedly held that there is no right to subdivide and split parcels. Both the state and federal governments delegate land use planning responsibilities to local governments, and require only that landowners must be allowed some economic use of their land, not any economic use. Since most landowners do enjoy some economic use of their land (such as farming, grazing, logging and building one house per parcel), there is no legal justification for allowing new subdivisions that jeopardize public safety. California Government Code section 66474 states that a subdivision may be denied if it is “likely to cause public. . . safety problems.”

In the next chapter, we explore ways that federal, state and local policy can be reformed to encourage fire-safe planning at the community scale.

Chapter 6

Principles for Planning Fire-Safe Sierra Communities

“Including fire standards in general plans and subdivision regulations is not enough to prevent the devastation of a major fire. The fact is that 32 million Californians live in a tinderbox. And with a half-million more per year on the way, it’s impossible to change the situation – unless public officials and the voters who elect them decide they’re willing to pass regulations that would keep people from building in the woods.”

*- Bill Fulton, California planning expert
(Fulton, 1995)*

So what can local communities and state and federal agencies do to improve land use planning to prevent catastrophic wildfire in the Sierra?

We propose that land use planning in high fire threat areas should adhere to the following principles:

- 1. Make development pay its own way**
- 2. Cluster development in and around existing communities**
- 3. Don’t build in unsafe places**
- 4. Manage the forested landscape to restore resiliency and reduce fire hazard**
- 5. Improve planning and budgeting processes to fully address risks**

An initial investment in improving and updating General Plans and zoning codes will be cheaper than trying to fight fires in poorly-planned communities twenty years from now. This chapter explores each principle and recommends actions that communities and government agencies can take to implement them.

Fire-Safe Planning Principle 1: Make development pay its own way

Landowners contemplating development in high fire threat areas should be required to pay the full cost for protecting new development from fire. Such a policy would both discourage irresponsible development and ensure that taxpayers aren’t unfairly shouldering the burden for protecting new homes in unsafe areas. The State of California used to impose a state fire protection fee on homeowners in areas where CalFire is the only source of fire protection (State Responsibility Areas or SRAs). In the years since the State of California suspended this fee, CalFire’s costs for providing fire protection have skyrocketed. We suggest that the State of California and local governments should work together to reinstate such a fee that helps offset both state and local costs in protecting these homes.

To implement this principle, local, state and federal agencies can take the following actions:

Local Government Actions:

Impose impact fees that pay true costs: Cities and counties should levy fire impact fees on new development that reflect the true cost of providing fire protection and fuel reduction over the long term. These fees should be collected annually by the local government in conjunction with property taxes. The fees should be used to fund local fire districts and fuel reduction programs. The fee program should be structured to reflect relevant factors such as development intensity, fire risk, and proximity to existing roads and services. Voluntary fuel reduction measures by homeowners should be rewarded with lower fees.

Assist CalFire in collecting a state fire protection fee: When local governments approve new development in areas where CalFire must provide fire protection (State Responsibility Areas, or SRAs), they should work with

CalFire to impose and collect a reinstated fire protection fee (see State of California recommendations, below). Local governments should also help CalFire impose reinstated fire protection fees when existing homes within SRAs are sold or transferred.

Establish fire assessment districts in already-developed areas: To improve fire safety in already-developed areas, local governments and voters can establish fire assessment districts (see sidebar). Revenue generated from annual assessments should be used to fund the local fire districts and fuel reduction programs.

State of California Actions:

Reinstate fire protection fees linked to development: The State of California should reinstate fire protection fees that are linked to development intensity in SRAs. Unlike the flat fee which was debated in the California Legislature in 2004-2005, this fee should only apply to parcels which are developed. To minimize costs associated with administering such a program, the state could work with local governments to collect the fee in conjunction with subdivision approvals, issuance of building permits, and property tax reassessment.

Fire-Safe Planning Principle 2: Cluster development in and around existing communities

While no development in high fire threat areas is completely safe, clustering development in and around existing communities has numerous benefits for fire response and prevention. Local governments should encourage infill development and concentric outward growth while discouraging rural sprawl. There is a range of planning tools available to help local governments direct growth into appropriate locations.

Local Government Actions:

Promote infill first: Putting new development within existing communities, rather than allowing it to sprawl outward, can help prevent the expansion of the WUI, keep emergency response times short and make fuel-reduction programs more cost-efficient. Local governments should identify infill sites and encourage development of these areas. Tools such as redevelopment, transfer of development rights programs, and

Definitions

Fire Assessment District: An Assessment District is a special district formed by a local government agency and includes property that will receive direct benefit from the new public improvements or from the maintenance of existing public improvements. Fire Assessment Districts often pay for fuel reduction programs, construction of new fire stations, and other improvements. The local agency that forms the assessment district sells bonds to raise the money to build or acquire the public improvement. The agency then levies a special assessment against each parcel of land within the district, which is included on the County's general property tax bill.

Impact fee: An impact fee is a fee assessed on new development, usually by a local government. The purpose is to pay for expansion of new infrastructure such as fire stations, sewer and water, parks, and other government services. Impact fees may also be assessed to offset impacts to the environment or surrounding community. The fees are used to mitigate the impacts of the development.

State fire protection fee: Historically, the state of California collected a fire protection fee from all private properties located in a State Responsibility Area (areas that receive fire protection from CALFIRE). This fee used to offset CALFIRE's cost for protecting these properties from fire. The fire protection fee was suspended and recent attempts to reinstate the fee were unsuccessful.

Transfer of Development Rights (TDR): TDR is a market-based approach used by local governments to encourage development in certain places, and discourage development in others. TDR programs allow landowners to sever development rights from properties in areas that are to be protected as open space, and sell those development rights to landowners to increase the density of development in areas targeted for intensive development.

Redevelopment: California law authorizes local governments to identify deteriorated areas where market forces alone aren't sufficient to revitalize the area. In Sierra communities, these areas are often abandoned railyards or lumber mills, or historic downtowns that have been left behind by highway bypasses or strip development on the edge of the community. Through a process known as 'redevelopment,' agencies develop a plan and provide the initial funding to encourage private investment in those areas. Redevelopment actions include capital improvements, direct public investments, and providing tax benefits to new development.

other incentives can be used to encourage infill development.

Concentric outward growth: Where there is no room for infill development, local governments should encourage concentric outward growth that is compact and orderly. As with infill development, such growth patterns will discourage rapid WUI growth and use fire prevention and response services efficiently. Concentric outward growth will also help avoid creating isolated pockets of wildland vegetation that can cause fires to spread to surrounding homes. Tools such as general plans, urban growth boundaries and urban reserve systems can be used to foster concentric growth patterns.

Cluster development: New development in remote areas far from existing towns and communities should be strongly discouraged. However, in situations where development is unavoidable due to existing entitlements, communities should be

designed to minimize fire danger. New subdivisions in remote areas should be designed to optimize safety and access, by clustering new lots in low-threat areas close to access roads. These new clustered developments should provide a permanent ¼ mile buffer of defensible space on all sides. This buffer must be maintained on an ongoing basis. Local governments can require clustering and buffers as part of the General Plan, zoning code, and/or subdivision regulations.

California and Federal Government Actions:

Assist in developing local codes and regulations: CalFire and the USFS already play an important role in reviewing proposed plans, codes and development applications in some parts of the Sierra. CalFire and USFS could expand their role in local policy development by providing technical assistance, planning grants, stakeholder convening, and policy development in partnership with local governments.



Better land use planning can help protect communities from wildfire while preserving the health of Sierra forests, watersheds and wildlife. Photo by Autumn Bernstein.

Fire-Safe Planning Principle 3: Don't build in unsafe places

Within a given community or county, some places are more prone to fire danger than others. Brushy areas, steep slopes, ridgelines and south-facing hillsides, for example, are often more hazardous than other areas within the surrounding landscape. Other areas may pose a particular threat to an established community, such as a brushy canyon that sits adjacent to a town. New development should be curtailed in places that put new or existing residents at increased risk of catastrophic wildfire.

Local Government Actions:

No new parcels in high fire hazard areas: Use zoning and the development code to restrict the creation of new parcels in high risk areas outside fire district boundaries. Maintain zoning in these areas at very low densities, such as 160 acres or 320 acres per parcel. Existing smaller parcels are grandfathered in such ordinances, but at least further parcelization is prevented.

Limit development of existing parcels in high fire hazard areas: Use tools such as conservation easements, transfer of development rights programs and fee-title acquisition to limit development of existing parcels in high fire hazard areas that have multiple resource values (e.g. wildlife, watershed, agriculture etc)

Create fire protection boundaries: Establish a service boundary for the local fire district, and require new development outside the boundary to reimburse the fire district for 100% of costs rendered to protect structures from fire.

California and Federal Government Actions:

Enact legislation limiting further subdivision of lands in State Responsibility Areas. Since the State of California is responsible for fire protection in SRAs, the state should take action to limit development that will increase fire danger and drive up taxpayer-funded fire protection costs in these areas.

Definitions

Incentives for infill development: In addition to redevelopment, local governments can offer other incentives to encourage infill development. These include streamlining the permit process, creating flexible zoning codes for infill areas, and creating a community plan or specific plan for the area that undergoes environmental review at the plan level, thereby reducing the amount of review necessary for individual projects within the plan area.

Urban growth boundaries: UGBs designate where urban growth will be allowed to occur, and which areas will remain as forest or rangeland. A UGB is essentially a line drawn around a community that divides urban from rural. Some UGBs are permanent, while others have a 'sunset' provision and must be reconsidered after 10-30 years.

Clustering ordinance: Local governments use clustering ordinances to minimize the footprint of new development in remote areas. New development is 'clustered' into the portion of the property that is the least hazardous, is close to existing roads and infrastructure, and/or avoids environmentally-sensitive areas. The remainder of the property is permanently protected.

Urban reserves: Urban reserves are areas set aside for development at a future time, usually 10-20 years in the future. The designation of urban reserve is usually accompanied by a set of 'triggers' or thresholds that must be achieved in order for development to begin. Urban reserves are used to preventing premature or 'leapfrog' growth.

Conservation easements: Conservation easements are used by local governments, land trusts or other entities to purchase the development rights for a piece of property to keep it undeveloped, while allowing the private owner to retain ownership of the land and use it a manner consistent with the easement (such as agriculture, timber harvesting or recreation).

Fee-title acquisition: When a local government, land trust or other entity purchases a property outright for the purpose of conservation, this is known as 'fee-title acquisition.'

Support efforts to protect undeveloped lands:

State and federal government agencies can provide grants to assist with conservation easements and fee-title acquisition of certain lands which should remain undeveloped, such as those with multiple resource values. In addition, agencies can provide planning grants and technical assistance to help communities establish local districts to manage conservation easements, land acquisition, and transfer of development rights programs.

Assist in developing local plans and codes: CalFire and the USFS already play an important role in local planning in some parts of the Sierra. CalFire and USFS staff often review draft plans, codes and development applications and make recommendations. CalFire and USFS could expand their role in local policy development by providing technical assistance, planning grants, stakeholder convening and policy development in partnership with local governments.

**Fire Safe Planning Principle 4:
Manage the forested landscape to
restore resiliency and reduce fire risk**

100 years of fire suppression and logging large, fire-resistant trees have made our forests a tinderbox. State, federal and local agencies should support responsible forest management practices that restore resiliency and reduce the risk of catastrophic crown fire. In forests near communities that are important for protecting life and property, we should not allow forest management that increases fire danger.

Local Government Actions:

Work in partnership to manage the local wildland urban interface: In those places where local community meets the forest, do thinning and treatment to manage the WUI. Partner with community organizations, fire safe councils to work at making fuels management viable and cost-effective.

Require and enforce defensible space: Require new and existing homeowners to create defensible space and implement fire safe measures around their homes. Boost staffing and budgeting for enforcement.

Encourage safe timber harvest: Local governments have limited authority over forest practices which are

governed by the state. They do have the authority to determine land zoning which does affect forestlands in their jurisdiction. If approved by the state Legislature, local governments should create a wildland-urban interface timber production zone designation that would guide timber harvest near communities to ensure that any logging that occurs does not increase fire severity behavior that can threaten homes.

State of California Actions:

Support fuel reduction effort in the WUI: Increase investment in programs to help local communities reduce fuels in the WUI. Provide technical assistance, stakeholder convening, grants and personnel to develop and implement local fuel reduction plans.

Develop a WUI timber harvest zone: The state should develop a wildland urban interface zoning designation for forestlands in California so that local governments can control forest practices near communities to reduce wildfire risks. The state should also pass forest regulation changes that limit forest conversion to plantations and require shaded fuel breaks in areas adjacent to communities and in high priority areas identified in existing emergency regulations promulgated by the Board of Forestry.

Federal Government Actions:

Support responsible forest management: Increase funding for community pre-fire suppression activities and stewardship contracts. Increase investment into restoration on public lands. Encourage fire-resilient management on private lands.



State, federal and local agencies should partner to restore healthy forests. Photo by Zeke Lunder.

Fire-safe planning principle 5: Improve planning and budgeting processes to fully address risk

Lastly, all levels of government involved in wildland fire prevention need to improve planning and budgeting to adequately plan and prepare for coordinated wildfire prevention and response efforts. If we are to take action, we must first understand the full scope of the problem.

Local Government Actions:

Bring fire agencies to the table: Local governments should ensure that fire safe councils, local fire departments, CalFire and USFS have a meaningful role in land use planning efforts and decisions. Representatives from all fire agencies should be invited to the table early on in planning processes to ensure that their concerns are adequately addressed.

Improve understanding of threats: New analytical tools such as fire behavior modeling can be used to assist planners and landowners in mapping how wildfire is likely to burn through an existing community or planned development. These tools can identify high wildfire hazard areas, inform land use decisions, and prioritize areas for fuels treatment.

Assess true costs of fire protection – and budget accordingly: Most Sierra counties lack the funding to adequately fund fire prevention. Funding mechanisms such as impact fees and assessment districts are non-existent or woefully inadequate. Local governments should examine the true, long-term costs of fire prevention and protection and create or expand these mechanisms to attain budgetary needs.

State of California Actions:

Strengthen CEQA requirements for fire threat: The California Environmental Quality Act (CEQA) encourages agencies to consider wildfire threat as a potential impact that should be examined and mitigated. However, this provision is rarely utilized and many projects are approved without mitigation. The State of California should revise CEQA to clarify how impacts should be analyzed and suggest mitigation measures.

Definitions

Fire behavior modeling: GIS mapping technology has led to the creation of powerful new computer programs which allow fire experts to ‘map’ the likely behavior of wildfire in a community or landscape. These programs use fuels, weather, and topographic information to create graphical portrayals of potential wildfire spread patterns, rates of spread, and burn intensities.

CEQA: CEQA is short for the California Environmental Quality Act. CEQA requires government agencies, including cities and counties, to analyze the potential environmental impacts of a proposed action – such as approving a new subdivision – and ‘mitigate’ those impacts to the extent possible. CEQA is the premiere law governing the approval of new development in California.

Mitigation: Under CEQA, actions that are taken to offset the impacts of a project are called mitigation. Mitigation measures are the specific requirements which will “minimize, avoid, rectify, reduce, eliminate, or compensate” for significant environmental effects. See Section 15370 of the CEQA Guidelines for a full definition.

Conclusion: The choice is ours

The threat of catastrophic wildfire in Sierra communities has increased dramatically in recent years and will only get worse unless local, state and federal agencies, in partnership with Sierra residents, NGOs and community groups, work together to address the underlying issues of poor planning and subsidies that encourage dangerous development.

Bold leadership and decisive action are needed to address these challenges. Every day that we avoid dealing with this problem, more Sierra residents, communities, and ecosystems are put at risk.

We can build thriving communities that are safer and sustainable, by making an upfront investment in good planning that will save lives and money in the long run. Or we can continue with business as usual and deal with the consequences every fire season to come. The choice is ours.

Appendix A: Fire and Land Use Statistics by County

Alpine County

Area of Wildland Urban Interface ¹: 4,850 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	1,867	8,816	10,683
Acres in Very High Fire Threat Class	1,841	8,072	9,913
% in Very High Fire Threat Class	99%	92%	93%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	1,841	8,072	9,913
% in Very High or Extreme Fire Threat Class	99%	92%	93%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	991	1,075	85	9%

Amador County

Area of Wildland Urban Interface ¹: 80,067 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	34,735	142,122	176,857
Acres in Very High Fire Threat Class	34,735	142,122	176,857
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	34,735	142,122	176,857
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	24,646	27,998	3,352	14%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Butte County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	5,601	149,833	155,434
Acres in Very High Fire Threat Class	5,601	98,626	104,228
% in Very High Fire Threat Class	100%	66%	67%
Acres in Extreme Fire Threat Class	0	51,207	51,207
% in Extreme Fire Threat Class	0%	34%	33%
Total Acres in Very High and Extreme Fire Threat Class	5,601	149,833	155,434
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	31,913	35,975	4,062	13%

Calaveras County

Area of Wildland Urban Interface ¹: 138,588 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	5,666	138,811	144,477
Acres in Very High Fire Threat Class	5,666	138,796	144,462
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	5,666	138,796	144,462
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	113,029	140,261	27,232	24%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

El Dorado County

Area of Wildland Urban Interface ¹: 280,129 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	132,516	45,095	177,611
Acres in Very High Fire Threat Class	132,516	45,095	177,611
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	132,516	45,095	177,611
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	113,029	140,261	27,232	24%

Fresno County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	88,599	118,453	207,052
Acres in Very High Fire Threat Class	88,176	118,283	206,459
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	88,176	118,283	206,459
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	13,030	15,652	2,622	20%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Inyo County

Area of Wildland Urban Interface ¹: 16,401 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	8,695	15,917	24,613
Acres in Very High Fire Threat Class	6,328	6,815	13,143
% in Very High Fire Threat Class	73%	43%	53%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	6,328	6,815	13,143
% in Very High or Extreme Fire Threat Class	73%	43%	53%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	10,479	10,325	-155	-1%

Kern County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	67,806	0	67,806
Acres in Very High Fire Threat Class	39,523	0	39,523
% in Very High Fire Threat Class	58%	0%	58%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	39,523	0	39,523
% in Very High or Extreme Fire Threat Class	58%	0%	58%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	15,330	15,754	424	3%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Lassen County

Area of Wildland Urban Interface ¹: 54,006 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	405,269	132,510	537,779
Acres in Very High Fire Threat Class	358,972	100,247	459,219
% in Very High Fire Threat Class	89%	76%	85%
Acres in Extreme Fire Threat Class	16,076	12,458	28,534
% in Extreme Fire Threat Class	4%	9%	5%
Total Acres in Very High or Extreme Fire Threat Class	375,048	112,705	487,753
% in Very High or Extreme Fire Threat Class	93%	85%	91%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	22,927	25,319	2,393	10%

Madera County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	86,166	132,699	218,865
Acres in Very High Fire Threat Class	86,166	130,578	216,744
% in Very High Fire Threat Class	100%	98%	99%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	86,166	130,578	216,744
% in Very High or Extreme Fire Threat Class	100%	98%	99%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	18,453	24,303	5,850	32%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Mariposa County

Area of Wildland Urban Interface ¹: 92,268 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	88,424	7,239	95,663
Acres in Very High Fire Threat Class	88,424	7,239	95,663
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	88,424	7,239	95,663
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	14,294	17,120	2,826	20%

Modoc County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	61,114	66,012	127,126
Acres in Very High Fire Threat Class	48,092	30,095	78,186
% in Very High Fire Threat Class	79%	46%	62%
Acres in Extreme Fire Threat Class	8,160	815	8,975
% in Extreme Fire Threat Class	13%	1%	7%
Total Acres in Very High or Extreme Fire Threat Class	56,251	30,910	87,161
% in Very High or Extreme Fire Threat Class	92%	47%	69%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	data not available			

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Mono County

Area of Wildland Urban Interface ¹: 35,534 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	8,520	28,033	36,552
Acres in Very High Fire Threat Class	7,836	23,943	31,779
% in Very High Fire Threat Class	92%	85%	87%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	7,836	23,943	31,779
% in Very High or Extreme Fire Threat Class	92%	85%	87%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	9,000	11,756	2,756	31%

Nevada County

Area of Wildland Urban Interface ¹: 190,892 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	156,375	91,311	247,686
Acres in Very High Fire Threat Class	156,375	91,311	247,686
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	156,375	91,311	247,686
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	78,461	91,981	13,520	17%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Placer County

Area of Wildland Urban Interface ¹: 204,784 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	82,673	20,667	103,340
Acres in Very High Fire Threat Class	82,673	20,667	103,340
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	0
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	82,673	20,667	103,340
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	66,241	76,877	10,636	16%

Plumas County

Area of Wildland Urban Interface ¹: 52,409 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	34,167	128,961	163,127
Acres in Very High Fire Threat Class	33,424	85,274	118,698
% in Very High Fire Threat Class	98%	66%	73%
Acres in Extreme Fire Threat Class	552	790	1,341
% in Extreme Fire Threat Class	2%	1%	1%
Total Acres in Very High or Extreme Fire Threat Class	33,975	86,063	120,039
% in Very High or Extreme Fire Threat Class	99%	67%	74%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	19,062	20,064	1,001	5%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Shasta County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	58,267	100,325	158,592
Acres in Very High Fire Threat Class	19,459	46,293	65,752
% in Very High Fire Threat Class	33%	46%	41%
Acres in Extreme Fire Threat Class	38,808	50,624	89,432
% in Extreme Fire Threat Class	67%	50%	56%
Total Acres in Very High or Extreme Fire Threat Class	58,267	96,917	155,184
% in Very High or Extreme Fire Threat Class	100%	97%	98%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	data not available			

Sierra County

Area of Wildland Urban Interface ¹: 6,230 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	Sierra County's General Plan does not designate any areas for rural residential development. However there are some areas in which the General Plan does not reflect the reality on the ground. Because of pre-existing entitlements and grandfathered zoning, there are growing rural residential areas in Sierra County (Duber, 2007). This analysis looked only at General Plans, and therefore does not reflect the full potential for rural residential development in Sierra County.		
Acres in Very High Fire Threat Class			
% in Very High Fire Threat Class			
Acres in Extreme Fire Threat Class			
% in Extreme Fire Threat Class			
Total Acres in Very High or Extreme Fire Threat Class			
% in Very High or Extreme Fire Threat Class			

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	3,133	3,357	224	7%

1. Data is for entire County. Source: Radloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Tehama County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	7	11,471	11,478
Acres in Very High Fire Threat Class	7	2,860	2,867
% in Very High Fire Threat Class	100%	25%	25%
Acres in Extreme Fire Threat Class	0	8,611	8,611
% in Extreme Fire Threat Class	0%	75%	75%
Total Acres in Very High and Extreme Fire Threat Class	7	11,471	11,478
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	4,720	4,538	-182	-4%

Tulare County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	25,935	73,929	99,864
Acres in Very High Fire Threat Class	25,935	73,661	99,596
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	25,935	73,661	99,596
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	12,388	13,196	808	7%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Tuolumne County

Area of Wildland Urban Interface ¹: 112,350 acres

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	48,880	15,346	64,226
Acres in Very High Fire Threat Class	48,722	15,346	64,069
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	48,722	15,346	64,069
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	46,732	52,449	5,717	12%

Yuba County

Area of Wildland Urban Interface ¹: data not available

Residential Land and Fire Threat ²	Residential Low	Residential Very Low	Residential Total
Total Acres in Land Use Designation	82,701	46,065	128,766
Acres in Very High Fire Threat Class	82,701	46,065	128,766
% in Very High Fire Threat Class	100%	100%	100%
Acres in Extreme Fire Threat Class	0	0	
% in Extreme Fire Threat Class	0%	0%	0%
Total Acres in Very High or Extreme Fire Threat Class	82,701	46,065	128,766
% in Very High or Extreme Fire Threat Class	100%	100%	100%

Population Growth from 1990 to 2000 ³	1990	2000	Change	% Change
Popn in Very High or Extreme Fire Threat Areas	7,911	8,488	577	7%

1. Data is for entire County. Source: Radeloff, VC, RB Hammer, SI Stewart, JS Fried, SS Holcomb, and JF McKeefry. 2005. The Wildland Urban Interface in the United States. *Ecological Applications* 15:799-80

2. Data is for Sierra Nevada portion of County. Methodology: We used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004) and overlaid CalFire's fire threat data map (CalFire 2004)

3. Data is for Sierra Nevada portion of County. Methodology: These data were compiled using GIS to compare CalFire's fire threat data map (CalFire 2004) with population information from the California Department of Finance. GreenInfo Network, 2004.

Appendix B:

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Appendix C:

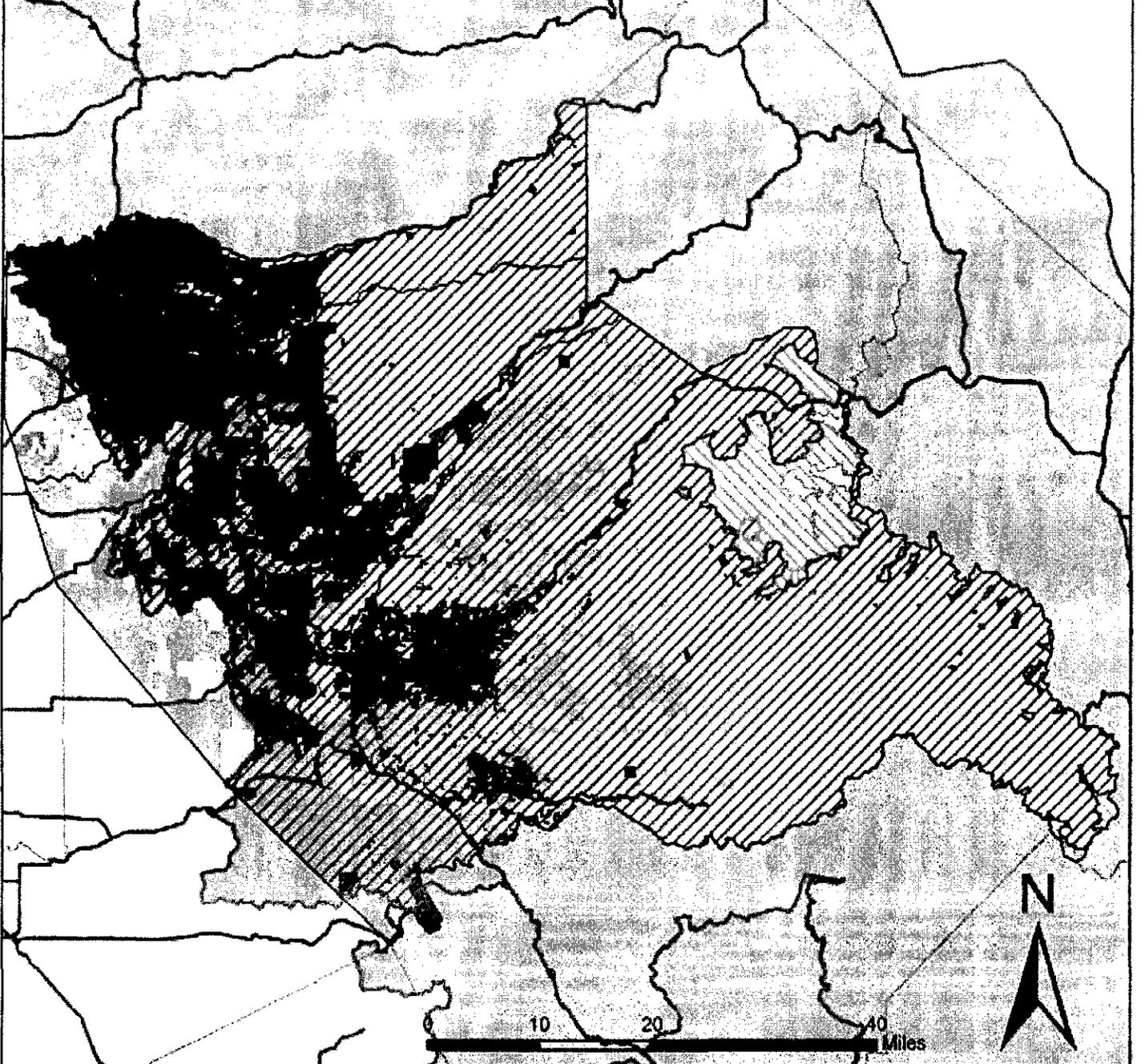
Maps of Fire Risk and General Plans in the Sierra Nevada

The following maps identify areas that are slated for rural residential development that are classified as “very high” or “extreme” fire threat by CalFire.

To create these maps, we used GIS data of the General Plans for all 21 California counties that lie partially or fully within the Sierra Nevada Region (Johnston, 2004). Our analysis only includes those portions of the counties that lie within the Sierra Nevada region, as defined by the Sierra Nevada Ecosystem Project study area boundary. We focused on lands classified as low density residential (density range 1 house per 2-20 acres) and very low density residential (density range 1 house per 20-80 acres).

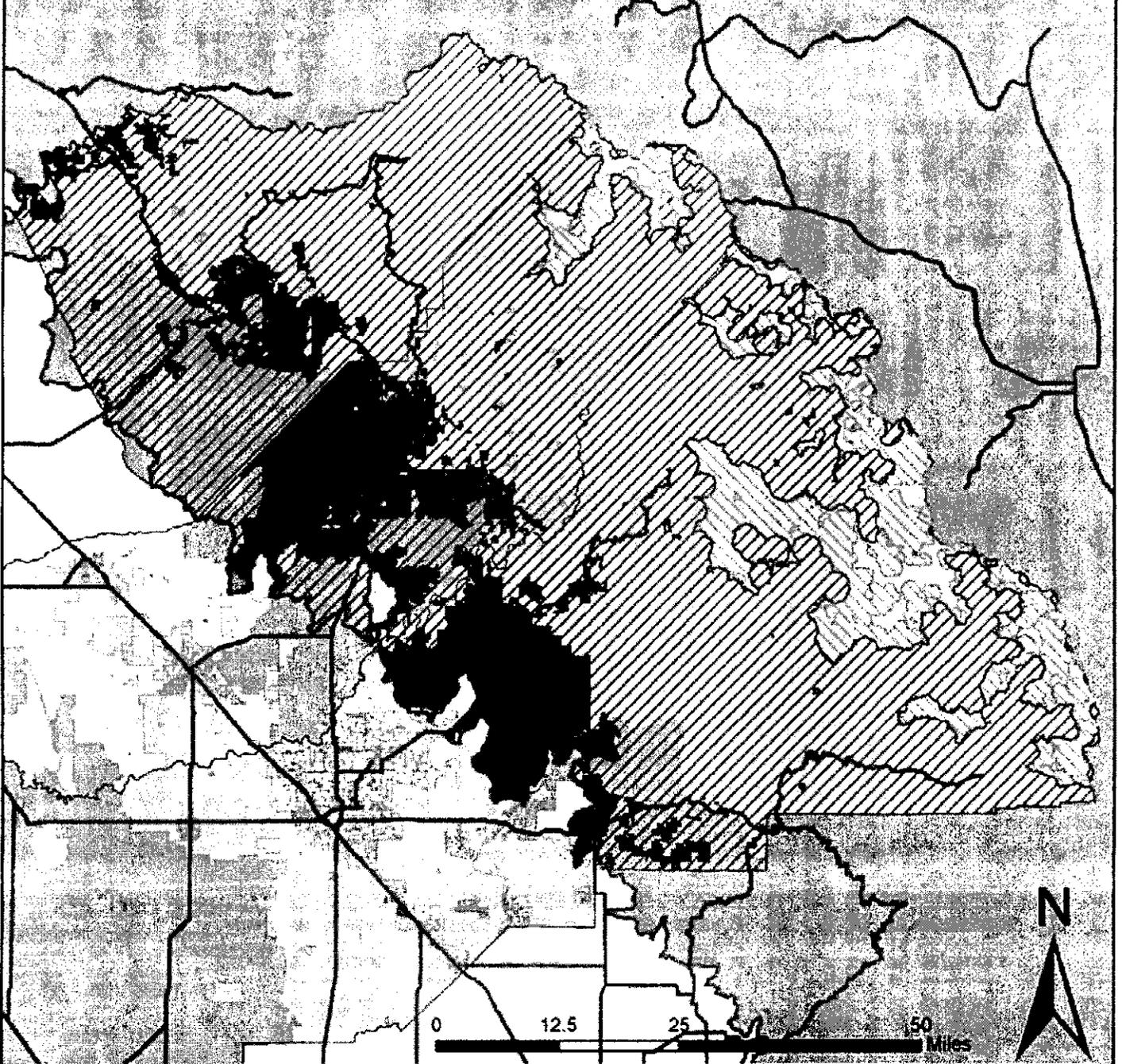
We then overlaid CalFire’s statewide Fire Threat map to compare areas where high, very high or extreme fire threat overlap with areas classified for rural residential development. This analysis does not distinguish between lands that are already developed and lands that are not yet developed. Also, we did not examine other land classifications, such as commercial, industrial, medium-density residential and high density residential, which constitute a very small fraction of development in our region. The General Plan data used for this analysis were compiled in 2000.

Amador, Calaveras and Tuolumne Counties: Fire Risk and General Plans



<p>■ Areas of very high fire hazard slated for residential development</p> <p>▨ Areas of high fire hazard slated for residential development</p>	
<p>Fire Risk to People</p> <p>Low</p> <p>▧ High</p> <p>▩ Very High</p> <p>▪ Extreme</p>	
<p>General Plan Classes</p> <p>▣ Agriculture</p> <p>▢ Open Space or Park</p> <p>▤ Residential Very Low</p> <p>▥ Residential Low</p> <p>▦ Residential Medium</p> <p>▧ Commercial Low</p> <p>▨ Industrial</p> <p>▩ Urban Reserve and Mixed Uses</p> <p>▪ Water</p> <p>▫ Major Roadways</p>	

Mariposa, Madera, and Fresno Counties: Fire Risk and General Plans



Areas of very high fire hazard slated for residential development
 Areas of high fire hazard slated for residential development

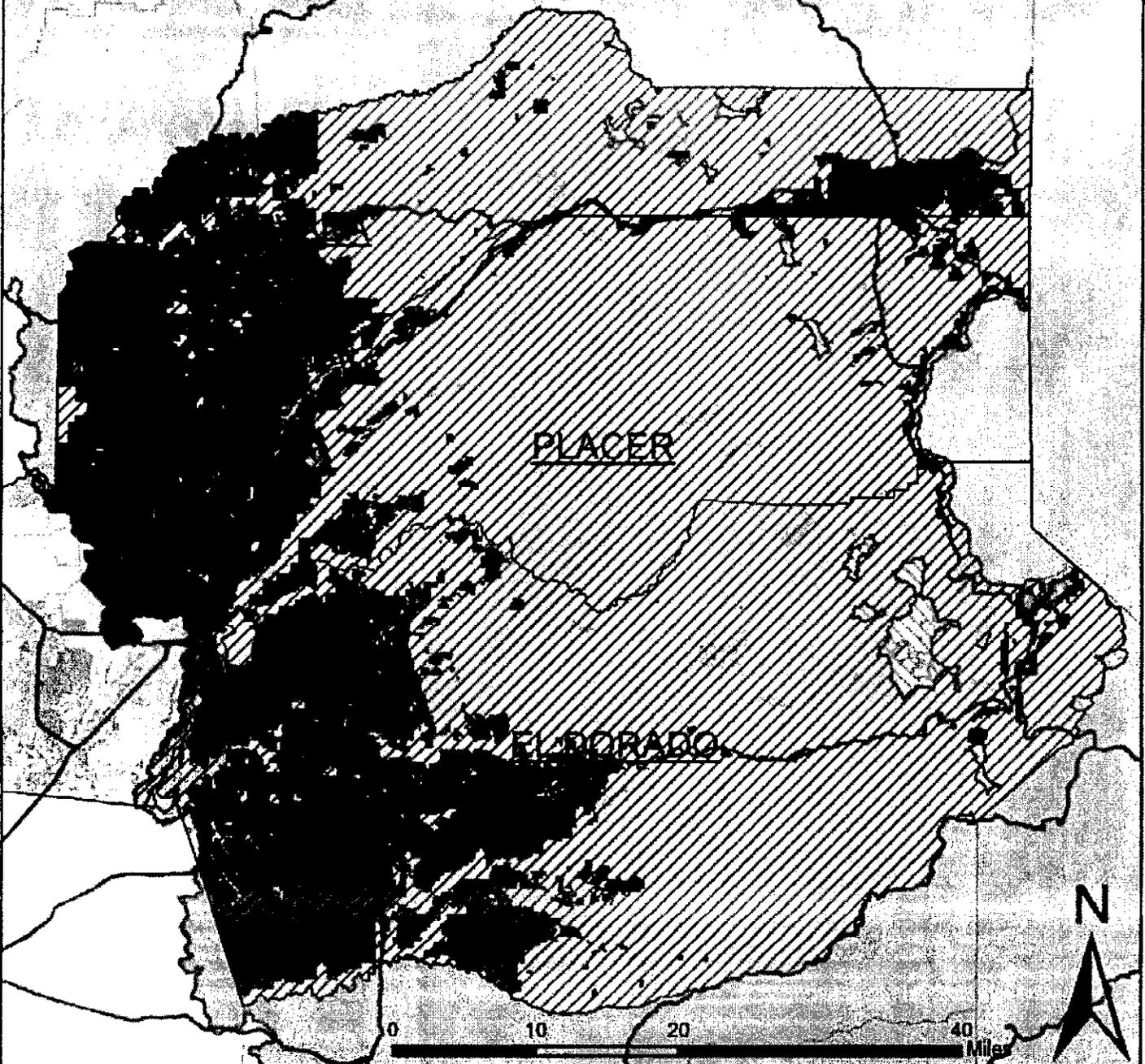
Fire Risk to People

- Low
- High
- Very High
- Extreme

General Plan Classes

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> Agriculture Open Space or Park Residential Very Low Residential Low | <ul style="list-style-type: none"> Residential Medium Commerical Low Industrial Urban Reserve and Mixed Uses | <ul style="list-style-type: none"> Water Major Roadways |
|--|--|---|

Nevada, Placer and El Dorado Counties: Fire Risk and General Plans



Areas of very high fire hazard slated for residential development
 Areas of high fire hazard slated for residential development

Fire Risk to People

- Low
- High
- Very High
- Extreme

General Plan Classes

- | | | |
|--|--|---|
| Agriculture | Residential Medium | Water |
| Open Space or Park | Commerical Low | Major Roadways |
| Residential Very Low | Industrial | |
| Residential Low | Urban Reserve and Mixed Uses | |



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