During the public review period for the Mitigated Negative Declaration, four letters were submitted as follows:

Agency Comments:

1. Central Valley Regional Water Quality Control Board, Trevor Cleak

Group Comments:

2. Save Placer Farmlands, Carol Rubin
3. Sierra Club/Public Interest Coalition, Marilyn Jasper

Individual Comments:

4. Eileen Wilkens, neighbor

Pursuant to CEQA, the County of Placer, as lead agency, must consider comments received during the circulation period, but is not required to prepare responses to such comments (*Public Resources Code* § 21091(d), (f); *CEQA Guidelines* § 15074(b). While responses to comments on the Mitigated Negative Declaration are not legally required by CEQA, the County has elected to respond to the public comments received on this project during the 30-day review period. Only those comments related to the environmental analysis are considered for detailed response. Comments regarding the merit of the proposed Wise Villa Winery Community Center project are provided as attachments for purposes of discussion and debate, but are not within the purview of the environmental review process.

Water Boards

Central Valley Regional Water Quality Control Board

RECEIVED
OCT 2 2012
ENVIRONMENTAL COORDINATION SERVICES

24 October 2012

Maywan Krach
Placer County
Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn, CA 95603

CERTIFIED MAIL
7011 2970 0003 8939 6069

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT MITIGATED NEGATIVE DECLARATION, WISE VILLA WINERY COMMUNITY CENTER (PMPB 20120092) PROJECT, SCH NO. 2012102018, PLACER COUNTY

Pursuant to the State Clearinghouse's 5 October 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Mitigated Negative Declaration* for the Wise Villa Winery Community Center (PMPB 20120092) Project, located in Placer County.

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

Construction Storm Water General Permit

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

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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

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

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

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

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Trevor Cleak
Environmental Scientist

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

Comment Letter 1 – Central Valley Regional Water Quality Control Board (RWQCB)

The RWQCB letter lists the standard general requirements for development. The applicant will be required to adhere to any applicable requirements.

2079 Country Hill Run
Newcastle, CA 95658
October 30, 2012

Michael J. Johnson, Director
Community Development Resource Agency
Placer County

RE: Comment on Mitigated Negative Declaration, Wise Villa Winery Community Center (PMPB 20120092)

Sec III. Air Quality
Discussion Item III-1 acknowledges that "*the SVAB is designated as nonattainment for federal and state ozone (O3) standards, nonattainment for the federal particulate matter standard (PM2.5) and state particulate matter standard (PM10).*" However the conclusion of no significant impact to the Region does not consider the cumulative effect of the traffic generated by this application, the two other active applications for Community Center MUPs in western Placer County, and the additional Community Centers that will be constructed once the precedent of these facilities has been set. Discussion Item III-5 obliquely acknowledges that these cumulative effects have not been considered: "*However, the long-term operational emissions (vehicle traffic) from this project* ***alone*** *will not exceed the District's significant thresholds.*" This project cannot be considered without reference to the other similar projects in the area. 2-1

The mitigation measures proposed are solely concerned with the one-time emissions generated during construction. To assess and mitigate the impact of traffic to and from this facility and the other similar proposed and probable future facilities, an Environmental Impact Assessment must be conducted to determine the impact of these Community Centers on air quality in western Placer County.

Sec VIII. Hazards and Hazardous Materials.
Discussion Item VIII-7 asserts that "*the risk...of wildland fires from the proposed project is considered less than significant.*" This assertion is based largely on the presence of water storage tanks on the property. However this assessment fails to consider the additional fire hazard presented to properties adjoining the proposed project and along the travel route to and from the proposed facility. If the facility holds four 50 person events and one 100 person event in a week, a situation which is easily foreseeable in the summer season when fire danger is high, there will be 150 additional vehicles (300 additional "trips") to and from this facility per week, as well as the cumulative effect of traffic to and from the similar proposed and potential facilities in the west Placer area. Wildland fires from vehicle catalytic converters (Catalytic Converter Caused Fires, Paul J. Bertagna, June 12, 1997 http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fppguidepdf122.pdf) and discarded cigarettes (http://www.longwood.edu/cleanva/cigbuttimpacts.htm) are well known phenomena. 2-2

Neighboring properties and properties along the routes to this and the other Community Centers are not protected by the applicant's water tanks. A full Environmental Impact Assessment must be performed to evaluate the increased fire danger to western Placer County properties and the costs to the County of mitigating this hazard.

Sec IX. Hydrology and Water Quality
Discussion IX-2 states "*Since the use of groundwater will be limited to domestic use...this project is not likely to substantially impact groundwater supplies and as such, this impact is considered to be less than significant. No mitigation measures are required.*"

Cumulative effects of water draw by proposed and potential Community Centers on groundwater levels in western Placer County have not been considered. A complete Environmental Impact Assessment must be conducted to evaluate and mitigate the effects of these facilities on groundwater stocks. 2-3

Sec X. Land Use & Planning
Discussion Item X-2 notes that the proposed project "*does not conflict with the General Plan designations or zoning.*" Placer County Code 17.10.010 states "*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....*"

The Farm zone must be protected from situations in which a "Community Center" which supports an agricultural use (in this case, a winery) remains after the agricultural use ceases. Otherwise, any developer can propose a "Community Center" in the Farm zone that has no commercial agricultural association. For example, should the applicant decide to sell his property and the new owner cease operating as a commercial winery, the "Community Center" MUP must be rescinded. The following mitigation language must be added to the MUP as a condition of approval. 2-4

Mitigation Measure Item X-2: If Wise Villa or any successor business ceases to operate as a commercial winery, this MUP for the Wise Villa or successor "Community Center" is rendered invalid.

Sec XVI. Transportation & Traffic.
Discussion Items XVI-1,2: The analysis presented fails to take into consideration the sporadic nature of traffic to and from this facility. The assertion that "*When an event attracting 100 persons is held at Wise Villa Winery, another 125 vehicle trips per day may be added to Wise Road. However, the resulting traffic volume would still be indicative of LOS A-B conditions. Thus, the impact of the project on roadway capacity and Level of Service is not significant*" is inaccurate because most of the traffic will occur during the one-hour period before and after an event.

The LOS figure of 3800 vehicles/day/lane assumes that traffic will be spread evenly throughout the day, a situation completely at odds with reality. Since no peak LOS figures are given, we calculate an hourly maximum of 158 vehicles/hour/lane (3800/24 = 158) to maintain LOS C during that hour. As shown in Table I, there are several hours during the week when traffic to and from events can reasonably be expected to coincide with peak existing traffic on Wise Road, amounting to 101-131 vehicles/hour/lane. 131 vehicles/hour/lane is 83% of LOS C on Wise Road an impact that is significant to others who must use the road at those times Indeed, these calculations are *underestimates* of the traffic volume because the number of vehicles carrying supplies and/or staff to these events is not known but is surely greater than zero. 2-5

Additionally, the assessment is concerned solely with traffic on Wise Road, a rural arterial. Two other roads along the projected route to the facility from I-80, Fruitvale Road and Fowler Road, are the next lowest road designation, rural collectors (KD Anderson Traffic Analysis, Wise Villa Winery, 9/20/12). Traffic impacts along these lesser roadways have not been analyzed and the MND must be redone to include them.

The situation on Fowler Road is particularly illustrative of the issues raised by not assessing this portion of the route and by not considering cumulative impacts from several of these facilities. The Traffic Analysis for the proposed Gold Hill Gardens MUP, also currently under consideration, states "*Guests arriving from the west are expected to use SR 193 to Fowler Road ...*" (KD Anderson Traffic Analysis, M. Carson Development, 12/23/2011). Thus, the routes to and from both of these Community Centers overlap on Fowler Road. Yet neither MND considers the traffic load on Fowler. During the summer season, when most events would be held, it would not be unusual for traffic to arrive and subsequently exit from both facilities during the same hour. Table 2 presents traffic projections at some times when Fowler Road can be expected to be in use by patrons of both facilities. If there is 100% traffic overlap to Wise Villa and Gold Hill Gardens 165 - 193 vehicles/hour/lane would be traveling on Fowler Road. If there is only 50% traffic overlap 102 - 130 vehicles/hour/lane would be traveling along Fowler Road. These estimates would be close to or exceed LOS C for Fowler Road at these times.

A complete Environmental Impact Analysis of traffic effects from the proposed and potential Community Centers in western Placer County must be performed.

Discussion Item XVI-3 does not consider that while events will conclude at 8:30 pm, the applicant proposes to hold them throughout the year. Patrons exiting the facility will be tired and unfamiliar with the area, and during fall and winter months the roads will be totally unlit, increasing the potential for accidents. Addition of the following mitigation measure will prevent accidents and increased sheriff calls due to darkness. 2-6

Mitigation Measure Item XVI-3: Between the months of October and March, inclusive, events will conclude by 7:00 pm.

Item XVI-5. Add the following mitigation measure to the MUP to insure that no parking occurs along roadways near the facility:

Mitigation Measure Item XVI-5: No street parking is permitted. Patrons must be advised that vehicles parked along area roadways or on area properties will be towed without notice. 2-7

E. Mandatory Findings of Significance

E. 2 The MND asserts that there are no *"impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)"* We have demonstrated that Discussions for Sections III-1, III-5, IX-2 and XVI-1,3,5 are deficient in that they do not consider cumulative impacts from the two other "Community Center" MUPs already under consideration, let alone the many other applications that will surely follow if the present applicants are successful. The proliferation of these facilities will have a profound effect on rural infrastructure, services, pollution levels, water resources, wildlife habitat and quality of life in western Placer County. A complete Environmental Impact Assessment is required to plan for and mitigate the effects of all foreseeable "Community Centers." 2-8

Carol Rubin
Save Placer Farmlands
saveplacerfarmlands@ymail.com

via email to cdraecs@placer.ca.gov
cc via email to Placer County Board of Supervisors (BOS@placer.ca.gov)
Placer County Planning Commission (kheckert@placer.ca.gov)

TABLE I, Wise Villa Traffic

Direction	Day	Time	existing	event	total
EB (to WV)	weekday	4:00 PM	71	50	121
EB (to WV)	weekend	11:45 AM	51	50	101
EB (to WV)	weekend	6:30 PM	76	50	126
WB (from \	weekday	5:00 PM	81	50	131
WB (from \	weekend	9:30 PM	75	50	125

Number of vehicles carrrying staff and/or supplies to each event is unknown, but not zero

TABLE II, Fowler Road Traffic

Direction	Day	Time	existing	GHG event	WV event	total
Assume 100% overlap						
NB (to ever	weekday	3:45 - 4:45	68	75	50	193
NB (to ever	weekend	11:45 AM -	46	75	50	171
NB (to ever	weekend	5:00 - 6:00	40	75	50	165
Assume 50% overlap						
NB (to ever	weekday	3:45 - 4:45	68	37	25	130
NB (to ever	weekend	11:45 AM -	46	37	25	108
NB (to ever	weekend	5:00 - 6:00	40	37	25	102

Notes

Existing traffic on Fowler Rd has been estimated as the average of traffic on

Percentage of cars using Fowler Road to reach events is unknown

Number of events that will overlap is unknown

Number of vehicles carrrying staff and/or supplied to each event is unknown, but not zero

Comment Letter 2 – Save Placer Farmlands, Carol Rubin

Response to Comments 2-1:
The Mitigated Negative Declaration states that although the proposed project will result in an incremental increase in regional and local air emissions from construction and operation, the levels are below the cumulative impact threshold of 10 pounds/day established by the APCD. Since the operational emissions were below the APCD's cumulative threshold, no mitigation measures were necessary.

Response to Comment 2-2:
According to the CalFire Fire Protection Planner, when a project is conditioned to supply fire service infrastructure (hydrants, water tanks etc.) those facilities may be used by the fire department for any emergency on or off the project site. Therefore, having a new available water source for firefighting in the area helps mitigate impacts of potential nearby roadside vegetation fires from additional vehicle traffic.

Response to Comment 2-3:
As was discussed within the staff report, the project should not deplete groundwater supplies. The existing vineyards utilize NID water, and therefore will not contribute to well water usage. The proposed maximum water usage from the winery and community center during days with large events is 990 gals per day, which is just 3 % of the total onsite well production per day. Due to the fact that the water usage is only 3% of the gallon per day production by the water well, the maximum use (large events) of the community center is limited to twice a month (24 days a year) and the 990 gals per day of water usage is residential-like, it was determined that the project is not likely to substantially impact groundwater supplies and as such, the impact is considered to be less than significant.

EHS reviews projects on a site-specific basis, rather than a cumulative (area-wide) basis, since well depth and output varies greatly within the foothills region. Wells in the foothill region of Placer County draw from different fractures in the rock strata and not from a true groundwater table. Water usage in one area does not necessarily correlate with water supplies in other areas.

Response to Comment 2-4:
A community center is permitted in the Farm zone upon County approval of a Minor Use Permit. The Zoning Ordinance does not stipulate that approval of a Community Center is dependent upon an Agricultural component. However, for this particular project, the applicant's stated intent is to host agriculturally-related events where the public can become more educated on wine/food pairings and the wine industry in general. A condition of approval was added to this effect.

Response to Comment 2-5:
In response to the comment about Discussion Items XVI – 1 and 2, regarding the nature of traffic to and from the facility, the traffic consultant responded with a letter which is attached to this staff report. The letter provided additional information

regarding the present and projected Levels of Service on both Wise Road and Fowler Road, and the cumulative traffic impacts of having more than one Community Center in the near vicinity. The traffic consultant determined that no significant impacts were found to either Wise Road or Fowler Road, and that the Mitigated Negative Declaration is adequate.

Response to Comment 2-6:
The project site directly accesses Wise Road, a rural arterial public road. Per the Traffic Analysis, all roads on each route to the Winery are in generally good condition and no safety issues were identified. The report found that signage was appropriate and was not considered confusing for motorists. Therefore, no change in the proposed hours of operation is warranted.

Response to Comment 2-7:
The suggested requirement of prohibiting parking on nearby roadways has been agreed to by the applicant and is condition of the project.

Response to "Comment 2-8:
As was discussed in the previous responses to this comment letter, the proposed project was not determined to have cumulatively considerable impacts under the cumulative thresholds adopted by the APCD, nor was it considered by Environmental Health Services to have cumulative impacts with regards to water supplies, nor did the traffic consultant find that the impacts of the additional traffic, even when combined with the other recently-proposed community center, would exceed a Level of Service "C", which is Placer County's minimum Level of Service standard in rural areas. Therefore, the Mitigated Negative Declaration is considered adequate and the preparation of an EIR is not warranted.

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

PUBLIC INTEREST COALITION
P.O. Box 713
LOOMIS, CA 95650

Submitted via email

November 5, 2012

Attn: Lisa Carnahan, Maywan Krach
Placer County Community Development Resource Center
3091 County Center Dr., Ste 190
Auburn, CA 95603

Ladies and Gentlemen:

RE: Wise Villa Winery Community Center (PMPB 20120092)

The California Environmental Quality Act (CEQA) is very clear with regard to thresholds that require the preparation of an Environmental Impact Report (EIR) instead of a Mitigated Negative Declaration (MND). Due to the nature of the Wise Villa (WV) project's potential for negative environmental impacts, we submit that a MND is insufficient and that only the preparation of an EIR will suffice to comply with CEQA. In order for the public to be informed of the impacts and to meet CEQA requirements, an EIR must be prepared for this proposal. The WV MND does not meet the standards of CEQA because it fails to adequately investigate and identify potentially significant environmental effects. 3-1

Furthermore, we request that Placer County impose an immediate "stay," or suspension/moratorium on all Community Center (CC) approvals until uniform, meaningful, and enforceable County-wide Conditions-of-Approval standards are established via a Zoning Text Amendment.

Because the County's CC land use designation lacks enforceable standards—guidelines or parameters (minimum lot size, number of events, hours of operation, disturbance of community enjoyment of property with traffic and noise impacts from multiple commercial events, incompatibility issues, etc.), it creates and invites a misconstruction or misrepresentation of the common perception of Community Centers as being non-profit or government-owned facilities. The County's vague land use description of CC's creates incompatible new land uses with unacceptable impacts that a private, for-profit, commercial event center will impose on rural Residential/Agriculture and Farm zones. 3-2

NEED for an EIR

1—The MND fails to thoroughly evaluate the cumulative effects that CC land use designation approvals may have on the **existing rural environment.** The well-known fact that the County is currently considering three (3) such CC requests for approval is evidence that a proliferation of applications, with all the associated cumulative impacts is reasonably predictable and not mere speculation. An EIR would be the appropriate vehicle 3-3

to inform the public of the cumulative impacts that this CC and others will have on Placer County's rural landscapes. Without an EIR, the public cannot be accurately apprised of the cumulative impacts from this type of land use conversion (water, run off, traffic, noise, etc.). Because any and every parcel, of any size, in Res Ag and Farm-zoned areas is eligible for CC approvals with no saturation limits, only an EIR can inform the public of the real, potential environmental impacts resulting from one or more CC designation approvals. The fact that three requests for CC designation in rural Placer County are simultaneously being considered establishes the fair argument and evidentiary proof that potential cumulative impacts must be reviewed in an EIR. 3-3 cont.

2—The MND fails to evaluate the fact that this and other CC designation approvals will increase commercial and visitor-serving uses that may significantly interfere with other **existing Agricultural Uses**. The fair argument again is that the County already has three requests for CC designation currently pending; any reasonable person must assume that more will be proposed. Because there is no requirement for the WV vineyards to remain viable, no requirement for there to even be a winery on the premises, only an EIR will suffice to analyze the very significant impacts that such a proliferation of CC designations will on the County's agricultural resources and the potential for them to change from viable agricultural operations to solely commercial event operations. This potential to harm agriculture in Placer County must be analyzed and mitigated appropriately via an EIR. 3-4

3—The MMD concludes that there will be less-than-significant, or no, impacts on **Air Quality**. The MND appears to focus on the construction phase of the project instead of examining the cumulative air quality effects from this project's <u>operation</u>, the current two other CC proposals (Gold Hill Gardens and Rock Hill Winery), and the real potential for unlimited numbers of future CC requests for approvals. With Placer County already exceeding the U.S. Environmental Protection Agency standards for air quality, the MND erroneously ignores cumulative air quality impacts from event center actual operations that must be analyzed.

The MND also fails to properly consider any of the increased and/or cumulative emissions from increased Vehicle Miles Traveled (VMT) to this very rural location. With travelers coming from possibly great distances to the daily operations (seven days per week), wine tastings (five days per week), smaller "events" occurring in conjunction on any day (up to four times per week), larger events (two times per month) and generating much more traffic than current baseline conditions, plus workers at each and every event, the impacts from increased emissions from the VMT must be analyzed and appropriately mitigated to reduce greenhouse gas emissions and air pollution. 3-5

With all the additional daily visitors, the MND does not adequately consider the dust generated on the WV site's roads—especially the unpaved or gravel roads and parking lots. Only an EIR will suffice to inform the public and comply with CEQA. 3-6

4— With **Geology and Soils**, the discussion of Items VI-2 and its associated MM for the excavation/compaction phases needed for circulation, parking, and driveway access improvements, omits any reference to "Low Impact Development" (LID) principles. LID principles are supported nationally by experts and provide excellent strategies for removing barriers and integrating Best Management Principles (BMP) to collect run off and stormwater with the least environmental impacts. Please include MM's that encompass LID principles to adequately mitigate the impacts of this project and recirculate the plans in an EIR. 3-7

5—The MND focuses on the winery operation's handling of **Hazardous Materials** during the construction stage, but ignores the exposure of the multitude of guests and unsuspecting visitors at the facility where their health and safety may be compromised and vulnerable to significant hazards. Vineyards and wineries routinely handle hazardous materials. but the MND does not address how hazardous materials will be avoided by the public when they visit the facility. A thorough analysis of the existing use of pesticides, chemicals and other hazardous materials, along with the increased risk of exposure created with visitor activities at the facility must be completed. With visitors expected seven days a week, it is reasonable to assume application of pesticides, herbicides and/or other hazardous materials may occur on days when visitors are present. How will such unacceptable exposure, no matter how small, be avoided? An EIR is the logical document to address the risks and mitigate appropriately. 3-8

6—Although the **Hydrology and Water Quality** discussion claims that the project's overall watershed runoff will continue into the same existing drainage facilities and watershed leaving the site, it does not address the increased runoff from the new, additional impervious surfaces. The MND's attempt to dismiss the additional runoff impacts by minimizing the new impervious surface (being "approximately 0.6 acre or 3% of the total project site") is irrelevant. The MND cannot claim it is less than significant by dismissing it due to its size relationship to the total project site. Instead, it must directly address the negative impacts from that approximately .6 acre runoff that may be potentially significant. Only an EIR will suffice to analyze the slightly more than ½ acre runoff impacts and mitigate it appropriately. 3-9

7—The **Land Use and Planning** discussion must be more thoroughly analyzed due to potential negative impacts that are not addressed.

The WV property may be an active winery, but is it permitted under the Winery Ordinance? Does it have its Administrative Review Permit? For the MND to state that the applicant will continue to utilize the property for the growing of wine grapes and as an active winery is not supported. Without a Winery Ordinance ARP approval, it must be assumed that this is just a commercial enterprise attempting to hold commercial "event center" activities on Ag or Farm on lands where they would not be allowed, unless they came in under the "Community Center" designation. If the criteria for approval is an unenforceable promise that the property will continue to grow wine grapes and remain an active winery, then a bond should be required in the event the enterprise fails (disease, retirement, sale of property, etc.).

There are no guarantees that the applicant will "continue to utilize the property for the growing of wine grapes." There are no facts or stats to support such a statement. The "other changes" which the MND fails to address that "could result in the loss or conversion of Farmland..." include but are not limited to crop failure (climate change, glassy-winged sharpshooter migration/invasion, or other diseases), sale of property, abandonment of ag operations, and/or business decisions resulting in insolvency, etc. These scenarios would/could result in the loss or conversion of Farmland because the commercial event center land use designation would remain. This proposal places the potential for Farmland conversion at a great likelihood, especially when facility rental revenues can easily exceed ag operation income. Thus, this proposal sets up the applicant and subsequent owners to always be evaluating whether it's time to fold the ag operations and become exclusively a commercial event center. Contrary to the MND statement, we have no proof that the applicant will continue the ag operation if the CC land use designation is approved. 3-10

The project's being granted Community Center designation will change the baseline conditions and would indeed result in (1) the loss or conversion of Farmland to an event center at the very least, and (2) a subsequent defacto land use change from ag to commercial. To address this potential land use change impacts, the preparation of an EIR is required. 3-11

The MND provides the evidence for the real potential of cessation of the vineyards and a fair argument for that reality by acknowledging and citing the abandonment of the prior use of the site for orchard production. There is absolutely nothing to prevent abandonment of the existing vineyard, winery, etc., and subsequent conversion solely to commercial event usage. Only an EIR will clarify these discrepancies and inform the public. 3-12

Some attention should be given to the potential for negative impacts on property values with the creation of CC's in rural areas. A potential decrease in property values (which has been stated by real estate professionals in public testimony at MAC and other public meetings), while having a direct economic effect on rural communities, may also have an indirect physical impact on the existing environment if adjacent properties become run down. This has the potential to create pressure for even more commercial development within rural County areas. 3-13

8—The dismissal of the serious **Noise** impacts by calling them "temporary" and less than significant defies logic. The MND fails to provide any quantitative analysis of noise. There is no discussion of the existing baseline background noise during any particular time of the day or night. 3-14

Noise is one of, if not THE, most annoying disturbance that can tear communities apart. Construction noise may be temporary, but noise, no matter what the decibel level, that occurs daily, is a significant impact and must be addressed as such. It's one thing to have an occasional intrusion of noise from a neighbor, but to deal with any constant, daily noise, potentially repeated from 10 am to 10 pm, whether generated by guests, employees, or traffic circulation is unacceptable. The Mitigation Measures (MM) do not adequately mitigate such a serious impact that this proposal has the potential to inflict. 3-15

The MM might be adequate if there were strong enforcement provisions. County Code Enforcement is not staffed after hours, and violations of the MUP will be allowed to continue. At a Rural Lincoln MAC meeting, the Deputy Sheriff was adamant in reminding everyone that the sheriff will not respond to MUP or code violation/enforcement calls. They may respond to a noise complaint, but those calls are very low on the department's priority scale, especially on an active evening filled with more serious calls. Therefore, the noise impact for this proposal is far greater than the MND would indicate. Only an EIR will analyze the full degree of significance.

9—The MND makes two assertions that are irrelevant. First, whether the proposal conflicts or complies with the General Plan may or may not have environmental impacts. CEQA may deal with General Plan and zoning ordinances, but the public's primary concern focuses on whether or not the proposed project has negative impacts on the ground. We appreciate adherence to the General Plan and all codes and ordinances, but whether a proposal is consistent or not is a moot point when it comes to potential environmental impacts that must be addressed and mitigated with an EIR. 3-16

Secondly, any applicant's statement that events will have an "agricultural or wine/food educational component" has nothing to do with potential negative environmental impacts—such as noise, traffic, water and air quality, etc. The very fact that 3-17

the ending hour of 8:30 pm is only "proposed" (indefinite), and that the MND states, "Clean-up will commence at 8:30 p.m. and will last no later than 10 p.m" provides further evidence that the lighting, noise of clean up, etc., has the potential to be a significant impact and requires mitigation to ensure that those impacts will be reduced. 3-17 cont.

The fact that there have already been repeated incidents of noncompliance by existing wineries (as stated in numerous public testimonies) is indicative of a need for strong enforcement mitigation. With increased numbers of guests, it is logical to anticipate an increase in associated problems. As mitigation, a bond should be required to ensure code enforcement will have the resources to respond late night on weekends for complaints that may deal with noise, excessive numbers of guests, or other "violations" of the Minor Use Permit (MUP). Although the public has been told that the MUP may be revoked with such violations, the word "may" makes such statements meaningless. As a MM, any violation of the MUP should result in an immediate revocation of the MUP as well as substantial fines and retribution for County costs. 3-18

Additionally, the MND does not address the impacts that approval of this CC will create:

~a new land use (real or defacto) which changes the baseline conditions of the area;

~conversion of "Unique Farmland" to non-agricultural use with the loss of the .6 acres to parking lots, overflow lots, roads to those lots, including excavation and building construction. These conversions are permanent; the subsequent daily traffic load will compact soil further and cause it to be negatively impacted with the potential to degrade its status. This "conversion" will be inevitable if the ag operations cease, but the commercial event center remains. 3-19

The MND is inadequate, and due to the many potential impacts that this proposal may create, CEQA requires the preparation of an EIR.

Thank you for your attention to our concerns.

Marilyn Jasper

Marilyn Jasper, Chair

Marilyn.jasper@mlc.sierraclub.org
Public-interest@live.com

Comment Letter 3 – Public Interest Coalition, Marilyn Jasper

Response to Comment 3-1:
As noted in the responses to Comment Letter 2, the cumulative impacts of the proposed project were reviewed and addressed as necessary within the Mitigated Negative Declaration. An EIR was not determined to be necessary.

Response to Comment 3-2:
This comment expresses an opinion regarding project approval and a requested policy decision, and does not present specific comments regarding the adequacy of the MND. The comment has been forwarded to the decision-makers for their consideration.

Response to Comment 3-3:
Please see response to Comment 3-1.

Response to Comment 3-4:
The statement that the proposed Community Center will significantly interfere with other existing Agricultural uses in the area has no merit. The Agricultural Commission found that the proposed use would not have a negative impact on local agriculture, and voted unanimously to approve the project. Since purchasing the property, the applicant has installed approximately 15 acres of vineyards on the 20-acre site.

Response to Comment 3-5:
The claim that the environmental document did not address operational impacts to air quality is unfounded. The proposed project was evaluated with respect to both its construction and operational impacts to air quality, and both were below the project-level as well as the cumulative thresholds adopted by the APCD.

Response to Comment 3-6:
This comment stated that dust on the entrance driveway and parking lot areas was not addressed. Except for the request to allow the overflow parking area the ability to remain unpaved due to the need for large agricultural equipment movement, the remainder of the circulation elements including the encroachment, driveway and parking lot area are to be paved. Therefore, dust will not be an issue.

Response to Comment 3-7:
The letter suggests that Low-Impact Development" (LID) principles must be added to the project. LID is not a design requirement placed by Placer County. Nevertheless, LID principles such as Stormwater flowpath disconnection and vegetated swales are included in the proposed project design.

Response to Comment 3-8:
According to the applicant, there are no hazardous materials stored on-site in regulated quantities. Any products that are purchased for use in the vineyard are

used immediately. The proposed community center is in a location outside of the vineyard and use of the area will not expose people to existing sources of potential health hazards. However, a standard condition of approval regarding the requirement for a Hazardous Materials Business Plan has been included within the recommended conditions of approval in order to address concerns from the public.

Response to Comment 3-9:
The comment stated that an EIR is required in order to address increases in stormwater runoff. The amount of impervious area (0.6 acres) added by paving an existing compacted gravel driveway and parking area on a 20 acre agricultural property is considered minor. The paving will occur entirely on previously disturbed areas of the property. Impacts related to runoff increases are less than significant, and an EIR is not warranted.

Response to Comment 3-10:
This majority of this comment expresses an opinion regarding project approval and a requested policy decision, and does not present specific comments regarding the adequacy of the MND. The comment has been forwarded to the decision-makers for their consideration.

The comment that the Wise Villa Winery needs an Administrative Review Permit (ARP) in order to continue to be an active winery is incorrect. In the Farm zone district, wineries and associated onsite tasting rooms are allowed without any permit. The project applicant has agreed to the recommended condition of approval which will require all events to contain an agricultural or wine/food educational component. As the applicant has explained before in public meetings, his passion is his winery, and he has spent the last six years planting and cultivating his on-site vineyards.

Response to Comment 3-11:
Baseline conditions for the project site include the established winery, approximately 15 acres of planted vineyards, the tasting room building, entrance driveway, parking areas, barn and single-family residence. As discussed in the response to Comment 3-4, the Agricultural Commission found that the proposed use would not have a negative impact on local agriculture, and voted unanimously to approve the project based upon the site-specific conditions and the emphasis on the promotion of the on-site agricultural operation.

Response to Comment 3-12:
This comment expresses an opinion, and does not present specific comments regarding the adequacy of the MND. The comment has been forwarded to the decision-makers for their consideration.

Response to Comment 3-13:
This comment expresses an opinion, and does not present specific comments regarding the adequacy of the MND. The comment has been forwarded to the decision-makers for their consideration.

Response to Comment 3-14:
The comment incorrectly states that the Mitigated Negative Declaration "fails to provide any quantitative analysis of noise". The Noise Study (Attachment G) describes in detail the methodology utilized to determine the noise levels anticipated by the proposed project. An event simulation and noise measurement survey was conducted at the project site on August 1, 2012. Sound level measurements for a worst-case scenario were taken in eight locations along the property lines, and levels were found to be either audible but faint, likely inaudible or inaudible, depending on the location point. In no instance did the sound levels exceed the thresholds established in the Placer County Noise Ordinance.

Response to Comment 3-15:
The MND fully analyzed impacts from Noise, and provided Mitigation Measures for both construction and operational components of the project. With the implementation of these Mitigation Measures, all impacts from Noise were determined to be less than significant. Therefore, an EIR was not required.

Response to Comment 3-16:
The comment does not address the adequacy of the MND.

Response to Comment 3-17:
Any potential significant impacts were reduced to less-than-significant through the implementation of Mitigation Measures.

Response to Comment 3-18:
This comment expresses an opinion, and does not present specific comments regarding the adequacy of the MND. The comment has been forwarded to the decision-makers for their consideration.

Response to Comment 3-19:
This comment re-states issues which have been previously been responded to within this response letter.

November 5, 2012

Mr. Michael J. Johnson, AICP
Agency Director
Placer County Community Development Resource Agency
3091 County Center Drive Suite 190
Auburn, CA 95603

RE: Wise Villa Community Center Plus # PMPB 20120092
Public Comment on Mitigated Negative Declaration Report

Dear Mr. Johnson:

I am writing during this public comment period on behalf of the above referenced report. Let me begin by stating that I do know Dr. Lee wants to be a good neighbor and I trust he will attempt to do that in the future. However, missing in both the Environmental Report and the Application for a Special Use Permit, are clear parameters and measureable thresholds to ensure compliance in years to come. I have no doubt Dr. Lee is **not** trying to pursue any of this at the expense of his neighbors. My concern is, and will continue to be, the protection of my lifestyle as a rural resident of this area. And while there are good intentions all around for success of this project, I also am well aware that plans change and time can threaten to erode good intentions. 4-1

As specified in the document, I will refer to the specific environmental effect listed in the report and include why they would occur and why they would be significant.

1) ***Project Background:*** In the project description, this report lists that the applicant is proposing hours of operation of 10:00am to 8:30pm seven days a week, throughout the year. This proposal is in direct conflict with the applicant's Minor Use Permit which states the hours of operation shall be "11:00am-8:30pm, Wednesday through Sunday, throughout the year". All events as requested in this application were proposed during these hours. This is one of several discrepancies that have been noted between what is listed in the application for the minor use permit and what is stated in this report. Having a major commercial business such (as what is proposed within this report), in my backyard when I am a rural resident, is nothing to be taken lightly and I strongly object to what is incorrectly stated here and then by assumption, be moved to the minor use permit as an amendment to reflect the expanded hours in the application of the minor use permit. 4-2

2) **Project Site (Background/Existing Setting):** It is stated in this report that "much of the parking and circulation areas are screened from the adjacent residences". First this is blatantly false. From my front yard, I can see (and hear) all of the overflow parking that will be utilized by this winery. The winery has planted some trees and bushes, but that does nothing to change the fact that there will at least 40 other cars parked about 150 feet from my front yard. By simply having trees there, we all know there will still be cars, traffic, 4-3

pollution and noise – all generated from people who have been drinking wine all evening. It doesn't mitigate anything from my viewpoint. 4-3 cont.

The following comments concern the various sections of the report itself.

1) I. Aesthetics

(1) Have a substantial adverse effect on a scenic vista? and ***(3) Substantially degrade the exiting visual character or quality of the site and its surroundings?*** Your report says "No impact". I take great objection to this. My scenic vista has been substantially impaired by this large commercial operation in my front yard!! From my front yard, my scenic vista currently consists of a parking lot and a large shed housing multiple pieces of large diesel equipment as well as generators that run frequently!!! I moved here 14 years ago with a beautiful scenic vista out my front yard. Now my vista includes the physical winery structures that is in itself has become the highest peak in Lincoln. This home on agricultural land has morphed into a large commercial business, with its outbuildings and major equipment shed. Not one of the engineers who conducted this report came to my property to assess the aesthetics. Further none of these engineers came to discuss my concerns with me. As such, it is clear that the report was not done in an unbiased fashion. 4-4

2) X. Land Use & Planning

Item #4- Result in the development of incompatible uses and/or the creation of land use conflicts? Your report has rated this "Less than Significant with Mitigation Measures". How in the world can rural farm land that has turned into a major commercial business not become an incompatible use? Mitigation measures listed the proposed ending hour of 8:30pm and those listed for noise and traffic do nothing to mitigate the disruption of our quite agricultural lifestyle. How will this be monitored in the long run? Where is the threshold of "mitigation"? Is it for events that end at 8:45pm, 9:30pm, or will it occur at 10:00pm as we have already experienced? How can a major commercial business who expects 100+ people all who are parking about 150 feet from my front yard with revised proposed closing hours that coincide with Home Depot, not conflict with the General Plan designation of FARM ZONE ??? Further, just because an event may end at 8:30 does not mean that the paying guests will be gone by that time. There is nothing to prevent them from lingering and talking and laughing into all hours of the night. 4-5

3) XII. Noise

Discussion – Items XII – 1,3. It is noted within this report that the nearest residence is approximately 450 feet to the southeast. From where is this measurement taken? The report goes on to state that *"the nearby residences may be negatively impacted. However, this impact is considered to be temporary and less than significant."* I take great exception to this statement. First, my quality of life has already been 4-6

significantly impacted by this commercial operation. I have watched the construction of a 12,000 square foot winery, followed by a large commercial shed, followed by a major commercial tasting room that rivals anything in Napa. There has been virtually non stop construction and the associated constant construction noise for the last 6 years. It was referenced in this report that a noise study was completed by Bollard and Associates on September 12, 2012. This study was not conducted from my property which further indicates that this study was not done to represent any impact on the nearby property owners. Furthermore, this study was likely conducted during daytime hours and does not reflect the increase in distance that sound travels in this area during the evening hours. When I can hear people exiting this business at 9:30pm from my living room, then it's clear this study was wholly insufficient. 4-6 cont.

Further, I have some concerns about the amount of water being pumped for this business, how long before the water-table of surrounding owners is lowered to the extent is becomes non-existent? This is not stated anywhere in the above referenced report. 4-7

Mitigation Measures – Items XII – 1-3. The first mitigation measure states that all events shall end by 8:30pm. What happens if they don't ? I can answer – nothing ! There have been already violations of this self imposed mitigation measure. The most recent was Saturday August 25th when a large event resulting in easily 100+ people exiting at 9:40pm. It was well after 10:00pm by the time people finished talking (and loudly at that). There were car horns honking goodbye to each other, ALL the cars exiting at once with headlights hitting my house. And that proves my point exactly ! My quality of life as well as those adjacent to this commercial business are all impacted if this is not adhered to or enforced. What are the punitive measures in place if this business does not abide by the owner's self imposed timelines ? The answer is nothing and therefore as a neighbor who has not only realized a degradation of lifestyle as a result of this business, I could also realize property devaluation as a result of unchecked/unenforced guidelines that cause an infrequent occurrence of 100+ people to disrupt the rural aspect of this area, to a regular event center hosting 100+ people, Friday and Saturday evenings year round ! 4-8

Discussion – Item XII-2. The report states that *"Since events are limited to a certain number per month, and with the mitigation measures proposed above, the project will not create a sustained, substantial permanent increase in ambient noise levels in the project vicinity."* This is great generality and ambiguity as to when and what point the creation of a "sustained, substantial permanent increase" occurs. Would that be if there are more than 2 major events per month? Would that be if each of those events has more than 100 people? How will this be measured? How will it be enforced, and furthermore who is monitoring this? Would that be the owner who is interested in marketing and growing his commercial business? This conclusion reached by these engineers is full of ambiguity and lack of concrete mitigation efforts that will protect nearby rural homeowners who live in this area for the quite, agricultural lifestyle. 4-9

Discussion-Items XVI-1,2. On what basis is the 30-60 persons per day estimate made? Would that be the owner's estimate? Given this estimate there could be at least 60 cars potentially coming and going less than 400 feet from my front door. And in rural Lincoln, please indicate what commercial operation rivals this? It further states in this report that "the number of vehicles traveling to and from the site would be greater with the used allowed under the proposed project." This report does not take into account that people who have been visiting this winery who are all exiting with potentially high levels of alcohol in their system will be attempting to navigate their way home through Garden Bar Rd which is not only a very winding road, but also not illuminated and full of wildlife. Impaired drivers are a high risk of injury to themselves, neighboring property and wildlife on this small country road. 4-10

Discussion-Items XVI-3. It is stated in this report that *"there is the potential that a large number of visitors could arrive in a short period of time during the beginning of such events."* A greater impact is that this same number of people will be exiting (and as we have witnessed not at the designated closing hour of the business) and potentially with high levels of alcohol in their system. This in itself is a very serious hazard. Will there be traffic control present during these events, is the traffic going to be directed by law enforcement, will there be DUI check points? These are all questions that need to be addressed for the protection of the community. 4-11

4) **Mandatory Findings of Significance – item 3. "Does this project have environmental effects, which will cause the substantial adverse effects on human beings, either directly or indirectly?" No.** Having a major commercial operation that is now proposed to operated 7 days a week until 8:30pm DOES have substantial adverse effects!!!! With the potential of 100+ people on the weekends and 60 during the week, this is a major commercial business! This is not a family winery. This report has its basis on those whose interests lie in its favorable findings or those who would be beneficially impacted through and increased commercial tax basis. This report clearly does not intend to protect those who would most closely be impacted by its unenforceable "proposals". 4-12

Thank you for considering my concerns and I highly recommend that more enforceable measures and guidelines be put in place in order to protect the neighboring homeowners who are at this point clearly left out of consideration as identified in these findings. 4-13

Sincerely,

Eileen Wilkens
4215 North Forty Road
Lincoln, CA 95648

Comment Letter 4 – Eileen Wilkens, neighbor

Response to Comment 4-1:
This comment expresses an introductory statement, and does not present specific comments regarding the adequacy of the MND. The comment has been forwarded to the decision-makers for their consideration.

Response to Comment 4-2:
The comment states that the hours proposed conflict with the applicant's MUP application. As occurs quite often during the time between an applicant's initial project submittal and the final environmental document, a project may be modified, either due to requests from the community or for other reasons. By the time a project has reached publication of an environmental document for public review, the project is in its final state. Both the Agricultural Commission and the Municipal Advisory Committee (MAC) voted to approve the project with the hours of operation listed as 10:00 a.m. to 8:30 p.m., with clean-up activities by staff allowed until 10:00 p.m.

Response to Comment 4-3:
The commenter raises concerns with the overflow parking area being too close to her front yard. Since there is a maximum of 100 people allowed twice per month, and there will be 33 paved spots in the regular parking areas, it is more likely that the vehicles parked in the overflow area will be farther away from her residence than those that are parked in the regular parking area.

Response to Comment 4-4:
The comment noted that scenic vistas have been substantially impaired by the winery. However, environmental review is limited to the change from the "baseline" environmental conditions at the time of the initial application. For this project, baseline conditions consisted of the established winery and associated buildings, driveway and parking lot. The only change to the regular parking area with this proposal is that it will be required to be paved, which will benefit the neighbors due to the reduction in noise and dust.

Response to Comment 4-5:
With regard to the development of incompatible uses and/or the creation of land use conflicts, it needs to be reiterated that baseline conditions included the winery, tasting room, driveway and parking lots. The only elements of change, and therefore the only items analyzed within the environmental document, are the additional use of the tasting room as a community center, the paving of the driveway and regular parking lot, and the use of one of the vineyard roads as an overflow parking area.

Response to Comment 4-6:
The distance of approximately 450 feet to the nearest residence was taken from the existing tasting room building, which is where the proposed community center events would take place. The Noise Study adjusted the noise exposure criteria for speech and music; the noise level thresholds were reduced by 5 decibels. Audibility is not

the threshold for a finding of significance for noise impacts. As is customary with noise studies, the levels were measured at applicable property lines. Therefore, the noise levels at the actual residences will be less than those noted in the Noise Study, since the residences are farther away from the noise source than the property lines.

The other portions of this comment relate to "baseline conditions", which have already been discussed in previous responses.

Response to Comment 4-7:
Please refer to "Response to Comment 2-3".

Response to the remainder of the comments:
The remainder of Ms. Wilkens' letter conveys her frustration with the implementation of mitigation measures and of the merits of the project, and not with the actual environmental document. Her concerns are noted and are included for reference within the attachments.

Ms. Wilkens writes that having a major commercial operation that is now proposed to operate 7 days a week until 8:30 p.m. does have substantial adverse effects. According to the Placer County Zoning Ordinance, Section 17.10.010 (A), the "Purpose and Intent" of the Farm zone district is to provide areas for the conduct of commercial agricultural operations that can also accommodate necessary services to support agricultural uses. The proposed additional use of the tasting room as a community center will allow the owner to host agriculturally-related events which will support his winery operation.